USE OF THESES

This copy is supplied for purposes of private study and research only. Passages from the thesis may not be copied or closely paraphrased without the written consent of the author.
THE POLITICAL LIFE
OF JAMES MACARTHUR

by
Alan Thomas Atkinson

A thesis for the degree of
Doctor of Philosophy
in The Australian National
University

20 September 1976
This thesis is my own work.

Alan Atkinson

Alan Atkinson
James Macarthur  
Portrait by an unknown artist

Note the signet ring on his right hand, referred to in his letter to his wife, 25 July 1850, describing a dinner party in Sydney:

'I did not dance as you may guess, but played at forfeits, and had to make a speech as member for Camden to regain my ring which had been deposited under the custody of Miss Donaldson, who was far from obdurate and soon returned it to me amidst loud cheers all round the room.'
CONTENTS

Part I

Introduction ........................................ page 1

Chapter 1
The Emmet's Inch 1798-1817 ....................... 19

Chapter 2
His Paternal Domains 1817-1831 .................... 37

Chapter 3
Land and Immigration 1831-1833 .................. 79

Chapter 4
Church and Constitution 1833-1836 ............... 118

Chapter 5
The Colonial Abroad 1836-1839 .................... 169

Part II

Chapter 6
The Cicero of the Cowpastures 1839-1842 ....... 215

Chapter 7
The Tussle for Cumberland 1842-1847 .......... 263

Chapter 8
Loosening the Screws 1848-1853 ................. 321

Chapter 9
The Illusory Triumph 1848-1857 .................. 370

Chapter 10
The Dream Dispersed 1857-1867 ................... 416

Appendices ........................................ 438

Bibliography ....................................... 496
ABSTRACT

This thesis covers the whole life of James Macarthur (1798-1867), but it concentrates on his political career, from 1831 to 1859. The argument focuses on his motives and ideals, and it depends on a view of his personality which is to some extent new. He was in the first place a man of great imagination, although he was usually not fluent enough to make his ideas seem cogent or attractive to a general audience. Secondly, he was a man of consistent honesty. There were many occasions on which he told only part of the truth, or where his faulty memory allowed him the benefit of the doubt. But there is no record of his telling a deliberate lie. Therefore by far the best way of understanding his motives is to examine his own speeches and letters. These are fundamental to the argument of the thesis.

Thirdly, he had a buoyant personality and was capable of taking a detached, intellectualised view of local politics. This detachment made it hard for his contemporaries to understand him, and to pin him down on any issue. But it is the key to the whole method and tone of his political life. A faith in cool discussion is evident at every stage of his career, and a willingness, even an eagerness, to compromise, in the belief that all would be right in the end. Even in cases where he was forced to give up his own side of the question completely he can usually be seen afterwards looking for signs that the effects he feared would be minimal.
The first part of the thesis, chapters 1 to 5, cover his life up to the age of 40, beginning with an account of his intellectual and social background. Chapters 3 and 4 deal with his attitude to land settlement and constitutional and church reform. The main point of reference at this stage - and for most of the thesis - is the idea of the moral citizen. This idea was at the root of Macarthur's ambitions for a strong centralised government, planned settlement, assisted immigration and schools, and the equal establishment of all the main Christian religions.

Macarthur was a member of the nominated legislative council from 1840 until its dissolution in 1843. He was afterwards a candidate for the first elected council, but was not returned until the general election of 1848. He was also a member of the first parliament, until 1859. The second part of the thesis is meant to show how his moral and 'radical' conservatism was brought to bear on the work of these successive legislatures. The discussion concentrates partly on law-making, and partly on Macarthur's work as a day-to-day politician anxious to make the habits of the house conform with his own ideals.
Acknowledgements

By far my greatest debt is to Allan Martin, who has thought about nearly every comma and connotation in the thesis. I also owe a great deal to Oliver MacDonagh, who has read each chapter, and suggested new aspects to the argument. Others who have read sections of the work, large or small, and helped with comments, are Chris Connolly, Susan Eade, Peter Loveday, Barry Smith, Sandy Gordon, Ged Martin, Deryck Schreuder and Gwenneth Atkinson. I am also very grateful to Lois Simms and Janice Aldridge, who typed some of the intermediate drafts, and to Elizabeth Smith and Diane Shepherd, who have worked hard to finish the final copy.

The following have kindly given me access to papers: Lord Derby, Lord Blake, Mrs. H. Coatalen, Mr. Quentin Macarthur-Stanham, the president and committee of the Australian Club, Mr. Scott of Gala and Mr. F.H. Gordon. I am also grateful to the staff in various libraries and record offices in Australia and the British Isles, but particularly to those in the Mitchell Library, the National Library, the Sydney University Archives Office, the Clwyd and the Northumberland County Record Offices and the Kent Archives Office.
Note on Footnotes

All references to members of the Macarthur family in the footnotes are explicit, except for the following:

'Mrs. Macarthur' refers to Mrs. John Macarthur (1766-1850), James Macarthur's mother;

'Elizabeth Macarthur' before 1842 refers to John Macarthur's eldest daughter (1792-1842), James Macarthur's sister;

'Elizabeth Macarthur' after 1842 refers to James Macarthur's daughter (1840-1911), afterwards Mrs. Macarthur-Onslow;

and all references simply to 'Macarthur' refer to James.

Note also the following abbreviations:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>JRAHS</td>
<td>Journal of the Royal Australian Historical Society</td>
</tr>
<tr>
<td>SMH</td>
<td>Sydney Morning Herald</td>
</tr>
<tr>
<td>V&amp;P</td>
<td>Votes and Proceedings of the N.S.W. legislative council.</td>
</tr>
<tr>
<td>PD</td>
<td>British parliamentary debates.</td>
</tr>
<tr>
<td>ADB</td>
<td>Australian Dictionary of Biography (note also that the citing of ADB and Dictionary of National Biography without page numbers implies a reference to a complete biographical article).</td>
</tr>
<tr>
<td>NSWSA</td>
<td>New South Wales State Archives, Sydney.</td>
</tr>
<tr>
<td>ML</td>
<td>Mitchell Library, Sydney.</td>
</tr>
<tr>
<td>NL</td>
<td>National Library, Canberra</td>
</tr>
</tbody>
</table>

Note also that in citations of Macarthur's book, New South Wales; its Present State and Future Prospects, reference to the first part, the 'statement', are given with simple page numbers, while references to the second part include page numbers preceded by 'appendices'.
'... in more distant periods, it may be some gratification to those who come after us to look at our doings and quote our sayings as a credit to them.'

James Macarthur,
10 December 1840.

'Mr. James Macarthur ... has a most happy knack of seizing upon every possible opportunity of injuring his own character as a politician.'

Sydney Morning Herald,
8 October 1844.
Introduction

There is more evidence about the life of James Macarthur than there is for any other man of his time, his time being that troubled period which stretches from Macquarie to Denison. His memory is buried in a great maze of manuscripts, press reports, pamphlets and contemporary books. The chief source, his family papers, now in the Mitchell Library, range from the letters of his mother, written as a bride leaving England, to the estate records of his daughter, comprehending a hundred years, 30 boxes and 296 large volumes.¹

All this adds up to many lines of writing. There are almost as many spaces between the lines, providing evidence which is more elusive, but valuable in its place. What we can glean from these suggests a reason for the preservation of the papers themselves, namely the family's strong sense of history.² All the Macarthers shared a secure faith in the grandeur of their own ambitions, and with it a belief that such virtue as theirs must someday receive a stamp of approval which would be binding for all time. This was to be an earthly dispensation, for no Macarthur was profoundly religious. It all followed naturally from the family axiom that - as James Macarthur put it - 'with the spread of enlightenment and intelligence ... the truth would ultimately

---

¹ See the list in the Catalogue of Manuscripts of Australia and the Pacific in the Mitchell Library, Sydney series A, Sydney 1967, pp. 13-16. The collection includes papers dating to 1946, but the majority date from before the death of Mrs. Elizabeth Macarthur-Onslow, James Macarthur's daughter, in 1911. The main period covered is 1810 to 1890.

² See, for example, William Macarthur's reference to his father, 'that revered parent ... whose wise and beneficent plans we have been but the humble instruments of endeavouring to carry into effect' (W. Macarthur to Edw. Macarthur, 5 Oct. 1841, NL A2935).
prevail'. Behind their proud and secretive manner was an ambition one day to publish all, and so to win crowns of glory from an all-knowing prosterity.  

Most of the family had considerable intelligence, and a rather histrionic cast of mind. They therefore tended to believe that any warts in the final picture would only add to its dramatic effect, and its truth, so ensuring its power to last. The family letters were kept with a perfect confidence that no Macarthur had anything to hide, at least from the future.

None of the family made much effort to account for his own career and opinions, which perhaps shows how confident they were. Passing events were left to speak for themselves, so that the Macarthur papers are completely lacking in detailed autobiography. John Macarthur alone was inclined to the type of introspection which feeds on moral and social insecurity. He also wrote vividly, but never at length. William Macarthur was capable of rambling over many pages, but his mind dwelt mainly on business matters, botany, servants and dependents.  

---

3 Macarthur's speech in the legislative council 7 July 1853, SMH, 8 July 1853.
4 This partly explains the publication of Some Early Records of the Macarthurs of Camden, Sydney 1914, which had been first planned by James Macarthur (ibid., dedication page), and was edited by his grand-daughter, Sibella Macarthur-Onslow.
5 Compare Macarthur's early condemnation of Wentworth's excesses (mentioned below, passim) with his speech, 19 Dec. 1853, SMH, 20 December 1853, which implied that such excesses help to define great historical figures. For his interest in the theatre, see below, and particularly Chapters 1 and 2.
6 William Macarthur also seems to have been a cheerful and compulsive talker (James Macarthur to his wife, [24 June 1854], ML A4343).
James's youngest sister, was the only member of the family who really confided in her biographer: sad notes survive from her old age in England, a widow cut off from all her kin, 'alone and helpless in a strange country'.  

James Macarthur was perhaps the least explicit of all. He sent daily notes to his wife when away from home, but he was a poor correspondent with all his friends. He once explained that 'I have not the gift of writing rapidly or graphically'. His style was usually smooth and competent, but it was never quite effortless. Few of the Macarthur papers, and certainly none of his letters, spring from any creative love for pen and ink. Most owe their origin to the fact that the family was closely knit but often scattered, in different hemispheres and in different parts of New South Wales.

The same character shows in Macarthur's public behaviour. As a politician he always felt obliged to perform, as if on a stage, but it was never easy for him. He liked to be popular, to carry his audience with him, but his attempts were never entirely brilliant. The light of his ideas had to struggle through a self-conscious and deliberate manner, often fortified by a real desire not to be 'conspicuous'. He always

---

7 Lady Parker's notes on her bereavement,[1881-8], ML A2959.
8 See, for example, Emmeline Parker to Edw. Macarthur, 9 Sept. 1844, ibid., complaining about the 'secrecy and mystery in all his proceedings'.
9 Macarthur's letters to his wife, Emily, a very valuable source, cover most of the period between 1838 and 1865, ML A4341, A4342 and A4343.
10 James Macarthur to Sir W. Macarthur, 25-6 July 1860, ML A2932.
disliked costume balls, common in his time, because any unusual dress made him feel absurd.\textsuperscript{11} He froze in front of cameras, although in the last years of his life they were thoroughly understood in his house.\textsuperscript{12} Even the acting involved in common politeness could leave him slightly at a loss, though few men attempted it more often.\textsuperscript{13} He was not a clubbable man, and was at ease only with his family, where he felt secure from 'all the chilling sameness and heartlessness of society in general'.\textsuperscript{14}

Macarthur tended to be lazy and awkward in his own defence. But he knew very well that in day-to-day political life good motives must be carefully explained to be of any use. He developed a style of oratory which had the great advantage of being distinct and sober, though sometimes too deliberate. In 1831, when he made his first public speech, it was noticed that his enunciation was 'remarkably clear' and his language 'fastidiously correct'.\textsuperscript{15} In 1842 his style still showed some 'stiffness and diffidence' but, according to the Sydney Herald, it seemed to contain 'the raw material of genuine eloquence'.\textsuperscript{16}

By this time Macarthur was 43, and it is not surprising that the material remained ever after in a raw state. The last verdict, from

\begin{itemize}
\item \textsuperscript{11} Macarthur to his wife [31 Oct. 1851], ML A4343. The only record of his going to such a ball dates from 1835, and he dressed as a 'Greek', no doubt the most dull and dignified costume available (Sydney Herald, 16 March 1835).
\item \textsuperscript{12} Emily Macarthur to Sir W. Macarthur, 26 Oct. 1861, ML A4344. Both his brother William and his daughter were keen photographers, developing the film themselves.
\item \textsuperscript{13} Macarthur to his wife, 12 Aug. 1857, ML A4343.
\item \textsuperscript{14} Macarthur to his wife [1857?], ibid., pp. 495-9. See also Emily Macarthur to Sir W. Macarthur, 19 Feb. 1861, ML A4344: 'People have too many friends here [in England]'.
\item \textsuperscript{15} Australian, 2 Dec. 1831
\item \textsuperscript{16} Sydney Herald, 2 March 1842.
\end{itemize}
the Empire in 1856, was simply that

Mr. Macarthur speaks with clearness, and with some pretensions to oratory. His language is uniformly good, and his manner is frequently characterised by strong feeling. 17

The strong feeling— which was sincere though stylised—seems to have shown not only in his voice but also in the earnest movement of arms and body. 18

Macarthur's success as a political figure depended very much on these performances. But his concern for enunciation made it important that his audience be quiet and attentive. Even the 'theatrical member for Camden, 19 found such audiences rare, and he therefore went to unusual lengths to correct and publish the reports of his speeches. 20

In this way he hoped to lay his arguments before a quiet and rational host, a mass of well-intentioned men sitting by their firesides away from the shouts of the mob. During the election of 1843, for example, he and his ally Roger Therry published their speeches in a pamphlet, copies of which were distributed to 'almost every cabin and barked hut' in the county of Camden. 21

17 Empire, 5 May 1856.
18 Sydney Herald, 2 Mar. 1842; J. Lamb's speech in the legislative council, 1 Oct. 1850, SMH, 7 Oct. 1850, referring to Macarthur's recent 'display of eloquence and gesticulation'.
19 People's Advocate, 5 Oct. 1850.
20 See, for example, his letters to C.H. Jenkins, 7 June 1836, ML Am 43-1/3, 15, 20, 27, 28 June 1836, ML A357, which led to the publication of the Report of the Proceedings of the General Meeting of the Supporters of the Petitions to His Majesty and the House of Commons, held at the committee rooms, May 30, 1836, Sydney 1836. Similar pamphlets were compiled in 1843 (with Therry), 1850 (with Wentworth) and 1856 (with H.M. Oxley), and there were numerous other publications not in pamphlet form. See also appendix 2 and bibliography, below.
21 Australian, 13 March 1843.
Efforts like these made a certain impression. But Macarthur's reasoning was often rather idiosyncratic. From the age of 14 he educated himself, developing his ideas within an uncritical family circle, so that even when his decisions were straightforward his method of reaching them might be baffling to anyone but his closest friends. His argument against having clergymen on the Sydney University senate, for example, seemed very strange at the time. One observer even suggested that its use by a person of so decided talent as Mr. James Macarthur might be adduced as proof of the incompleteness of any other than an University education.

Few doubted Macarthur's intelligence. It is also obvious that he put a good deal of thought and research into many of his speeches. But their main effect depended on more transparent things, and especially on what one newspaper called 'the influence which his personal character secures for him.'

This seems to be the clue to Macarthur's present reputation. For the first fifty years after his death the splendour of his name was enough at least to preserve him from that 'enormous condescension of posterity' which has warped the image of many other men of his time. It is no doubt equally important that two leading

---

22 See, for example, the process of George Allen's thinking (recorded in his diary, 1, 5, 11 July 1843, ML uncat. MSS 477), as affected by Macarthur's speech at Parramatta, 6 July 1843, published, very likely in corrected form, in the Australian, 10 July 1943.

23 'B.A.' to the editors, 5 Oct. 1849, SMH, 8 Oct. 1849.

24 Australian, 21 Jan. 1848.

See Macarthur's speech in the legislative council, 6 Oct. 1849, ibid., 5 Oct. 1849.
historians of the period, Roger Therry and G.W. Rusden, were old friends with access to the Macarthur papers, then at Camden Park. But this tradition was superseded by a generation of writers who were not interested in unravelling his ideas, and whose line of argument was often critical of everything his family represented. These scholars also worked in ignorance of the family records, except for a number of documents relating to John Macarthur which were published in 1914. The bulk of the Macarthur papers became available only after World War II, having been given to the Mitchell Library partly in 1940 and partly in 1957.

Macarthur's reputation suffered most in the period between the wars, when some of the classic accounts of Australian history first appeared. The books of Brian Fitzpatrick and A.C.V. Melbourne were particularly influential. Fitzpatrick described Macarthur's family as agents of British commercial imperialism in Australia. In one place he made the mass of the people curse them as members of a


26 Some Early Records of the Macarthur's of Camden (op. cit.).

27 The first part of the collection was given by Major-Gen. James Macarthur-Onslow (grandson of James Macarthur) and his sister Miss Sibella Macarthur-Onslow, and the second part by his daughter, the late Lady Stanham of Camden Park. The second part is on restricted access.

28 British Imperialism and Australia 1783-1833, London 1939, p. 294
reactionary class, proud men who

misused their authority delegated from government in England, and took their own advantage of the long wars, and brought government policy to shipwreck and debauched and expropriated the poor.\textsuperscript{29}

Melbourne used much the same approach in his \textit{Early Constitutional Development in Australia}, never allowing the family an original or an unselfish idea. Macarthur there appears, literally, as the enemy of all constitutional change, except when it would make him richer or more powerful.\textsuperscript{30}

This interpretation has given way gradually under the impact of more careful and less doctrinaire scholarship, and the evidence of the family papers. The revisionary process began, in a tentative way, with the publication of M.H. Ellis's \textit{John Macarthur} in 1955.\textsuperscript{31} Since then Michael Roe, in his \textit{Quest for Authority in Eastern Australia 1835-1851}, has referred to James Macarthur in such a way as to suggest that his social attitude had 'an ethical basis' and his politics 'an intellectual edge'.\textsuperscript{32} Macarthur's ideal, says Roe, was 'comparatively disinterested leadership' and 'a more or less benevolent oligarchy'.\textsuperscript{33}

\textsuperscript{29} The \textit{Australian People 1788 - 1945}, Melbourne 1946, pp. 118, 145.
\textsuperscript{31} Ellis saw the first part of the papers in the Mitchell Library and some of the others at Camden Park (op. cit., pp. xiii, 533-4).
\textsuperscript{33} Ibid., pp. 45, 65.
The work of Manning Clark has put some life into this interpretation. There Macarthur appears as 'kind and gentle in his disposition with a manner which at once inspired confidence and respect'. He was, says Clark,

both blessed and cursed with the innocent man's unwillingness to believe that the imagination in the hearts of some men was evil from the start. Yet fundamental to his character was 'his distaste for all vulgarians, all people, great and small, who threatened to dispute his and the divine sense of the natural fitness of things.'

These are fair comments, but they only touch the edges of the question. It is still normal practice to deny Macarthur and his family the benefit of the doubt in much of their work, even where proper research would show that no doubt need exist. Nor are they allowed any imagination, except in gathering wealth. Such bias can be seen even in the most authoritative modern source, the Australian Dictionary of Biography. There Macarthur appears as a man who was well meaning in a superficial way, but whose influence on national events was misguided and almost totally negative: 'his remarkable political talents' says the Dictionary, 'left nothing lasting behind them'.

---

35 Ibid., p.236.  
36 Ibid., p.323.  
37 ADB II, p.153. The Dictionary's account of Macarthur draws very heavily on the notes of the late V.R. de V. Voss (in the History Department, Sydney University), who saw only the first part of the Macarthur papers, when they were still largely unsorted in the Mitchell Library. See also ADB I, p. 299, and compare A.T. Atkinson, 'The Position of John Macarthur and His Family in New South Wales before 1842', M.A. thesis, University of Sydney 1971, pp.248, 249-50.
The present thesis argues that this verdict is seriously wrong, and that it depends on a distorted view of the times.

* * * *

One important problem in the thesis is the definition of Macarthur's politics. This is difficult, partly because of his complex way of thinking, and partly because his political life, from 1830 to 1860, saw a great revolution in ideas, when statesmen who worked in the European tradition were constantly adapting old labels and taking up new ones. Macarthur himself did not think a great deal about party politics, as such, and only once, in 1843, is he found labelling himself in any detail. He was then accused of tory-ism. His answer, apparently a well-considered one, was that

He did not call himself a Tory, but a moderate Conservative, in fact, his principles verged upon those of a Whig.\(^{38}\)

At another time he met the same charge by pointing out that some of his ideas could even be called radical.\(^ {39}\)

His father's first political connections had been mainly with the Prince of Wales's party and the Foxite whigs.\(^ {40}\) But this was simply because, as a perfect beginner, he had to take whatever offered, John

---

\(^{38}\) Macarthur's speech at an election meeting, 6 Mar. 1843, *Australian* 8 March 1843.

\(^{39}\) Macarthur's speech, *Report of the ... General Meeting ... May 30, 1836*, p.17.

\(^{40}\) His closest contacts in parliament before 1817 were with Thomas William Plummer, his commercial agent, whig M.P. for Yarmouth 1806-7, and with James Brogden, a Northumberland House (and therefore a Carlton House) member, M.P. for Launceston 1796-1832. See also Atkinson, op. cit. pp.104-5, 107-9.
Macarthur being 'from natural inclination ... of the school of Pitt.'\textsuperscript{41} John Macarthur junior, the only one of the family to be much involved with British politics, worked in that tradition during the 1820s. He was one of the young admirers of Canning and Huskisson and he played an active part in the early successes of liberal toryism.\textsuperscript{42}

James Macarthur also tended to refer to Pitt, Canning and Peel as the best models for public men.\textsuperscript{43} It is therefore puzzling, at first, that he should have described his principles as verging upon those of a whig. This question will be dealt with before describing his conservatism.

The point of the remark seems to lie in Macarthur's circumstances, which were different from those of his father and brother. During most of his political career whiggism was very popular among men of his class in the colony, but compared with the current British model it was stunted and slightly out of date. The pattern for New South Wales whigs was that established in Great Britain between Amiens and Waterloo, a very articulate period when ancient whig prejudices were being justified and enriched with new thinking. The British whigs of that time have been called 'the party of high family and of general ideas'.\textsuperscript{44} They assumed that all good government must rest on the combination of two types of aristocracy, 'that of personal merit, and that of rank and

\textsuperscript{41} James Macarthur quoted (n.d.) in Some Early Records ..., p. 471. See also Macarthur's speech at an election meeting, 14 Jan. 1843, Australian, 16 Jan. 1843.

\textsuperscript{42} John Macarthur jr. to his mother, 12 Apr. - 27 May 1825, and to his father, 20 Nov. 1825, 18 July 1826, ML A2911.

\textsuperscript{43} See, for example, his speech at a public dinner, 19 July 1843, Australian, 21 July 1843; and his speech at an election meeting, 24 Mar. 1856, Empire, 27 Mar. 1856.

\textsuperscript{44} Sir Llewellyn Woodward, The Age of Reform 1815-1870, Oxford 1962, p.110. It was during this period, in 1802, that the Edinburgh Review, the famous whig journal, began publication.
hereditary wealth'. In order to make room for the first, avenues to power had to be broad and numerous. All final authority in the state should be vested in the house of commons where, ideally, the influence of the government, justly restrained, and that of the nobility would be combined with 'the proper representation of the people'.

The political aims of the whigs in the first years of the 19th century were straightforward. First and foremost, they bound themselves to fight against

The preponderating influence of the Crown, arising from the enormous extent of our establishments, and of the patronage consequently vested in the Sovereign.

One of the greatest enemies of whiggism gave a much less sympathetic, but broader account of this political attitude: 'opposition for its own sake, striving against the truth, because it happens to be commanded us; as if wisdom were less wise because it is powerful'.

According to the original ideal the strength of the party depended mainly on the energy and independence of the landed class. But after Waterloo it became clear, even to old-fashioned whigs, that they were 'no longer ... capable of making head against the Crown, without popular support.' This was obvious at the same time in New South Wales. It is suggested below that most of the great landowners of the colony, from about 1825 to 1850, thought of politics as a constant effort to

46 Ibid., p. 278.
limit the cost and the influence of the local government. This explains the activities of Jamison and Wentworth, and the Coxes, Blaxlands and Lawsons. But they were also careful, at every stage, to get popular backing for their efforts.  

Whiggism, suitably pinched and pruned, was ideal for New South Wales in Macarthur's time, at least until 1850. In the first place it allowed for the merging of wealth and intellect, and the colony had a certain type of both. Secondly, while it took the lastling authority of the crown for granted, it made it a matter of duty to challenge its exercise. Thus, when Macarthur said that his principles verged on those of a whig he meant to credit himself with a local patriotism which, however strong and xenophobic, did not affect his loyalty to the queen.

But Macarthur thought of himself much more often as a conservative. Conservatism at this point was a new and nebulous doctrine, in a state of rapid evolution. Moreover, its application to New South Wales politics was not nearly as straightforward as whiggism. Therefore it would be pointless to try to list here the fragments of British conservative thought which were thrown up in the colony. For the time being it is enough to quote Barrie Dyster's account of the local conservative ideal, which was to oppose 'rule by and for a faction or party, and rule by doctrinaires untied to the community and interests they troubled'.

The next few pages are only meant to sketch the attitude of mind which led Macarthur to adopt such a label. In fact is is fair to think

---

50 See, in particular, chapter 2.
of conservatism partly as an attitude of mind, a method of approaching particular problems. It was an attitude which distrusted the idea of total improvement, of change which touched not only the circumstances but the relationships of men, and especially that which was meant to by-pass local and class differences. It was an attitude which justified privilege and the haphazard effect of sheer pragmatism. But it also allowed for individuality in a much more effective way than other political methods.

This was a period when many progressive and ideal schemes were worked out according to psychological theories with a general application to all mankind. The best known and most comprehensive were those of utilitarianism and classical economics, or laissez-faire.\textsuperscript{52} It was also a time when the mileage of railroads, the size of smoke-stacks and the population and wealth of a country tended to become ends in themselves. In 1835, Alexis de Tocqueville complained about this vast shift in ideas, with a conservative cry from the heart:

\begin{quote}
It would seem that sovereigns now only seek to do great things with men. I wish that they would try a little more to make men great, and that they should attach less importance to the work and more to the workman.\textsuperscript{53}
\end{quote}

The Christian socialist F.D. Maurice saw the same problems, though he had different solutions:

\begin{quote}
And for that expression about 'the greatest happiness of the greatest number', I do not understand it. I have no measure for it. I cannot tell what happiness is, or how it is to be distributed among the greatest number, or how the greatest number is to be ascertained.\textsuperscript{54}
\end{quote}

\textsuperscript{52} Kitson Clark, op. cit., pp. 290-4.
\textsuperscript{53} J.P. Mayer and Max Lerner (eds) and George Lawrence (trans.), Democracy in America, Fontana 1968, II p. 911.
In the 1860s Matthew Arnold, in his *Culture and Anarchy*, likewise condemned the 'worship of machinery', meaning any standard of good which was applied in spite of individuality, and which had no reference to the 'internal condition' of men.55

Through his father's old patron and friend, Sir Walter Farquhar, Macarthur was linked with this reaction, and especially with its religious side.56 Two of Farquhar's grandsons belonged to a group, educated mostly at Eton and Christ Church, who played a key part in the reformation of Anglican thought and practice, a movement which was partly meant to counter the 'worship of machinery'. Some of this group were contemporaries and friends of W.E. Gladstone, who was a student in both places.57 One of the grandsons was Walter Farquhar Hook, the celebrated vicar of Leeds, who devoted great energy and sympathy to winning the slums of his parish for the church, binding his people together, and setting 'a new standard of duty for every parish priest


56 For the original connection between the Macarths and the Farquhars, see Atkinson, op. cit., pp. 29, 32, 38; Charity Hamilton (formerly Farquhar) to W. Macarthur, 28 Sept. 1839, ML A2936.

who came after him'. 58 Another was Walter Kerr Hamilton, bishop of Salisbury, one of the leaders of the Oxford movement. 59 It will be seen below that Macarthur's aims did not focus in the same way on the Anglican church. But they too were based on a belief that the welfare of a community should be rooted in its co-operative spirit, which was to be seen in religious terms, and which Macarthur at least identified with Christian charity. There was no regular intellectual contact between the Farquhar descendants and the Macarths. But the argument of the thesis suggests that the similarity of outlook was due to a distinct ethical attitude, an interest in close relationships which pervaded the Macarthur family and their immediate circle.

The most potent piece of 'machinery' in New South Wales politics, according to Macarthur, was 'that fashionable ... system of modern colonisation' devised by Edward Gibbon Wakefield. 60 It was a constant source of annoyance that, as he thought, the whole future of the colony should be 'offered up upon the shrine of ... [this] heartless utilitarian theory'. His most earnest speeches were directed against the spirit of cold arrogance which he saw behind Wakefieldism. 'It was this spirit', he said, 'which actuated the conqueror in his career of bloodshed'. But the conqueror at least might risk his own life:

59 Bishop Hamilton was a brother of Edward Hamilton, of Collaroy, N.S.W., for whom see chapter 8 below. For the lives of W.K. Hamilton and W.F. Hook, see the Dictionary of National Biography VIII and IX.
60 Macarthur's speech at a public meeting, 24 April 1844, SMH, 1 May 1844.
His was a far nobler impulse than that which led men seated at home in their comfortable arm-chairs to contemplate with indifference and even with satisfaction the ruin of thousands, rather than give up one jot or title of a hypothetical theory. 61

Armchairs appear here in a bad light, as a breeding spot for theory. They might also, of course, be the one place where honest motives and kind thoughts rule supreme. In fact Macarthur's moral ideas always focused on the domestic man, the man in the armchair alone with his conscience. 62 He took it for granted that the vagaries of a man's conscience - especially where mutual trust was involved - were linked directly with his worth as a politician. He maintained that all laws should aim at encouraging 'perfect charity ... the spirit which would do unto others as it would they should do unto it'. 63 Such charity, he said, must guide 'communities, as well as individuals', and must therefore inform and mould the inmost thoughts of politicians. 64 He once cited the absence of imprisonment for debt, of game laws, settlement laws and poor laws, 'which fettered the labouring classes in England and chained them down', as evidence that 'truly Christian principles' pervaded society in New South Wales. 65

61 Ibid. See also his speech in the legislative council, 10 Dec. 1840, Sydney Herald, 12 Dec. 1840; his speech at a public meeting 7 Jan. 1841, ibid., 8 Jan. 1841; R. Therry to Macarthur, [25 March 1862], ML A2930.

62 Or perhaps seated on the river bank, 'inspired by the murmurings of the limpid stream that flowed beside his homestead' (Macarthur's speech at a public meeting, 16 Jan. 1854, SMH, 19 Jan 1854).

63 Macarthur's speech at an election meeting, 14 Jan. 1843, Australian, 16 Jan. 1843.

64 Macarthur to the children of Camden national school, 16 Apr. 1855, SMH, 20 Apr. 1855.

65 Macarthur's speech in the legislative council, 7 July 1855, ibid., 8 July 1855.
This was the essence of Macarthur's conservatism, braced with an instinctive regard for settled legal power. It was this attitude which, for example, always guided his thinking on constitutional change in the colony. In the early period he was mainly influenced by his mistrust for those ex-convicts who were not obviously reformed, and the men they mixed with. The argument once used on their behalf, that

The private morals and the public morals of the different individuals of a state are two distinctly different things, went utterly against his thinking. For him an inveterate criminal posed the same danger to the state as an arrogant Wakefieldian. Both approached that type which a good community must always guard against, the heartless, self-sufficient man, who cared nothing for the settled way of life, the opinions, the aspirations and the varied rights of others.

---

PART I

Chapter 1

The Emmet's Inch 1798-1817

Sweet sensibility! thou keen delight!
Thou hasty moral! sudden sense of right!

Hannah More, 1782.

James Macarthur was born at Elizabeth Farm, his parents' home near Parramatta, on 15 December 1798. The site was a cottage of white-washed brick, four rooms sensibly arranged beneath a close-cropped shingle roof. This was his first world, gleaming inside with the scarlet jackets of the New South Wales Corps and with scattered pieces of polished wood, and stretching beyond to the fading green of summer bush and pasture. Around the house at that time were several farm buildings, an orchard, a vineyard, a vegetable garden, and paddocks newly planted with potatoes and maize. A little further away a small child might see the river, the village of Parramatta with its single long street, and the government house on Rose Hill.

He was the fourth son of John Macarthur, then a captain in the corps. His father had arrived in June 1790, with the second fleet,

---

1 From Blake's 'Auguries of Innocence'.
2 For his birthday, see the parish register of St. Johns, Parramatta (T.D. Mutch copy), ML A4381, f.127, which also shows that he was baptised with his younger brother William in April 1801, when he was nearly 2½ years old.
3 Mrs. Macarthur to B. Kingdon, 23 Aug. 1794, 1 Sept. [1797, wrongly dated 1795], in Sibella Macarthur-Onslow (ed.), Some Early Records of the Macarthurs of Camden, Sydney 1914, pp.45-6, 47.
newly married, and even more lately raised to the rank of subaltern.
In a very short time John Macarthur had made a name for himself as an
officer of energy and imagination. In 1792 he was sent to Parramatta
on duty, and stayed there for several years, acting for part of the
time as governor of the inland settlements, an autocrat and adviser
for several hundred souls, mostly small farmers. By December 1798
Captain Macarthur was posted again at Sydney. But his family still
lived in his house by the Parramatta River, where James was born and
spent the first years of his boyhood.

The Macarthurs were a large family. There were five sons
altogether, though one died in infancy. The two oldest boys, Edward
and John, were at school in England during James's childhood. Both
of them were to spend most of their lives abroad, Edward as an army
officer and John as a member of the English bar. There were also two
older sisters, Elizabeth and Mary, who both lived and died in New
South Wales. William, the youngest son, who was James's closest
companion all his life, was born two years after him, in December 1800.
Mary, James and William were the offspring of the family's first
well settled period, the perfect early years at Parramatta, when their
parents were between 30 and 35. The last of the children, Emmeline,
was born in 1808.

It is not clear how James's education began, but it was probably

---

4 Brian Fletcher, 'Grose, Paterson and the Settlement of the
5 M.H. Ellis, John Macarthur, Sydney 1955, pp.54-6.
6 This child, who died in 1797 aged 11 months, while teething, was
also called James, the name of John Macarthur's brother (Mrs.
Macarthur to B. Kingdon, 1 Sept. [1797], Some Early Records ..., p. 51).
due to the co-operation of his father and Penelope Lucas, the
governess who arrived in 1805 to teach his sisters. When he was eight
he and William were entrusted to a tutor, Gabriel-Louis-Marie Huon,
the Chevalier de Kerilleau, a French emigré who had been a private
soldier in the New South Wales Corps. They both spent about two years
with him. From this time, no doubt, can be dated their good knowledge
of French and their easy and active respect for the Catholic faith.

The Macarthur children were brought up in the established church.
Their father was not devout. He was said to have used 'the deistical
arguments ... against revelation', and to have thought that 'the only
use of religion was for political purposes'. The source of this
information was hostile, but John Macarthur's career and letters do
tend to show him as a deist, who looked for providence not so much in
doctrinal mystery as in the creation and arrangement of the universe.
He revered nothing more than the activity of building to a plan, of
forming real communities and aligning men and things by the careful
power of intellect. His wife on the other hand had a more strictly
Anglican background, and she seems to have passed on to her children
some respect for ecclesiastical rank and ritual. This was especially
true of James, but even in his case the enormous influence of his
father's ideas seems more fundamental.

---

7 Ellis, op. cit., p.481; information supplied by Hon. T.D. Mutch,
recorded in the ML card catalogue under G.L.M. Huon de Kerilleau;
G.L.M. Huon to his sister, 1 Jan. 1826, and other letters in the
Huon de Kerilleau papers, A3189.

8 Untitled paper with information, mainly from Rev. Henry Fulton,
about John Macarthur and Sgt. Whittle of the N.S.W. Corps,[1811?],
British war office papers 72/35.

9 Mrs. Macarthur seems to have been brought up, more or less, in the
family of the vicar of Bridgerule, a remote Devonshire village (her
letter to E. Kingdon, Mar. 1815, ML A2908). John Macarthur had
grown up at Plymouth Dock which, as a flourishing port, was open
to every kind of new idea.
In March 1809 James and William left the colony with their father. They were not to set foot in it again for nearly nine years. This was the great crisis of John Macarthur's career. He was no longer an officer in the corps, but in January 1808 he had organised a mutiny of the soldiers against Governor Bligh, thus - in his own opinion - making himself the Cromwell of his country. He now hoped that by direct pressure at Whitehall he could bring about the various reforms he thought were necessary. But he counted too much on his influence at home. In 1811 the commanding officer of the corps, George Johnston, who had gone home with him, was court-martialled and cashiered. Macarthur's punishment was more severe. He was forbidden to return to his family under pain of being tried for conspiracy by the new governor.

Soon after their arrival in England James and William were sent as boarders to Grove Hall Academy, a school of 70 or 80 boys at Bow near London. Their headmaster was Dr. James Lindsay, a Presbyterian

11 T.W. Plummer to L. Macquarie, 4 May 1809, HRA i, VII pp.197-210. Plummer was Macarthur's agent and there are conclusive reasons (too detailed to outline here) for thinking that this letter was directly inspired by Macarthur himself.
13 John Macarthur to his wife, 14 Feb. 1810, Some Early Records ..., p.191.
minister from Aberdeen who was known in London as a supporter of Unitarianism and 'a distinguished friend of truth and liberty'.\textsuperscript{14} Edward and John Macarthur junior had already spent some years with Lindsay, and John's ability had made him a favourite. The whole family treated the doctor with great respect and James himself always spoke of him afterwards 'with tenderness and veneration'.\textsuperscript{15} It must have been at Grove Hall that he and William acquired their thorough dislike of erastianism. As men they both believed as firmly as any dissenting clergyman that the cause of 'true religion' depended on all churches being clearly free from the power of the state.\textsuperscript{16}

The 'rational Christianity of the Unitarians' fitted very well into the system of ideals which John Macarthur had taught his sons. Compared with Methodism, for example, it was a cautious paternalistic faith, manifest more in charity than in fellowship.\textsuperscript{17} But it encouraged an intellectual awareness which was certainly humane. The ideas which Lindsay taught his boys fit this pattern, if we are to judge from the text of a sermon he preached to a congregation of children in 1818. His theme was the argument that 'he who wishes to monopolize liberty deserves to lose it'.

\textsuperscript{14} Information kindly supplied by Mr. L. Hellicar, borough librarian, London Borough of Tower Hamlets (18 Mar. 1974) and Mr. John Creasey, deputy librarian, Dr. Williams's Library, London WC1 (23 Oct. 1974).

\textsuperscript{15} Edw. Macarthur to his father, 7 Oct. 1808, 3 Aug. 1810, Some Early Records ..., pp.173, 200; James Macarthur, 'Heads for an article on past life', Feb. 1865, ML A2928; and his obituary, SMH, 24 April 1867.

\textsuperscript{16} For W. Macarthur, see his letter to G. Cox, 17 July 1843, ML A2935. For James, see chapter 3, below.

Be it far from your desire to circumscribe what Christ has left free, on any prudent or political pretence ...

As you pass on in life, lay it down as a maxim, to quarrel with no man for his opinions honestly entertained. 18

He encouraged his listeners above all to believe in the progress of civilisation, which must ever move 'towards its destined perfection', particularly in matters of religion. They must avoid as a 'moral disease' the irrational 'veneration for names and systems' which, he said, 'keeps up distinctions [among men] that would not otherwise exist'. 19 He urged them to look forward to that full and general emancipation which will give to every sect, protestant or catholic, the equal participation of civil rights.

They must also work for the time when the 'monopoly of knowledge' would be broken down by a system of universal education. 20 But violent revolution would only lead to mindless bigotry. Instead, he commended to his flock that generous 'collision of sentiments' which would refine ideas and so ensure the gradual but permanent progress of mankind. 21

There is no doubt that these ideas had their effect on John Macarthur's sons. Even Edward, who was the least imaginative, believed as a man that although 'great changes are taking place in society, and in the minds of men', yet they must surely result in 'ultimate benefit to the mass of the people'. 22 The effect on James Macarthur

---

19 Ibid., pp. 8, 34.
20 Ibid., pp. 17, 27.
21 Ibid., pp. 20-21, 26, 30, 33, 38.
22 Edw. Macarthur to his mother, 5 May 1834, ML A2914.
is proved by his own career — he sometimes seems to follow Lindsay's teaching to the letter — and also perhaps by his close friendship with Thomas Hobbes Scott, first archdeacon of New South Wales. In the British context, Scott was an ardent radical who had joined in agitation for parliamentary reform in the 1790s and who approved of the 1832 act only as a step in the right direction. Like Lindsay, Scott believed that

in certain ages of the world ... the human mind is destined to undergo great changes, often suddenly ... [which] all tend to our improvement both spiritual and temporal.

He thought that his own generation was such an age, and that its greatest achievement would be the spread of education, which he wanted to see made universal and compulsory: 'd—n 'em', he once wrote, 'they shd. have it willy nilly'.

With the exception of his own family, no one seems to have influenced Macarthur more than Lindsay and Scott. It is not simply coincidence that they were both clergymen, with a professional interest in the human conscience. Macarthur was convinced, like them, that the progress of mankind was due not to mass political movements (Scott was not always perfectly clear on this point), but to individual virtue and consistency of mind. It is significant that both Lindsay and Scott were much older than Macarthur, whose political ideals were always

---

23 T.H. Scott to W. Macarthur, 10 July 1831, ML A2955, and to G.W. Norman, 10 June 1832, Norman MSS C200. The life of Scott in ADB II does not take account of his numerous letters now among the Macarthur and Norman papers. In spite of their friendship, Macarthur thought Scott was 'defective intemper, in civil courage, and in state, a little of which latter quality is sometimes required in high dignitaries' (James Macarthur to John Macarthur jr., 6-11 June 1827, ML A2931).

slightly dated. He was partly a product of the late enlightenment, the age of sensibility and the moral citizen, a time when, as the poet Keats said, 'Right and Wrong considered by each man abstractedly ... [was] the fashion'.

This was a period of great optimism. Extreme idealists looked forward to an approaching age 'when men were to be governed by the purity of their own minds, and the moderation of their own desires, without any external coercion'. As for Macarthur, he at least agreed with Adam Ferguson, a recent eminent philosopher, who thought that men derive

from instinctive feelings, a love of integrity and candour, and, from the very contagion of society itself, an esteem for what is honourable and praise-worthy.

Even when democracy seemed to shake the whole foundation of society in New South Wales Macarthur remained optimistic. All would be well, he said, if only 'the gentry ... will but be true to themselves, and conform to the altered circumstances of the age'.

Macarthur kept up a profound optimism about human affairs all his life, in spite of political disappointments. As an old man he was still able to debate with himself, for example, whether 'the warlike spirit [might be] an essential element of national greatness'; or

---

27 An Essay on the History of Civil Society, London 1768, p.248. This passage is marked in Macarthur's copy of the book, now at Camden Park, and it was characteristic of his own thinking.
28 James Macarthur to Sir W. Macarthur, 10-11 May, 1861, ML A2932.
whether war must soon be too dreadful to continue, the very horror of new weapons 'neutralising their mischievous powers' and making them 'engines of peace'. He was moved to this thought by seeing modern armaments at Greenwich in 1861.29

But even 'engines of peace' must be the work of scrupulous, skilful and orderly men. Macarthur's millenium would have meant, not the end of coercive laws, but the triumph of a flawless constitution, one consistent with 'the still more perfect law of Christianity'.30

* * *

During their school holidays in England, James and William probably studied under the guidance of their father, as they had done on the voyage from home.31 John Macarthur's own formal education was apparently limited to what could be learnt at an ordinary country grammar school.32 But he seems to have taught himself a good deal of English law and ancient and modern history, and he had a fair knowledge of the more obvious English classics. According to his son James, he frequently quoted passages from Shakespeare, Hudibras, Spenser and Milton as well as from Addison. Of Walter Scott, and the finer passages of Byron, he was a great admirer. Crabbe too was a favourite author.

In history,

29 Macarthur to Sir C. Nicholson, 19 Sept. 1861, ML A2924. Macarthur added that he inclined to the former view.
30 Macarthur's speech at an election meeting, 14 Jan. 1843, Australian, 16 Jan. 1843.
31 John Macarthur to his wife, 30 July 1809, Some Early Records ..., p. 181.
32 Ellis, op. cit., pp. 6-7, 481-2.
He admired the character of Coriolanus; Scipio Africanus still more. The shining characters of Ancient History, as well as of modern times, were frequently subjects of conversation with his family.33

John Macarthur was also keenly interested in education. In New South Wales he tried his hand at different times with the children of both settlers and aborigines.34 One of his protégés, the son of a soldier in the New South Wales Corps, boasted long afterwards: 'if I have anything of the spirit of progress in me' it was derived from this 'excellent' man, 'who by many persons was not understood, by others not appreciated, but by me admired'.35

It was probably John Macarthur who encouraged his sons in the habit of always having with them a good number of books. On a short tour of Belgium and Germany in 1828-9, James took 30 volumes in English and French, including guide books, essays, poetry, drama, and two lives of Napoleon.36 In 1849 Edward, then a lieutenant-colonel, thought young officers should make up a portable library, - 'about 50 volumes' of 'our best dramas and essays' - to keep their minds fresh during service away from home.37

By the time he was 14 James had decided that he wanted to be a

34 W. Macarthur, 'A few memoranda respecting the aboriginal natives', [1835?], ML A2935. He also had an aristocratic Tahitian boy staying in his house for some time (J.R. Elder (ed.), The Letters and Journals of Samuel Marsden 1765-1838, Dunedin 1932, p.81).
35 John Macarthur was perhaps a schoolmaster in Cornwall between 1783 and 1788 (Mrs. Macarthur to E. Kingdon, Mar. 1816, ML A2908).
36 Byrnes to Edw. Macarthur, 29 Nov. 1856, ML A2917. For Byrnes's life see ADB III.
37 Macarthur's diary of a tour through Belgium and Germany, 14 Nov. 1828-2 Jan. 1829, ML A2929/B (no pagination).
38 Edw. Macarthur to G.W. Norman, 22 Apr. 1849, Norman MSS C126.
merchant, and as a first venture his father arranged for a cargo of books to be sent to Sydney and sold there for his benefit. 38 In the same year he left Grove Hall, having arrived 'at the head of the School'. 39 John Macarthur thought of sending him on to either Charterhouse or Winchester. 40 Except for Shrewsbury, these were the most humane of the greater public schools. At Charterhouse experiments were being made with boy teachers and the abolition of fagging, while at Winchester the teaching had lately become unusually gentle. 41

But at last John Macarthur decided that in 'these great establish-
ments there is much vice, and many temptations to excess'. 42 Some months passed for which there is no record of James's activities, until in April 1814 he entered the counting-house of Charles Coles, a West and East India broker, and a man 'of first consequence in that line in the City of London'. 43 There he spent about eight months, until he had acquired enough understanding of business principles 'to answer any purpose to which he may hereafter have occasion to apply that species of knowledge'. 44

When these last words were written, at the end of 1814, James Macarthur's prospects had changed. It now seems to have been taken for granted that the future of the family depended wholly on their New South Wales property, and that both he and William would be needed

38 John Macarthur to his wife, 31 Aug. 1813, ML A2898.
39 John Macarthur to his wife, 18 Nov. 1812, Some Early Records ..., p. 230.
40 John Macarthur to his wife, 31 August 1813, ibid., p. 237.
42 John Macarthur to his wife, 18 Nov. 1812, Some Early Records ..., p.230.
43 John Macarthur to his wife, 26 July 1814, ML A2898.
44 John Macarthur to his wife, 26 Dec. 1814, Some Early Records ..., p.249.
to help in its management. This was fortunate because it seems unlikely that James would have been very happy or successful as a merchant. For one thing, as he later realised, he lacked the type of mental agility which puts life into figures.\textsuperscript{45} Also he did not like risks. He certainly never regretted the change, always believing if he could that whatever is, is right. He soon became devoted to what he called 'the calm rural pursuits which habits and natural inclination both lead me to desire'.\textsuperscript{46}

In 1810, when James was 11, John Macarthur wrote to his wife in New South Wales giving her an account of her younger sons. 'James', he said, 'continues the same orderly, correct, well disposed boy. William is as heedless and eccentric as ever'.\textsuperscript{47} About the same time Edward Macarthur remarked that his own friends admired both his younger brothers,

The one for the gravity of his deportment, the other for the brilliancy of his manners. While they laugh at William's vivacity, they are struck with the steady correct demeanour of James. When William relates any story James is all attention, and if he errs he strives by giving him a nudge to set his brother right without its being perceived.\textsuperscript{48}

This was the beginning of a political career devoted to setting people right, quietly, modestly and with the best intentions.

\textsuperscript{45} James Macarthur's statement of the family finances, for the information of Edw. Macarthur, 25 Feb. 1858, ML A2928. In 1818 James was offered a good position, presumably a partnership, in a business house in Canton, but refused it 'under our father's advice' (ibid.; John Macarthur to W.S. Davidson, 3 Sept. 1818, Some Early Records ..., pp. 318-9).

\textsuperscript{46} James Macarthur to John Macarthur jr., 6-11 June 1827, ML A2931.

\textsuperscript{47} John Macarthur to his wife, 20 July 1810, ML A2898.

\textsuperscript{48} Edw. Macarthur to his father, 19 Nov. 1809, ML A2912.
Four years later, when James was 16, it was becoming clear that he would be thick-set and unusually tall. He had now finished his term with Charles Coles. 'He grows very fast', John Macarthur reported, 'and promises to be a very fine young man'. William gave fewer signs of mental and physical weight: 'he is quick and intelligent, tho' like his Father a little prone to be idle. James on the contrary is slow and persevering.'

The difference between James and William persisted for the rest of their lives. William idolised his father and inherited all his passionate dislike of secular and religious authority. His character was of the sincere and straightforward kind which seems almost chemically pure. He had clear opinions but, unlike James, he was never a very active politician. Instead, he was to apply his imagination mainly to the running of their own affairs and to his own private interests. He thus became an expert botanist, agriculturist, and (from the 1850s) photographer. James was not only more orderly and persevering, he was also more sociable, cautious, oblique and tactful. His practical and scientific interests were less varied than William's, but he had a better sense of political duty. As a friend said in 1844, the reason James was to be preferred as a political leader was 'not that he has greater ability than his brother, but that his mind is always

49 He grew to six feet (Mrs. Macarthur to E. Kingdon, 11 Dec. 1817, Some Early Records ..., p. 308)
50 John Macarthur to his wife, 29 Apr. 1815, ibid., p. 256.
51 See, for example, his evidence before the select committee on education (legislative council), V&P 1844, II p.179 (30 July 1844).
52 For W. Macarthur's life, see ADB V.
occupied with politics'.

* * *

In February 1815, when William had finished school, the two boys, a friend about their own age, and their father left London for a tour of France and Switzerland. They were away until May 1816. The expedition was meant partly as an opportunity for James and William to improve their French, study 'those exercises which give ease and gracefulness to the person', and learn something of 'those sciences particularly Mineralogy, that may be useful to them in New South Wales'. But John Macarthur also wanted to see, and to show his sons, agricultural methods in a climate like that of Australia. For this reason they made a thorough examination of Swiss vineyards and spent several weeks travelling on foot through the south of France.

They stayed for about a month in Paris, where they visited libraries, museums, art collections and palaces, and spent several evenings at the theatre. James was not impressed with French acting, which - as he wrote in his journal of the tour - seemed to him particularly unsuited to tragedy, being merely 'pompous and declamatory, without nature or passion'. Nor did his stay in Paris give him a good opinion of the character of the French people. Before the Macarthurs left the city, Napoleon returned to it in triumph from Elba, and they

54 John Macarthur to his wife, 26 Dec. 1814, Some Early Records ..., p.249.
55 Journal of a tour in France and Switzerland, Mar. 1815-Apr. 1816, ML A2929/A (no pagination).
saw him welcomed by crowds which had shouted for the Bourbons a few
days before. James had no great admiration for Louis XVIII, but he did
not like such fickle loyalty. 'What their countryman Voltaire has said
of them,' he told his journal, 'is certainly true. "They are a mixture
of the tiger and the monkey".'

The Macarthurs then spent about eight months in Switzerland, living
for part of the time in a small country house, the Chateau de Chatellard,
which they leased, and afterwards in rooms in the village of Vevey. Both
chateau and village were near Montreux, a town on the easterneastern
shore of Lake Geneva. John Macarthur had intended that during this time James
and William should be 'under the care of some enlightened French
Preceptor of established reputation'. 56 But James's journal does not
cover the period in any detail, and it gives no record of formal tuition.
When Edward visited them at Vevey in September 1815, on leave from his
regiment, he found that the boys were spending their mornings studying
under their father's guidance, and the afternoons with neighbours their
own age. 57

Edward, never a great scholar himself, was impressed with their
progress. He informed his mother that

James, whom I was once capable of instructing, has now the ability
to repay ten fold whatever he acquired from me, and William,
though possessing not half the industry and application of his
brother, is however far more advanced than are generally found
lads of the same age. They both speak French with much fluency ... James is completely my father's factotum, being house keeper,
interpreter and master of ceremonies; for it is he who receives
all the Swiss who come to pay my father their respects. 58

56 John Macarthur to his wife, 26 Dec. 1814, Some Early Records ..., p. 249.
57 Edw. Macarthur to his mother, 9 Dec. 1815, ML A2912.
58 Ibid.
James's duties were sometimes more exciting. In May 1815, he was sent on an errand to Geneva, and while returning was taken prisoner by a party of French soldiers. But when he told them why his father was in Switzerland they quickly let him go, declaring (so he said years later) that their emperor would not wish to impede an expedition so clearly dedicated to the greater happiness of mankind.  

Many years afterwards, in 1853, James recalled that during this tour he had 'become acquainted with' the Swiss historian and economist J.C.L. Simonde de Sismondi. Sismondi was one of Mme. de Staël's circle and the first European thinker to question the classical doctrine of laissez-faire. It is not clear what the acquaintance amounted to. The great man was then living at Geneva, nearly 50 miles from where the Macarthurs were staying, and James only said that he had heard him 'illustrate in conversation the principles of government, which were his favourite study'. But from what appears below, it seems possible that Sismondi had a significant influence on Macarthur's later ideas.

Switzerland seems to have appealed to James more than France. He liked the cleanliness of the Swiss villages, and the townspeople seemed to him more self-sufficient and hard-working than the French. It is true that he admired Marseilles, with its 'regular plan' and straight streets. But his journal also shows that he liked the dramatic mountain scenery of Switzerland much better than the more monotonous French countryside and the formal style of French gardening. It is clear that he was already an earnest romantic, whose steady manner found inspiration in high drama and the profound grandeur of mountains and

---

59 Macarthur's speech at a dinner, 19 July 1843, Australian, 21 July 1843.
60 Macarthur's speech, [30 Aug. 1853], in E.K. Silvester (ed.), The Speeches, in the Legislative Council of New South Wales, on the second reading of the Bill for Framing a New Constitution for the Colony, Sydney 1853, p. 141.
forests. Later, one of his favourite pastimes was to be that of Roaming in lonely independence through almost tractless [sic] wilds, and contemplating without interruption the vast sublimity of nature [in his own country].

He had prepared for Switzerland by reading Joseph Addison's account of a tour in Switzerland and Italy, and the Confessions of Rousseau, 'that great admirer of the beauties of nature', which include a description of Vevey, Rousseau's favourite village.

The Macarths returned to England in March 1816. Within the next few months some preparations were made to send James home by himself to help his mother with the family concerns, a prospect which made him 'almost crazy with joy'. William was to stay with his father for the time being. But early in the new year John Macarthur was himself allowed to go, and so all three embarked together, taking with them 120 pots full of the seedlings and cuttings they had collected in England and on the continent. These were mainly grape vines and olive trees from France, but they included numbers of English trees, and such plants as liquorice, strawberries, jasmine and roses, most of which were used to begin the gardens and vineyards at Camden Park. They sailed in

---

61 James Macarthur's account of an excursion into Westmoreland and Argyle, N.S.W., Jan. 1821, quoted in Mrs. Macarthur to E. Kingdon, Feb. 1821, Some Early Records ..., p. 372.
62 Macarthur's journal of a tour of France and Switzerland. Addison's Remarks on Several Parts of Italy &c. in the years 1701, 1702, 1703 was first published in London in 1705.
64 Ellis, op. cit., pp. 438-9.
April on board the convict ship Lord Eldon, and arrived home in September. 'Home', wrote John Macarthur with relief, 'How many dear associations does that word Home create!'  

---

65 John Macarthur to his wife, [30 Sept. 1817], Some Early Records ..., p.294. This is an interesting sentence, in so far as it suggests that John Macarthur was familiar with prevailing psychological and educational theory, which gave a central place to 'associations' between ideas (R. Freeman Butts, A Cultural History of Western Education, New York 1955, pp.284, 391-2; Peter Gay, The Enlightenment: An Interpretation, II The Science of Freedom, London 1970, pp. 182-7).
Chapter 2

His Paternal Domains 1 1817-1831

The Macarthur family found New South Wales under the princely hand of Governor Macquarie. The four years after their arrival were to be the final and most eventful part of Macquarie's regime, full of battles which won him a place in colonial folklore. This was also a time of white population's sudden expansion. At the general muster of 1817 the population on the mainland stood at 17,091. Of this 61 per cent lived in the old settlements around Sydney and Parramatta, and 25 per cent were on the Hawkesbury. The small convict camp at Newcastle and the new township of Liverpool accounted for the rest. Four years later the total had risen to 29,289. A free settlement had now sprung up at Newcastle. There was also a convict camp at Port Macquarie, and nearly 300 people were settled at Bathurst, beyond the Blue Mountains. 2

There was equal progress after Macquarie's departure. In 1821 6 per cent of the population lived outside the metropolitan county of Cumberland. In 1825 it was 11 per cent, and in 1828, 21 per cent. 3

The spread of livestock was more sudden. The muster in 1817 did not include any stock to the south or west of Cumberland, but in 1821 these areas could no longer be ignored. The count then showed

1 Sydney Gazette, 12 Feb. 1833: '[James Macarthur] lives too secluded a life within his paternal domains to know or feel what concerns the people at large.'
3 T.M. Perry, Australia's First Frontier, Melbourne 1963, pp.42, 103.
nearly 28,000 sheep at Bathurst and 6,000 on or near the Golburn Plains. The total for the colony was nearly 120,000. For the next 15 years these two districts and the Hunter Valley were to provide the colony with three hinterlands, each offering infinite chances of wealth.

Cattle moved a little differently. In 1821 they were still gathered mainly in the county of Cumberland, near to the markets. But this was to change in the later 1820s. Thus, by 1828, not only 90 per cent of the sheep, but three-quarters of the cattle grazed outside the metropolitan county.⁴

That canker in the state, its penal aspect, shows clearly in the 1821 muster figures. The convicts then numbered 11,941, not counting ticket-of-leave men, which was 40 per cent of the population. Children accounted for another 7,264. Of the rest, the adult free settlers, 65 per cent were ex-convicts and ticket-of-leave men. The others were either free immigrants or natives of the colony, there being 1,489 of the first and 1,884 of the second, and of course most of the adult native-born were the offspring of convicts and ex-convicts. The relative size of each group was much the same in 1828.⁵

During the years 1817 to 1821 the form of the economy was also changing. The first bank, the Bank of New South Wales, was established in 1817, and the 1820s were to see the further diffusion of the finance system and the growth of export industries, particularly wool.

---

⁵ See appendix 1.
In 1822, on the surface [says S. J. Butlin], both private and public finance were still based on make-shifts of a primitive penal settlement, but the seeds of the rapid development of the 'twenties were already germinating. 6

By 1830 there were five banks in the colony, including the New South Wales Savings Bank. 7

These developments were closely controlled by the governor, whose executive and legislative authority was still virtually absolute, subject only to the imperial power. For the time being, the only public political events were the meetings called from time to time to address the authorities on constitutional and tariff reform. 8

Similarly, at least before 1821, it was normal for new districts to be opened up in an official, well-organised way. This had been the case with Bathurst. But to the south, beyond Camden, the good land was more accessible from Sydney, and most of the first settlers there were men from established families looking for out-stations. 9 As the pastures at Camden began to show signs of exhaustion, the Macarthurs joined in this march towards the south. Before the end of Macquarie's time both James and William made tours of inspection into the area between the Abercrombie and Wollondilly Rivers north of Goulburn, which was part of the new county of Argyle. 10 During the administration of Governor Brisbane (1821-5) they had 6,500 acres each reserved for them

7 Ibid., p. 575.
9 Ferry, op. cit., pp. 100-8.
10 James Macarthur's account of an excursion into Westmoreland and Argyle, Jan. 1821, ML C124.
there, at Richlands and Taralga, of which 2,500 was to be free grant, and the rest purchased from the crown.\textsuperscript{11} By 1825 the bulk of their father's sheep had been moved there from Camden, although the grant and purchase were not finalised until some years later.\textsuperscript{12}

James and William were also given smaller grants at Camden. On their return from England the Camden estate had extended no further than the original 5,000 acres granted in 1805, plus an adjacent 2,000 acres which the Macarthurs used by a long term arrangement with the owner.\textsuperscript{13} The first addition came in 1822 when James and William were each given 1,150 adjoining acres. In the following year their father received from the government 4,368 acres in payment for a flock of rams, and 3,265 acres in exchange for several farms he had owned in different parts of Cumberland.\textsuperscript{14} It was at this period that the estate was described by a visitor as 'the first agricultural establishment in the Colony, furnished with every means and the materials for promoting tillage'.\textsuperscript{15} The last addition, in 1825, was the largest of all, namely the Cawdor grant of

\textsuperscript{11} W. Macarthur's application for permission to bid for land, 15 Dec. 1829, NSWSA 2/7918.

\textsuperscript{12} W. Macarthur to Edw. Macarthur, 4 July 1840, ML A2935; papers on land passim, Macarthur papers ML A2962.

\textsuperscript{13} This was Belmont, afterwards called Menangle, owned by W.S. Davidson, and purchased by James and W. Macarthur in 1837 (James Macarthur to W. Macarthur, 6 July 1837, ML A2931).


\textsuperscript{15} E. Marley to J. J. Therry, 23 Mar. 1823, quoted in M.H. Ellis, John Macarthur, Sydney 1955, p. 475.
10,400 acres, of which 5,000 acres was free grant, to John Macarthur, and the rest was purchase. 16

When the 1828 census was taken the Macarths owned about 43,000 acres. This was the largest single holding in New South Wales, except for that of the Australian Agricultural Company, and only 10 other individuals or firms owned more than 15,000 acres. 17 The family property consisted of grazing land at Camden and Argyle, Elizabeth Farm, a town allotment in Parramatta and several in Sydney, and the Pyrmont estate, 55 acres of unimproved land on Darling Harbour. 18 Their livestock included nearly 14,000 sheep and nearly 200 cattle. The census also mentions 172 horses, part of which would have been the stud herd noticed by Peter Cunningham when he visited Camden about three years before. In his account of the estate, Cunningham referred to 'wheat equalling in quality and quantity the best in England, and maize of the most luxuriant growth'. He also noticed 'a thriving vineyard ... a patch of the various English grasses ... [and] an excellent pack of fox-hounds. 19

---


17 See the entries for Alex. Berry (for the firm of Berry & Wollstonecraft), H.H. Macarthur, Samuel Terry, T.P. Macqueen, Sir J. Jamison, Geo. Forbes (agent for his father the chief justice), John Dickson, W. Cox, and W.J. Browne (for the firm of Aspinall Browne), who were in that order of the nine nearest rivals of John Macarthur's family (census of 1828, individuals' returns, British home office papers 10/24, ML mfm). W.C. Wentworth should also be on the list, perhaps second or third, but he was omitted from the census.

18 See the entries for John, James and W. Macarthur, ibid.; and papers on land passim, Macarthur papers ML A2962.

19 Two Years in New South Wales, London 1827, I pp. 108, 112.
The Macarthurs' main income after 1818 was from the annual sale of their wool in London. After a long period of difficulty and doubt its reputation was thoroughly established in 1821, when one of their bales sold for 10s. 8d. a pound, a price which their agents rightly called 'extraordinary'.

They could now be sure of a net profit of £2,000 a year from this source, even during the depression and drought of the later 1820s, and afterwards there was a rapid improvement. In May 1832 James drew up a rough account of the family's general income and expenditure, apparently as a guide for the future management of the property. There he estimated that they could depend on £3,500 per annum from their wool, when the costs of freight, insurance and sales had been deducted. The other main sources of income mentioned in this estimate were those which had predated the success of the wool. These were the sale of livestock, which James thought should bring in £1,000 a year, hay (£800) and grain (£100).

There were no tenant farmers, and therefore no rents, before the later 1830s.

Most of this money was spent on the estates. James allowed £3,300 as personal income for the family in the colony, including £750 each for himself and William, and several hundred pounds more were set aside for dependants in England. But as far as he and William were concerned the figure of £750 was a considerable over-estimate.

---

20 Marsh & Ebsworth to John Macarthur Sr., 17 August 1821, and wool sales accounts, ML A2965.
21 Wool sales accounts, ML A2965.
22 Macarthur's memoranda for his father, marked 'A' and 'B', 8 May 1832, ML A2971; W. Macarthur to Edw. Macarthur, 20 Jan. 1858, ML A2933.
23 Macarthur's memoranda, 8 May 1832.
Many years afterwards James was to say that in fact he had hardly spent £400 altogether during the whole 10 years 1818-28. During the next three years he was abroad and so spent much more, but for the three years after his return in 1831 he thought '£100 a year would more than cover it'. 24 William agreed that in his own case, during 1828-34 he had spent no more than '£100 per annum or probably half that sum'. 25 It is clear that for gentlemen their way of life was very frugal, similar perhaps to that of a very junior army officer, whose salary on joining up, at the age of 16 or 20, was then £95.16s.3d. 26

Neither James nor William had personal incomes distinct from that of the family. Early in 1828, just before James left on his second trip to England, their father made over half his personal estate to their joint account, but until his death in April 1834 this made no difference to them. 27 Even then there was no radical change. By his will John Macarthur left Camden Park, with the newly completed mansion,
jointly to James and William, and all other estates to Edward. But a partnership was arranged between the three surviving brothers (the younger John having died in 1831), so that the whole property remained as before, a single concern. James and William were the managers, but they never tried to separate their own expenses from those of the partnership. 28

James's account of 1832 is also misleading in its reference to profits from wool, which soon exceeded £3,500 per annum. The clip sent to England in the summer of 1831-2 was the last which brought less than £4,000 (except for that sold in 1836), and that of the following year realised £5,850 net. 29 On the whole then, James seems to have shown typical caution in drawing up the account of 1832, and the family's financial position was much more secure than he suggests.

* * *

During these years Sydney boasted several very rich merchants, particularly among the ex-convicts. 30 But none of their contemporaries could rival the landed capital of the Macarthur family and the prestige which went with it. What is more, in a colony so dependent on the mother country the respectable credit which John Macarthur could boast in London must have added much to his family's reputation for solid

---

29 Abstract of wool sales, 1831-8, ML A2965.
30 When Samuel Terry, the richest of the ex-convict merchants, died in 1838, he left an estate worth half a million pounds (Sydney Gazette, 27 Feb. 1838).
This was perhaps the real basis for their supreme social position in the colony, which was secure by the 1820s and was to last through at least the next generation. Also the brilliant character of John Macarthur - 'King John' - made him and his family the subject of constant gossip among the other settlers.

Finally, the family enjoyed unusual political credit at Whitehall, particularly during 1822 - 1825. Their power there depended mainly on the younger John Macarthur, then a junior barrister, and on his friend Robert Wilmot Horton, parliamentary under-secretary in the colonial office.

John Macarthur junior first met Horton in 1822, and they soon came to an agreement whereby Macarthur was to call on Horton, 'frankly, and without reserve', to offer advice and information about the colony. He afterwards advised him on the reform of its constitution, its natural resources, immigration, and convict discipline. But his influence seems to have been felt most in the area of administrative

31 Their oldest such connection was with the West End banking family of Farquhar, dating from 1802, supplemented by connections within the Bank of England during the 1820s, especially through G.W. Norman (see below, chapter 4; and A.T. Atkinson, 'The Position of John Macarthur and his family in New South Wales before 1842', M.A. thesis, Sydney University 1971, pp.29, 241).

32 See, for example, G.W. Norman to James Macarthur, 26 July 1854, ML A2923.

33 W.E. Riley's journal, Oct. 1830 - Jan. 1831 ML A2012 (no pagination or exact dating); Australian, 25 May 1852.

34 John Macarthur jr. to R.W. Horton, 26 July 1823, CO 201/147, f. 37, and see also 11 Oct. 1823, Catton papers.
details and appointments. His family's position in New South Wales was affected mainly by the fact that he was able to keep them well informed about changes in government policy and personnel, and to make sure that they received all the favours they could reasonably expect in matters of land grants.

John Macarthur's advice to Horton was usually aimed at increasing the number of capitalists going to New South Wales, and at setting up some regular system of free working-class emigration. He was concerned as well with law and order in the colony, particularly among the convicts. He and his brother Edward also tried to have a colonial militia formed. The degrees of rank in such a body, Edward thought, would reinforce the natural classes of local society. He hoped too that the ill-feeling which seemed to exist between ex-convict families and others would be forgotten by their service together in the same ranks. It is important to notice that Edward Macarthur, and presumably John, saw this bitterness as different from the normal type of class distinction. This was typical of their family, including James, and it is an important clue to the Macarths' social ideals.

35 John Macarthur jr.'s letters to Horton, 1822-7, passim, Catton papers; Macarthur to Horton, 26 July 1823, CO 201/147, f. 37; Horton's memorandum for Bathurst, 1 Dec. 1823, CO 201/146, f. 281; Macarthur to Horton, 18 July 1825, CO 201/167, f. 302; John Macarthur jr. to his father, 12 June 1825, ML A2911.
36 John Macarthur jr. to James Macarthur, 30 Apr. 1821, and to his mother, 12 Apr. - 27 May, 1825, ibid.
38 See, for example, James Macarthur to John Macarthur, jr., 6-11 June 1827, ML A2931, stressing that the only bar to the social acceptance of rich ex-convicts was their continued dishonesty.
During the 1820s James Macarthur gave most of his attention to the corporate affairs of the family. He and William seem to have lived mainly at Camden, although the 1828 census gives James's residence as Argyle. Their father, at least in the earlier years, was not completely satisfied with their work. In 1818 he told an old friend that James was as 'grave and thoughtful' as ever, but that he wanted 'a little more firmness and energy'. Neither of them, he believed, had 'sufficient hardness of character to manage the people placed under their control, and they set too little value upon money'.

None of the family had much to do with the administration in Sydney during the early 1820s. James had no personal interest in the life of the capital - he loathed 'Sydney's pollutions' - and it was not until 1824 that he began to give any thought at all to political questions. For the time being he went into town on family business alone. In 1822-4 John Macarthur was involved in several disputes with Governor Brisbane and Frederick Goulburn, the colonial secretary, and since he liked to stay at Parramatta and use deputies in such matters, James

---

39 In 1822, Camden was certainly 'their principal residence' (Mrs. Macarthur to E. Kingdon, 4 Sept. 1822, Some Early Records..., p.373), and the dating of correspondence throughout the decade suggests it was always their headquarters. The census was no doubt taken during shearing at Argyle, in October.

40 John Macarthur to W.S. Davidson, 3 Sept. 1818, Some Early Records ..., p. 318.

41 James Macarthur's account of an excursion into Westmoreland and Argyle, Jan. 1821, quoted in Mrs. Macarthur to E. Kingdon, Feb. 1821, Some Early Records ..., p. 372.

42 Macarthur's speech at an election meeting, 11 Jan, 1843, Australian, 13 Jan. 1843.
usually looked after his interests for him. These quarrels caused some ill-feeling between the local authorities and the Macarthur family. But they did not prevent the appointment of James and William to the magistracy in November 1825. What is more, in the following month the elder Macarthur's long period of disgrace and semi-disgrace was ended by his being appointed to the new legislative council, a board of seven, three settlers and four officials, who were all nominated and whose debates were secret.

The first political dispute in which James Macarthur was involved on his own account took place in 1827, during the governorship of General Darling. The affair was connected with the main political issues of the period 1825 to 1830. Late in 1824 the first independent newspaper, the Australian, had appeared in Sydney. This meant a new level of political sophistication for the colony, and particularly for the town itself, where political news and ideas now became easily available to all classes. The first proprietors and editors were

---

43 These disputes concerned John Macarthur's appointment to the magistracy (Some Early Records ..., pp. 360-9; Bathurst to Brisbane, 26 Mar. 1823, HRA i, XI pp. 61-2; John Macarthur jr. to Horton, 12 July 1824, Catton papers); the supreme court and privy council case Campbell v. Macarthur (Macarthur papers ML A2904, passim; Bathurst to Brisbane, 20 Sept. 1824, and enclosures, HRA i, XI pp. 359-67); and the Cawdor grant (Some Early Records ..., pp. 377-88; Brisbane to Bathurst, 4 Aug. 1825, and enclosures, HRA i, XI pp. 698-717; R. Darling to Bathurst, 18 Jan. 1827, and enclosures, HRA i, XIII pp. 23-31).

44 Sydney Gazette, 17 Nov. 1825.


46 Henry Dumaresq alleged that in these years soldiers and convicts were 'constantly seen reading the opposition papers' ('Reflections suggested by the address voted at the late public meeting in New South Wales and some proceedings subsequent thereto', 6 Nov. 1827, CO 201/187, f. 437).
William Charles Wentworth and Robert Wardell, both young men fresh from Cambridge and the Middle Temple. Wardell was new to the colony, but Wentworth was the son of D'Arcy Wentworth, who had been principal surgeon and treasurer of the police fund under Macquarie. 47

Wentworth had been educated in England, where he and John Macarthur junior had been friends until about September 1818, when they quarrelled over a money matter. Up to that point Wentworth had looked forward to marrying Elizabeth, the eldest of the three Macarthur sisters, and her father, who had some admiration for him, had 'promised to use all his influence towards the realization of those hopes'. 48 But the quarrel injured Wentworth's pride and turned him against the whole Macarthur family. 49 He was always a man who liked his enemies to be mean, skilful and monolithic. From this time he identified the Macarthurs with a powerful group of free settlers who, he thought, were trying to establish an oligarchy in New South Wales. He had earlier described this group as a selfish coterie of families, which aimed to 'raise an eternal barrier of separation between their offspring and the offspring of the unfortunate convict'. 50

47 For the lives of Wardell and both Wentworths, see ADB II.
48 W.C. Wentworth to D. Wentworth, 10 Apr. 1817, 25 May 1818, ML A756. See also John Macarthur to his wife, 3 May 1810, Some Early Records ..., p. 194.
49 W.C. Wentworth to D. Wentworth, 10 Nov. 1818, ML A756.
50 W.C. Wentworth, A Statistical, Historical, and Political Description of The Colony of New South Wales and Its Dependent Settlements in Van Diemen's Land, London 1819, p. 348. This book seems to have been written before and published after the quarrel (ibid., pp.270-8; W.C. Wentworth to D. Wentworth, 25 May, 10 Nov. 1818, ML A756).
Such a group did exist, but there is no evidence that the Macarthur's belonged to it. The elder John Macarthur once said, privately, that he would have nothing to do with it, and he condemned its 'illiberal' attitude towards ex-convicts. But he did not believe that its members aimed at permanent divisions.

Wentworth's connection with the *Australian* only lasted until October 1825, and it is not clear how much he was responsible for its articles up to that time. The paper, like Wentworth, put a great deal of energy into attacking what it called 'a party, who have no other object in view than to nip the nascent liberties of their country'. It referred to John Macarthur as 'invariably linked with those who have opposed themselves to every principle that savoured of liberality'. But as long as Wardell was connected with it, until June 1828, the *Australian* was always less violent than the speeches which Wentworth was making at the time. In November 1825 the paper went out of its way to condemn the growth of party feeling in the colony, and particularly the plan for a 'Retaliation Club', an organisation which was to support the interests of ex-convicts. It was Wentworth who was mainly responsible

---

51 John Macarthur to W.S. Davidson, 3 Sept. 1818, *Some Early Records . . .*, p. 317. Other witnesses admitted that the Macar enthus were not rigidly exclusive (*Monitor*, 2 June 1826, 29 Dec. 1837).
53 W.C. Wentworth to Bathurst, 15 Dec. 1826, CO 201/179, f.516. But see also 'Philo Fair Play' to the editor, 15 Oct. 1844, *Australian*, 18 Oct. 1844: 'Mr.Wentworth's public connection with the paper ceased after the 4th or 5th number.'
54 *Australian*, 16 Dec. 1824.
55 Ibid., 12 Jan. 1826.
56 Ibid., 17 Nov. 1825. There is no evidence that this 'club' ever existed.
for the new political feeling among this group.

Wentworth was also responsible for spreading among the colonists as a whole a belief that they were entitled to an elective constitution. Ever since his departure from the colony in 1816 he had made it his great aim to master 'all the excellence of the British constitution', hoping one day 'to advocate successfully the right of my country to a participation in its advantages'.\textsuperscript{57} He had first set out his ideas in a book undertaken early in 1818, at the suggestion of John Macarthur junior, which he had published in London the following year.\textsuperscript{58} On his return to New South Wales he had continued to argue, periodically, about the need for an elected legislative assembly. But it was two years before the campaign became anything more than theory, and even then it is not clear how much this development was due to Wentworth's efforts.

In March 1826, during the annual parliamentary debates on the estimates, Horton had announced to the commons that in future the whole civil government of New South Wales would be supported by the local revenue.\textsuperscript{59} Most of the expense had hitherto been borne by the British treasury, on the grounds that New South Wales was merely a penal settlement. Horton's announcement reached the colony at a time when the Australian and its new contemporary, the Monitor, were making a special effort to work up a positive campaign for reform. Both pointed out that the New South Wales Act of 1823, under which the present

\textsuperscript{57} W.C. Wentworth to Lord Fitzwilliam, 13 Jan. 1817, ML A756.

\textsuperscript{58} W.C. Wentworth to D. Wentworth, 25 May 1818, ibid. The book is cited above.

\textsuperscript{59} PD second series, XIV c.1409 (17 Mar. 1826).
council was formed, was due to expire in 1828. Both argued that matters were at a crisis, for unless the settlers roused themselves the present non-elective system would be continued for ever. 'We faint in our minds', the Monitor said, at the present apathy, which must reduce New South Wales to 'a poor slavish ruined colony'.

But it was apparently the news of Horton's announcement which became, in the end, the trumpet call to action. Early in November the Monitor was able to report gladly that 'some of our principal graziers' were beginning to show a willingness to move. The most prominent of these graziers were Sir John Jamison, William Lawson, William Cox, Gregory Blaxland and Archibald Bell, all of whom owned estates in the old settled areas of Cumberland. Blaxland and Lawson had already shown a certain interest in reform, but Jamison, Bell and Cox were new converts. Cox explained that he had opposed the idea of an elected assembly until he had read the recent commons debates on the estimates. Now, he said,

when so large a sum is about to be raised, the burthen of which will fall on the free inhabitants of this yet infant Colony, I am [of] opinion that such inhabitants ought to have a voice by representation, in levying the necessary imposts.

---

60 Monitor, 3 Nov. 1826; Australian, 11 Nov. 1826.
61 Monitor, 10 Nov. 1826. See also Australian, 11 Nov. 1826.
63 'Names of persons who voted the address to the govr. at the meeting held at Sydney [21 Oct. 1825]', CO 201/179, f.232. This was an address of farewell to Brisbane, which stressed the need for an elected assembly. Although they supported the address Lawson took no active part in the meeting, and Blaxland suggested that the reference to an assembly be deleted (Australian, 27 Oct. 1825). For Bell and Jamison's conversion, see ibid., 31 Jan. 1827.
64 W. Cox to J. Mackaness, 25 Jan. 1827, ibid.
Sir John Jamison, who was to take a leading part in the reform campaign from this time, was apparently influenced in the same way by Horton's announcement. 65

The usual interpretation of the reform movement makes it a campaign of the underprivileged. 66 But this is clearly wrong. In January 1827, when a requisition to the sheriff was drawn up asking him to call a public meeting to discuss the question, it was signed by 24 of the richest and most influential men in the colony. 67 Five of them, all ex-convicts, were the wealthiest merchants in Sydney, and nearly all the rest were prominent landowners. 68 At this time there were seven men living in the colony who owned more than 15,000 acres individually, including Jamison and Wentworth's father. All but two were among the 24 who signed the requisition, the two exceptions being John and Hannibal Macarthur. 69 The merchants Alexander Berry and Edward Wollstonecraft, who held 30,000 acres in partnership, also abstained.

The movement for reform has also been identified with a group known as the emancipist party, which was certainly responsible for most

---

65 In his later speeches Jamison generally dwelt on this aspect of the question (see, for example, his speech at a public meeting, 26 Jan. 1833, Sydney Gazette, 29 Jan. 1833).
67 Australian, 24 Jan. 1827.
68 The five merchants were Simeon Lord, Samuel Terry, William Hutchinson, and Robert and Daniel Cooper, all listed in ADB I and II.
69 The five who signed the requisition were Cox, John Dickson, Jamison, Terry and D'Arcy Wentworth. For the holdings of all except Wentworth, see census of 1828, individuals' returns, British home office papers 10/24, ML mfm.
of the anti-government feeling in Sydney during Governor Darling's time. This 'party' included Wentworth, a number of other lawyers, the editors of the Australian and the Monitor, some minor officials, and the bulk of the ex-convict merchant and trading class in the town. But in spite of the usual interpretation, most of the work of the reform movement was done by landowners and magistrates like Jamison, Blaxland and Cox, who had no close links with the emancipist party.\(^{70}\) Not only did these gentlemen dislike the bluster and licence of the Sydney group. They were also anxious that the new constitution, when it came, should not give such people - particularly ex-convicts - any real power in the state. But they apparently thought that their appeal should have a united popular backing, and for this reason they could not publicly insist on discrimination against such a large and wealthy group as the ex-convicts. The question as to who should be allowed to sit in the proposed assembly was therefore, as Jamison said, an 'excessively delicate' one.\(^{71}\) It was a point on which even Wentworth was equivocal.\(^{72}\)

The union of the reform movement with the emancipist party therefore depended on there being no detailed programme. Any thorough discussion about qualifications would have exposed these knotty points.\(^{73}\) As it was, the main point of the coalition as such, and the aim of most of the

---

\(^{70}\) Jamison and Cox had both disliked Macquarie's conciliatory attitude towards ex-convicts (Atkinson, op. cit., pp. 139, 205).

\(^{71}\) Jamison's comment at a Patriotic Association meeting, 8 Dec. 1835, Sydney Herald, 10 Dec. 1835.

\(^{72}\) For Wentworth's position, see op. cit., p. 355, and chapter 4, below.

\(^{73}\) At the meeting in January 1827 Gregory Blaxland objected to the qualifications mentioned in the petitions under discussion, and suggested that the whole paragraph be left out, but after 'some explanation' he withdrew his objection (Australian, 27 Jan. 1827).
rhetoric, was to protest against the existing system of power. All indignation focused on Darling and his officials in the first place and, in the second, on 'the faction', the Macarthurs and their friends. 74

The Macarthurs also wanted reform, but they were not prepared to support the idea of an elected assembly. Late in 1825 they had joined with Berry, Wollstonecraft and others in an address to the secretary of state, in which they had asked that the present council be enlarged to 'at least fifteen members, to be selected by His Majesty, from among the most respectable landholders and merchants in the colony'. These were to make up a lower house, while the chief government officials were to become not only an executive council but the upper house of a bicameral legislature. 75 This address, which had been organised by John Macarthur, had also been signed by Cox and Bell, both of whom had gone over to the more radical campaign following Horton's announcement. 76

During the intervening period the Macarthurs had also moved forward, but not in the same way as Cox and Bell. Presumably they were also influenced by the news that the whole civil government was to be charged to the local revenue. John Macarthur had subsequently devised a new

---

74 *Monitor*, 20 Jan. 1827.
75 'The address of the landed proprietors, merchants, and other free inhabitants of New South Wales to the Right Honourable Lord Bathurst', Dec. 1825, CO 201/179, f. 220.
76 For John Macarthur's part in getting up this address, see *Monitor*, 28 Nov. 1825. A rough draft is now among the Macarthur papers, ML A2988.
elaborate scheme, whereby selected colonists were to take part not only in legislation but in the government itself. In April 1828 he suggested to Governor Darling that the four officials who now made up the executive council should be increased to five, and that they should be joined by four private settlers. All nine were also to have seats in a nominated legislature of 21 members. 77 Apparently Macarthur also wanted to have the legislative council debates, which were secret, open to the public. 78

In spite of the fact that no members of the legislature were to be elected, Macarthur's plan can be seen as a faint foreshadowing of local self-government. 79 It is unfortunate that no other details have survived. In particular, we do not know what tenure the non-official members of the executive were to have. Perhaps since debates were to be public, Macarthur may have envisaged that the legislature would respond in some way to feeling outside, and in doing so bring about resignations in the executive from time to time. Such a system could even be said to have some features in common with responsible government.

But this is speculation. It does not affect the important point that the Macarthur family had come to stand for a type of reform which was profoundly different from that demanded by Jamison and Wentworth.

77 Darling to W. Huskisson, 7 Apr. 1828, HRA i, XIV pp. 120-1. Macarthur suggested that the extra official should be the principal surgeon, who was his son-in-law James Bowman. He no doubt expected that he would himself be one of the non-official members, but the scheme is too elaborate to be seen as a mere bid for power (compare Melbourne, op. cit., p. 144).

78 Australian, 13 Jan. 1827.

79 A very similar plan was tried in Lower Canada four years later, at the instigation of Lord Howick (Peter Burroughs, The Canadian Crisis and British Colonial Policy 1828-1841, London 1972, p. 48).
Instead of asking that the settlers be given the constitutional means of bargaining with the local and imperial governments, John Macarthur suggested that they be given a taste of executive power themselves. It will be seen below that this was typical of the family's political attitude.

The requisition to the sheriff drawn up in January 1827 resulted in a great public meeting, held in Sydney on the 39th anniversary of settlement. The meeting adopted three petitions, to the king and both houses of parliament, praying for an elected assembly and trial by jury. These petitions made an implicit attack on the power of the Macarthur connection, in both Whitehall and Sydney, by referring to 'certain private families' who were striving to become 'an oppressive and rapacious oligarchy'. Nevertheless, they prayed that the members of the new assembly should all be landowners with at least 1,000 acres each. They also asked for household suffrage, so that they clearly aimed to combine an aristocratic legislature with an unusually broad electorate. 80

Over the following months discussions on the subject of reform took place in the colonial office and parliament. 81 At the same time the secretary of state received the first reports of a violent campaign

---

80 Australian, 27 Jan. 1827. A comparison of the three petitions, which were all identical in substance, with the editorial in the Monitor, 15 Dec. 1826, makes it seem very likely that they were drawn up by the editor of that paper, Edward Smith Hall. For Hall's radical opinions, see chapter 3, below, and ADB I.

81 PD second series, XVIII cc. 1430-1 (1 Apr. 1828), 1559, 1564-9 (18 Apr. 1828); Melbourne, op. cit., pp. 140-51.
against the rule of Governor Darling, managed mainly by Wentworth and the editors of the Australian and Monitor. This agitation caused much alarm among the wealthier settlers in New South Wales, and in 1829 115 of them joined in an address of loyalty to the governor. The 115 included not only the Macarthurs, Berry and Wollstonecraft, but also Jamison, Lawson, Cox, Bell and numbers of others who had signed the 1827 petition.

It is an open question how much this trouble affected discussions in England. At first the secretary of state had aimed to give the colony an elected assembly, but by March 1828, after receiving a full account of Darling's troubles, he changed his mind. The new act of parliament which came into effect later in the year merely enlarged the legislative council to 15 members, including the governor, all of whom were to be appointed by the crown. Gregory Blaxland, who had gone to England with the petitions, was convinced that the minister had been frightened away from more thorough reform by 'the infamous behaviour of

82 See particularly Darling to Bathurst, 18 Apr. 1827, HRA i, XIII pp. 259-63. The reports of Darling's private secretary, Henry Dumaresq, who had left the colony for home in June 1827 were no doubt particularly influential (see his 'Reflections suggested by the address voted at the late public meeting in New South Wales and some proceedings subsequent thereto', 6. Nov. 1827, CO 201/187, ff. 432-58).

83 'The Address of the Landed Proprietors and Merchants of New South Wales to His Excellency Lieutenant General Ralph Darling, Governor in Chief, etc., etc., etc.', and a similar address from the Hunter valley, both July 1829, HRA i, XV pp. 71, 74.

84 Melbourne, op. cit., pp. 140-51. The arguments of John Macarthur jr. may have had some influence, but it is hard to agree with Melbourne's suggestion that they were 'very largely instrumental in effecting the withdrawal' of the earlier plan (ibid., p. 145).
the leaders in New South Wales ... [which had] prejudiced everyone [in England] against their cause'. 85

This also seems to have been the impression in the colony, and the next attempt at reform was more circumspect. Early in 1830 a small number of gentlemen met to discuss the question at Sir John Jamison's house near Penrith. Wentworth was not among them. They agreed on the text of new petitions drawn up by Jamison himself, 86 and a public meeting followed at Sydney, when the petitions were proposed and accepted by acclamation. Wentworth co-operated in the end, but he disagreed with the loyal tone which Jamison had adopted. 87

III

The first political dispute which concerned James Macarthur individually was the case of Richard Broadbear, a servant in the Female Orphan School at Parramatta, and his wife. The leading figures in the case were William Walker, master of the school, whose name was linked with the emancipist party, and the school's official visitor, Archdeacon Scott, a close friend of the Macarths and therefore one of Wentworth's favourite targets.

In March 1826, Walker resigned from the school after quarrelling with the archdeacon. He took with him the two Broadbears, whom Scott thereupon had summoned for leaving their employment. They were tried

85 John Macarthur jr. to his father, 22 July 1828, ML A2911.
86 Jamison to Sir G. Murray, 3 Apr. 1830, and enclosures, CO 201/215, ff.352, 354.
87 Australian, 10 Feb. 1830.
by a bench of seven magistrates at Parramatta, including James
Macarthur, his friend Lachlan Macalister and brother-in-law James
Bowman. The bench convicted both Broadbears and sent them to goal.
On appeal, the sentence was annulled by the chief justice, and the
Broadbears then sought damages, on the grounds of malice, from Macarthur,
Macalister and Bowman. None of these normally sat on the Parramatta
bench and Wentworth, who conducted the Broadbears' case, argued that
they had been present on purpose to condemn his clients. 88 This was
true. The reason, according to John Macarthur, was that they had seen
the Orphan School and knew of 'the scandalous state the children were
left in', the Broadbears being virtually the only permanent staff. 89
But this excuse was not suitable to a court of law, and Wentworth
secured heavy compensation for his clients.

James Macarthur was indignant about the behaviour of Judge Stephen,
who presided over the trial for damages, and who, he thought, had shown
blatant prejudice against the magistrates. 90 On the other hand, he
seems to have recognised that he had certainly laid himself open to
the charge of stacking the Parramatta bench. In a letter written

---

88 Report of the proceedings in Broadbears' case, etc., HRA i, XIII
p.324-61. Part of the prosecution's argument was that James
Macarthur normally sat as a magistrate at Campbelltown. The
colonial secretary made inquiries, but the file (26/6336) has not
been found among the New South Wales State Archives (colonial
secretary's register of in-letters, Sept.-Dec. 1826, NSWSA 2338;
J. Harris to A. Macleay, 12 Oct. 1826, NSWSA 4/1904).
89 John Macarthur to John Macarthur jr., 16 May 1827, ML A2899.
90 Macarthur's evidence before the select committee on transportation
(house of commons), 1837 (518) XIX, p.278 (9 June 1837). See also
T.H. Scott to Darling, 19 Mar. 1827, HRA i, XIII p.321; Darling
to Lord Goderich, 10 Oct. 1827 ibid., pp.547-8.
afterwards to his brother John (who as a lawyer disapproved of what he had
done91) he referred in anguished tones to 'these imprudent but otherwise
perfectly pure transactions'.92

This was the only public affair during the 1820s in which James
Macarthur seems to have acted independently of his father. But there
were others in which it is possible to think of him as emerging from the
shadow of his father's influence, and in some cases clashing directly
with his father's ideas. The first which should be mentioned was the
founding of the Sydney Public Free Grammar School in 1825, a project
in which John Macarthur took a leading part. Although James appears
only as a name in the early proceedings of the school, his involvement in
it is the first evidence of his interest in education, and it will be
seen in a later chapter that his thinking on this subject differed
slightly from his father's.

The project began with the Rev. Dr. Laurence Halloran, an accomplished
classicist who had been transported in 1819 for forgery.93 In the
spring of 1825 Halloran sent copies of a prospectus to several gentlemen
whom he hoped would become trustees of his school at a fee of £50, which
would give each the perpetual right of nominating a free scholar. John
Macarthur, his sons James and William, and his nephew Hannibal, were among
the first to subscribe, and they were also responsible for paying
Halloran's debts, which amounted to £400.94 By the end of October there

---

91 John Macarthur to John Macarthur jr., 16 May 1827, ML A2899: 'You
are no doubt right as to the point of law, but I think quite
differently from you respecting Bowman and James going to the
Parramatta bench ... they knew that the two leading magistrates
[who normally sat there] were completely under Walker's influence. '
92 James Macarthur to John Macarthur, jr., 17 May 1827, ML A2931.
93 Halloran's notice, 24 Sept. 1825, Australian, 29 Sept. 1825.
94 Ibid. The debt was 1,600 Spanish dollars, which was raised by John
Macarthur 'principally among his own family and friends' (Verax'
[John Macarthur?] to the editor, partly quoted in Australian, 1 Apr. 1826).
were 28 other trustees, including the two supreme court judges, several officials, Gregory Blaxland and William Lawson, and such well-known ex-convicts as Terry, Lord, Hutchinson, Daniel Cooper and Mary Reibey.  

The school was to be strictly non-denominational, and was supported by both J.J. Therry, the Catholic chaplain, and George Allen, a leading Methodist lawyer, who became secretary to the board of trustees. The trustees first met on 28 October, when they named a committee under John Macarthur to draw up regulations. The committee decided that there should be 'no exclusion on the ground of religious tenets' and, apparently, no religious instruction apart from 'a suitable form of prayer' read twice a day. Boys were to be admitted at eight years of age to a study of English, arithmetic, and geography, and those who seemed suitable 'from their station in life, or ... promising abilities' were to take up classical studies as well.

In spite of a keen beginning, within a year the Macarthurhs had given up the school, John Macarthur having quarrelled with the managing committee over their refusal to pay Halloran's salary in advance. It later became Sydney College, and was thus a predecessor to Sydney University. There is nothing to show how much interest John Macarthur's sons ever took in the original institution, but the episode at least shows that their contacts could be fairly diverse, and more so than historians have believed.

---

95 Australian, 20 Oct. 1825.
96 Halloran's notice, 24 Sept. 1825, Australian, 29 Sept. 1825; ibid., 3 Nov. 1825.
97 Ibid.
98 Minutes of a meeting of trustees, 19 Nov. 1825, ibid., 8 Dec. 1825.
99 Sydney Gazette, 22 Apr. 1826.
100 H.E. Barff, A Short Historical Account of the University of Sydney, Sydney 1902, pp. 1-3.
The role which did most to make James Macarthur an independent public figure was his membership of the colonial committee of the Australian Agricultural Company. He took up this post late in 1824, when he was nearly 26. The company was a joint stock venture based in London, and funded by British and colonial capital. Its main aim was the breeding of livestock in the colony, particularly sheep. Convict labour was to be used, but the directors also intended that British and other European working class families of good character would be sent out. These, the directors thought, would diversify and increase the company's interests, and raise the moral character of the whole colony. Swiss and French labourers would, they hoped, be set to work in the cultivation of olive groves and vineyards. Ideally, with secure returns from wool and official help, the company would be able to introduce new industries and agricultural methods into the colony. Thus it would strengthen the local economy while it enriched its shareholders. 101

The company's real founder seems to have been the younger John Macarthur, and the first board of directors included several of his friends. 102 As John himself saw it, the main aim of the company was to advance that great plan which was founded by my father - to make the growth and export of merino wool so large and important as to attract the public attention.

Eventually, he hoped, a grateful nation would acknowledge my father's services, and confer upon him some mark of public distinction. 103 John therefore arranged that his father should be the real manager of

101 Plan for establishing a company, and list of resolutions, n.d., Co 280/2, ff.1-11' directors of the A.A. Co. to committee of management, 5 July 1824, ML A4315.
103 John Macarthur jr. to James Macarthur, 11 June 1825, ML A2911.
the company's affairs in Australia. But there was also to be a committee to do the formal and detailed work, made up of 'the younger branches of his own domestic circle and one or two confidential friends.'

James Macarthur was the leading member of this committee, in spite of being the youngest. His cousin Hannibal Macarthur and brother-in-law James Bowman, principal surgeon of the colony, acted with him. An agent, Robert Dawson, was also appointed and given responsibility for the day-to-day management of the company's estates, the appointment of servants, and the buying and selling of stock.

The project was a very big one. The directors offered for sale shares to the value of one million pounds. They were also promised a grant of a million acres on the outskirts of the settled districts. But the company soon ran into difficulties because of Dawson's negligence which, among other things, led to clashes between himself and the local committee, and finally to his dismissal. The details are not important for Macarthur's political career, but it will be useful to describe his attitude towards the company and his idea of its effect on his family's position in the colony.

Macarthur had serious reservations about the whole concern, and although he never expressed them publicly, he made them quite clear in private. He explained to his brother John that he disliked the

104 John Macarthur jr. to his mother, 12 Apr., 27 May 1825, ibid.
105 Directors of the A.A. Co. to committee of management, 5 July 1824, ML A4315. Two other members of the committee, Archdeacon Scott and Capt. Phillip King, Hannibal Macarthur's brother-in-law, were appointed but did not act.
company because it was ultimately a monopoly with its own 'interested views' in the purchase and sale of livestock. These must be opposed to the interests of private settlers, including in some ways the Macarthurs themselves, who could now look for serious rivalry in the supply of good rams to other colonial flocks.  

But he also objected to the fact that the family were made the agents of such a monopoly. Partly on this account he told his brother that 'I would not have taken the duty of a committee-man on any consideration had I known to what it would lead.' He wrote at the beginning of a period of economic trouble for the whole colony. When prices had been high, in the months before the depression, other sheep owners had been unable to compete with the Macarthurs in selling to the company. Now those who wanted to do so could not compete with the company in buying Macarthur stock. Either way there was bitterness about such a close interlocking leviathan. For his part, Macarthur went to some trouble at the sales of his father's sheep to see that they were not all taken by Dawson. Having complained to John, in May 1827, of the damage the company was doing to their reputation in the colony, he pointed out that they must offer ewes for sale again in the coming spring. 'I am convinced Mr. D. will inquire for them', he said in despair, 'What are the committee to do?'

* * *

108 Ibid. Much later William Macarthur said of James that only 'the duties he felt he owed to his father and brother induced him, against his own wishes and hopes of success, to undertake the management in the colony' (W. Macarthur to Edw. Macarthur, 4 July 1840, ML A2935).
109 Dawson to the directors of the A.A. Co., 9 May 1827, ML A4318.
Macarthur's efforts seem to have done something for his own popularity, and his work for the company brought him before the public as his father's political heir. The Sydney Gazette remarked in 1828 that he was already 'much more esteemed' than his father. His manner and his ideals were both different from those of John Macarthur, and their relationship became rather strained during the time they were involved with the company. This involvement ended in 1829. Three years later John Macarthur went mad, building a melodrama about himself in which James was the arch-traitor.

James was perhaps not the most intelligent of the four Macarthur brothers, but he had the strongest character. He shared his mother's cool certainty rather than his father's brilliance. In his boyhood his father had described him as 'slow and persevering', 'grave and thoughtful', and as a man he read widely, thought deeply, and spoke carefully. He was prepared to be ruthless on questions which he was convinced were important, and his reasons for acting at such times (if they are clear at all) usually seem both elaborate and logical, given certain characteristic premises. But he did not like to show his hand. Instead he was polite, and often in a way which made his listeners think he agreed with them, following their arguments with a genuine but uncommitted curiosity. He always attended less to the argument than to the drama, the point-counter-point, and the subtle exposing of personality in conversation. In the words of one disillusioned settler,

111 Sydney Gazette, 18 Feb. 1828.
he was 'as deep as the sea and as double faced'.

Misunderstandings of this kind were not common with his father, whose emotions were so extroverted and intense that he could 'admit of no gradation between friendship and enmity'. This means that it is hard to find a balanced contemporary account of John Macarthur. In 1808 the Rev. Henry Fulton wrote of his 'lust for power; his impatience of restraint, [and his] active and intriguing spirit'. Equally accurate but more sympathetic, George Watson Taylor, a minor English dramatist and Macarthur's friend, admitted his quick temper, but vouched for him as 'a man of honor and integrity, with feelings of ardent gratitude'.

John Macarthur himself was a fair judge of his own character, a subject which he found interesting. There were several characteristics which he saw in his son John as a boy, and which he thought were inherited from himself. John's manner, he said, was 'exceedingly prepossessing', but he was 'a little too proud for one who has but little money', and he already showed an indescribable fierceness of independence and an obstinacy to pursue what he has once determined on, which neither reason nor dread, future consequences are likely to operate on him to relax.

All this made the elder Macarthur very different from James. John Macarthur was 'a man of acute sensibility' who tended to a thorough

113 W. Leslie to P. Davidson, 15 Dec. 1839, Leslie papers.
114 Unattributed quotation, Ellis, op. cit., p. 8.
115 Fulton to Lord Castlereagh, 20 July 1808, CO 201/48, f.289.
116 Watson Taylor to R. Wilmot Horton, 2 Aug. 1822, Catton papers.
117 John Macarthur to his wife, 11 Dec. 1809, 18 Nov. 1812, Some Early Records ..., pp. 188, 228.
self-dramatisation in which, as James said, he 'formed himself almost too much upon the old Roman model'. He thought mainly about his standing with individuals. James, a 'calm and dispassionate' man, was more concerned with abstract principles and an idealised public opinion, things in which his father could see no real substance. James and William, as one newspaper said, were 'men of better education with less aristocratical feeling' than their father. But elsewhere it was suggested that as a political leader and legislator James was 'too much swayed by books, and too little by his own sound common sense'.

James Macarthur spent less emotion than his father on personal relationships, and his personality lacked that brilliance which depends on constant awareness of, and frequent insight into self. He was perhaps as prone to self-dramatisation as his father, but he also paid more attention to the formalities of social and political life. Although he wanted very much to make a noble drama of Australian politics, unlike his father he found it easy enough to insulate his

120 See, for example, James Macarthur's note, 20 Oct. 1826, added to John Macarthur to his son John, 16 Oct. 1826, ML A2899: 'Publick opinion here it is true is not of very great importance, but yet it has its weight'.
121 Monitor, 22 Dec. 1832.
122 Australian, 2 Sept. 1841. See also 'Cumberland' to the editors, 15 Apr. 1843, SMH, 17 Apr. 1843: 'let him for heaven's sake look to the common sense of the thing, and not look into Cato de Re Rustica before he makes up his mind; let him rely upon himself and the support of his constituents, regardless of the frowns or badgering of the great or big sounding words, or droits, or Lord Bacon.'
123 See his account of his first session in the legislative council, in 1840: 'I am complimented upon having introduced somewhat more of a parliamentary tone into our debates' (Macarthur to G.W. Norman, 5 Sept. 1840, Norman MSS C182).
private involvements from the duties he incurred as a public man.

He thought of his family as a corporate part of the community, which, like any other, had a certain credit to maintain. He once argued that 'it is better we should suffer in a pecuniary point of view than save money at the expense of reputation, and of friends'. It was this attitude which led him into the most direct conflict with his father, and particularly over their relationship with the Australian Agricultural Company. In 1826 it was decided that James should go to England, partly to explain to the directors the state of the company's interests. John Macarthur told the younger John that he would be 'instructed ... to make a contract with the company for the sale of all our surplus ewes annually'. But when James sailed early in 1828 he seems to have been given no such instructions. It is certainly hard to believe that he could have agreed to take them. At about the same time John junior received another letter from his father telling him to be careful in taking James's advice, as 'on many points he may be misinformed'.

James Macarthur was beginning to make up his own political mind at a crucial time for the colony, when a self-conscious patriotism was beginning to flourish under the nurturing hand of Wentworth and the Sydney press. This was not a simple coincidence because it was at this time that the first generation of native-born settlers, including

124 James Macarthur to his father, 24 June 1829, ML A2931.
125 John Macarthur to his son John, 12 Sept. 1826, ML A2899.
126 John Macarthur to his son John, 1 June 1827, ibid.
both Wentworth and Macarthur himself, reached maturity. A letter to
his brother John in 1827 shows that like his contemporaries Macarthur
had a distinct feeling for the identity of his country, and was
planning his life to take account of it:

This is my native land. I have ever cherished a fond attachment
for it. I have hoped to be of some benefit in my day ... by
attending as in my power to the duties of the station in which
it has pleased an all wise providence to place me. 127

In middle age he alleged in stronger terms that

From his earliest youth ... he had been taught to look to the
good of this Colony as the great object of his life.

It had thus become an end which would justify any personal sacrifice.
He would put his hand in fire, he said, if he thought 'that it would
permanently promote the real interests of the Colony'. 128

Strong romantic patriotism seems to have been common among those
of John Macarthur's children who spent their lives in New South Wales.
There is, for example, an ardent letter written to a friend in England
by Elizabeth, the eldest of his daughters, describing the aborigines:

They are ... very intelligent and not obtrusive. They have
great vivacity and a peculiar turn for mimicry ... their carriage
is very graceful, and perhaps they possess more native politeness
than is found amongst any people.

And she ends rather bluntly, 'Pray pardon the partiality of a native
for native subjects'. 129

127 James Macarthur to John Macarthur jr., 17 May 1827, ML A2899.
128 Macarthur's speech in the legislative council, 14 July 1840, Sydney
Herald, 17 July 1840. The impact of this speech must have been
heightened by the fact that it was winter and Macarthur was
referring to the fire in the council chamber.
129 Elizabeth Macarthur to E. Kingdon, 8 Mar. 1817, Some Early Records
..., pp. 311-2.
James Macarthur’s opinion of the aborigines was more equivocal, because his interest in great moral questions forced him to work out in detail how the white conquest of the land might be justified. He admitted that a personal injustice had been done to the old inhabitants, and he particularly disliked the policy by which the aborigines were subject to British law. This was an 'intolerable tyranny', he said, which put each man

between Scylla and Charybdis, for the savages had laws, also, as binding and as stringent on him as our laws were on us, and equally incomprehensible to us as our laws were to him.

But he thought that the evil of settlement was cancelled by the moral superiority of Europe, which must give absolute rights. Therefore the only question for the settler was 'the most merciful course to pursue'.

Macarthur would not have described the aborigines in such admiring terms as his sister. Nor did he share his brother William's curiosity about people with little property or learning. But all three liked to think of Australia as a universe of unrefined honesty.

130 Macarthur's speech in the legislative council, 23 Aug. 1842, SMH, 24 August 1842.
131 Macarthur's speech in the legislative council, 19 Aug. 1842, ibid., 20 Aug. 1842.
133 Ibid.
134 See, for example, his speeches in the legislative council, 19, 23. Aug. 1842, ibid., 20, 24 Aug. 1842.
135 W. Macarthur, 'A few memoranda respecting the aboriginal natives', [1835?], ML A2935; and see W. Macarthur's scrapbooks, ML PX A4358. In 1914 Werriberrie, an aboriginal born near Camden about 1840, remembered James and William, the first on horseback among his stock, and the second 'walking through our camp and speaking in a friendly way to the older men', a revealing contrast (William Russell, 'Werriberrie', My Recollections, Camden 1914, pp.16, 20).
and beauty. Thus Macarthur's patriotism was nativist and romantic rather than political. There was a great deal about the imported white community, particularly the 'dwarfish dowdyish' souls of Sydney, which he liked to contrast with people and things absolutely 'Australian'. Unlike William he did not feel much affection for simplicity as such and, unlike Elizabeth, he took no special delight in aboriginal manners. He was mainly concerned with the form and formality of white men's affairs, and so with the native-born settlers - the 'sons of the soil' - and with the poetic appeal of the rural life and landscape.

He had great confidence in the native-born. He believed that generally even the children of the convicts were 'fully equal to the same [social] class' in England, and 'more sober'. There is some evidence that this was true, at least up to the mid-1830s. Macarthur's feeling for the Australian countryside shows in many of his letters. For example, during a visit to England as an old man, he once wrote that nothing man-made in a new country could match the venerable charm of an ancient English country house. But, he added, 'in a state of nature one often realises it, especially under the deep shade and varying aspect of the rich vegetation of Illawarra'.

Here we can contrast Macarthur's patriotism with that of men like Wentworth, which depended much more on articulate political feeling, especially in the towns. It is now possible to see why Macarthur

136 Macarthur's account of an excursion into Westmoreland and Argyle, Jan. 1821, quoted in Mrs. Macarthur to E. Kingdon, Feb. 1821, Some Early Records ..., p. 372; Macarthur to his wife, [17 Sept. 1850], ML A4342.

137 Macarthur's evidence before the select committee on transportation, 1837, loc. cit., p. 175 (19 May 1837).


139 Macarthur to Sir C. Nicholson, 19 Sept. 1861, ML A2924.
was able to think of himself as a thorough patriot without being committed to any local popular movement. His public spirit was easy to reconcile with an authoritarian, or at least a paternal form of government. Taken together, his opinions did not contradict Dr. Lindsay's precept, 'he who wishes to monopolise liberty deserves to lose it', because he did not think of liberty in purely political terms. He was more concerned with immunity of person, property rights, and religious beliefs, and with that 'Moral Freedom', as Rousseau called it, that full awareness of social duty 'which alone makes a man his own master'.

He thought of his own political activity not as an expression of liberty, but as a type of duty suited to his class. The epitome of freedom for him meant travelling 'in lonely independence' through the bush, cut off from 'the recollection of those unpleasant circumstances, which within the influence of Sydney's pollutions continually occur to harrass [sic] the mind'. This was a patrician and romantic point of view, very appropriate to a landed aristocrat in an age of sensibility.

It was natural for him to think of human beings mainly in terms of the group, the community, or the nation to which they belonged for the time being. Thus he denied that men have absolute rights whatever

---

140 See his speech at a public meeting, 16 Feb. 1842, Australian, 17 Feb. 1842: 'I am proud to be an Australian - And, why? Because I claim my share of those privileges of thought, and action, and voice, which have attached themselves to the very name of Englishmen.'


142 Macarthur's account of an excursion into Westmoreland and Argyle, Jan. 1821, quoted in Mrs. Macarthur to E. Kingdon, Feb. 1821, Some Early Records ..., p. 372.
their circumstances, a 'hollow and unsound' theory which, for example, must give the Maoris and aborigines an equal right to vote in this country with the settlers; or perhaps a better one, since they more than any other were 'the sons of the soil'. The various rights which citizens might possess must be defined by local law, according to 'the high and holy principles of constitutional freedom'. But it followed that they might be extended equally to anyone who played a distinct part in the community. In spite of his pride, Macarthur was more aware than Wentworth of a broad humanity, including classes which could not then be thought of as political, such as the aborigines and more relevant to this thesis - the transported convicts. Such awareness is consistent with a belief in the various privileges of rank in society. Elizabeth Macarthur liked the aborigines not only because they seemed intelligent, but also because they were 'not obtrusive'. James Macarthur's attitude to convicts and ex-convicts shows a keen dislike of immorality, as he understood it, combined with a patient awareness of what men might become if treated properly by their betters.

In the later 1820s Macarthur could not see how his own form of patriotism could ever be reconciled with the new political movements in the colony. He resented most of all the violent anti-government feeling in Sydney. In June 1827 he told John in England that

Already ... the baneful spirit of radicalism [has] gone forth. I grieve to say amongst our young countrymen, and it is to be apprehended that it may have become too deeply implanted to be easily removed.

---

144 Ibid.
At this stage his understanding of contemporary radicalism was shallow. It aimed, he thought, at 'perfect equality' and 'perfect liberty', abstract ideas which were irrelevant to the happiness of men. Its object was 'to confound all received principles of right and wrong and raise convicted infamy to the same level as unblemished reputation'. He sensed even then 'the weakening of those bonds whether of actual restraint or of opinion which had hitherto knit the society together':

Our radicals would break down morals in order to establish liberty. God defend us from such liberty. 145

Several months later came the first sign that these social problems were to be joined by economic ones. At a time when they were paying record sums for livestock the settlers heard of a financial crisis at home, which meant a decline in wool prices and a tightening of English credit. The sudden shortage of cash coincided with the failure of much of the harvest between 1827 and 1829, due to drought. 146 The Macarthur's were not immediately hit, but eventually they found themselves doing 'everything in our power to reduce expenses, that we may not be involved in the general ruin'. 147

The feeling of financial gloom was not lightened by the style of Darling's administration. As time passed the governor became more and more disliked, although only Wentworth's party abused him openly. Chief Justice Forbes, for example, was annoyed with 'the pervading spirit of

145 James Macarthur to John Macarthur jr., 6-11 June 1827, ML A2931.
146 Butlin, op. cit., pp. 192, 208-9.
public orders, [and] the parade of authority', while William Macarthur, who was always sensitive about overbearing power, complained of 'the unwieldy system ... [Darling had] introduced into the different departments of his govt.', which had in fact made him 'a weak and most ineffective ruler'.

At this stage of its development the colony should have been enjoying great leaps forward in its political and economic affairs, but instead the settlers were contentious, confused and pessimistic.

* * *

In April 1828 Macarthur left the colony for another visit to England, and he was away until February 1831. He had several reasons for going. In the first place he wanted to explain to the directors of the Australian Agricultural Company the state of their affairs in the colony, and to arrange that the local management should be taken out of the hands of his family. This was successfully done. He was also commissioned by the directors of the newly formed Bank of Australia, headed by his father, to open an account for them in London, so that new settlers coming out might more easily transfer their capital to the colony. In 1829 such a connection was arranged with Herries, Farquhar and Co. of Piccadilly, whose directors included several old family friends of the Macarthurs.

Some of the business of the trip was more private. Macarthur studied in detail the working of the British wool market, and he watched

---

148 Forbes to R. Wilmot Horton, 23 Mar. 1827, CO 201/188, f. 68; W. Macarthur to Edw. Macarthur, 5 June 1832, ML A2935.
149 James Macarthur to his father, 24 June 1829, ML A2931.
150 Particularly Sir Thomas Farquhar and W.S. Davidson. James Macarthur to his father, 16 Oct. 1828, 12 Mar. 1829, ibid. This was the personal bank of the Macarthur family.
the sale of their own wool. 151 He also paid regular visits to the house of commons during the debates on Catholic emancipation, 'this eternal measure of justice', as he called it. 152 In the winter of 1828-29 he spent about two months in Belgium and Germany. There he saw the battlefield of Waterloo, visited the poet Goethe at Weimar, and inquired into the breeding of Saxon merinos, and the terms on which woolsorters and shepherds were employed in the German states. He was mainly interested in systems which encouraged employees by giving them part of the profits. 153 In Saxony he found a woolsorter who was prepared to take over the sorting of the Macarthur's own wool, an enormous job which had hitherto been done by William. 154

In July 1830 Macarthur left England again with his brother John, and was in Paris during the coup which put Louis Philippe on the French throne. Their father in the antipodes muttered at John's going to such a place at 'this agitated time', and he was 'more at a loss why James should accompany him'. 155 On his return to London, and before

151 James Macarthur to W. Macarthur, 10 Nov. 1828, 7 Nov. 1829, 1 Apr. 1830, Some Early Records ..., pp. 422-40.
152 Macarthur's speech at a public dinner, 19 July 1843, Australian, 21 July 1843.
153 Macarthur's journal of a tour through Belgium and Germany, 14 Nov. 1828 - 2 Jan. 1829, ML A2929/B (no pagination).
154 W. Macarthur to Edw. Macarthur, 4 July 1840, ML A2935. The contract with the new sorter promised him bonuses in his salary according to the price at which wool was sold (articles of agreement between James and W. Macarthur and C.F. Koelz, 17 June 1830, ML A2964).
155 Mrs. Macarthur to Edw. Macarthur, 27 Dec. 1830, Some Early Records ..., pp. 464, 465. It is not clear that John and James went to Paris especially to see the revolution, after it had started. John was seriously ill and went on to Switzerland to recover, so that James may simply have been going with him part of the way. There is no evidence for exact dating.
leaving for home, Macarthur also gave evidence before a royal commission appointed to inquire into colonial revenue.\textsuperscript{156} There is no record of his reaction either to the French revolution or the inquiry.

One last purpose of Macarthur's visit to Europe was to find a wife. This seems to have been his father's idea. No doubt John Macarthur hoped for an English union which would affirm for ever his own achievements, for did not his two eldest sons dine daily with peers? James was more cool, more sure of himself, and less ambitious. Soon after his arrival he wrote home to report that among other difficulties, 'all John's acquaintance are in circles far too high to suit a society so peculiar as ours'. Also he felt that

in the present uncertain state of the colony and the fluctuating position of our affairs ... it would be the height of imprudence in me to entail fresh incumbrances.\textsuperscript{157}

So he returned alone.

\textsuperscript{156} James Macarthur, 'Heads for an article on past life', Feb. 1865, ML A2928. The commission was appointed on 21 June and reported on 8 Dec. 1830. Since Macarthur left for home in September, he probably gave evidence about August. The evidence was not printed and inquiries by Dr. Susan Eade in the Public Record Office have established that the MS record has not survived.

\textsuperscript{157} James Macarthur to his father, 7-8 Apr. 1829, ML A2931.
Chapter 3
Land and Immigration 1831-1833

When James Macarthur returned from Europe in February 1831, he was far more optimistic and clear-sighted about the colony's future than he had been in the late 1820s. He had now formed a friendly acquaintance with numerous important Londoners interested in New South Wales, and he had learned something of the way in which colonial matters were dealt with in Downing Street. The attention of officials and businessmen no doubt flattered him, so that the trip probably increased his self-confidence. But most of all he now realised that the social evils rife in the colony were slight compared with those of Europe. ¹ He always thought 'the basis of our laws ... to consist in Christian charity'. ² It was only partly homesickness which now made Australia seem a Canaan of order and charity, compared with the antique bitterness of England and the chaos of France. His family, he thought, were lucky to live in a country where divisions were not ingrained, and where good work might still do so much. 'True happiness after all', he told his mother, 'consists in useful and honorable employment with occasional recreation. All this we have within ourselves at home to a much greater extent than persons in England.' ³

¹ James Macarthur to his father, 11 July 1829, ML A2931.
² His speech at an election meeting, 6 Feb. 1843, Australian, 8 Feb. 1843.
³ James Macarthur to his mother, 7 Apr. 1829, ML A2931. Note how Macarthur made a point of reversing the usual contemporary meaning of 'at home' (the emphasis is his).
From now on he was to rely on the native resources of the colony, and to believe that its difficulties 'are only to be cured by patient efforts upon the spot'. He was determined, he said, to look 'more to the advantages around us and less to the evils', and to depend far less on private links with British politicians, 'who have too many troubles of their own ... to think of the complaints of poor Australians'. At the same time he found that the economic position of his family was improving. By the time he left for home the London wool market had begun to revive and it was clear that, even compared with British capitalists, they were now 'most fortunately circumstanced'.

This new independence matched Macarthur's brand of nativist patriotism. But it had other causes. It has been mentioned that his family's power in New South Wales was partly a result of the younger John Macarthur's influence in London, particularly his friendship with Wilmot Horton. This influence had suffered with the appointment in 1825 of a second under-secretary in the colonial office, Robert Hay, who looked after the eastern colonies, Horton keeping only British North America and the West Indies. In January 1828 Horton left the office altogether. John still had some links with government, until November 1830, when the Duke of Wellington was succeeded by Earl Grey, the first whig premier since 1807.

4 James Macarthur to his father, 11 July 1829, ibid.
5 James Macarthur to his father, 24 June 1829, ibid.
8 John's particular patron, Lord Lyndhurst, was lord chancellor during the premierships of Canning, Goderich and Wellington, April 1827 to November 1830.
By then the Macarths, including John, had also given up their close connection with the Australian Agricultural Company, and so with the important London businessmen who controlled it.  

Finally, in April 1831, after James had returned home, the younger John Macarthur died, leaving only his brother Edward as the family's representative in London. Edward was now a major in the army and secretary to the lord chamberlain. He was not completely useless as the family agent, but he was much less willing and able than John had been, his ambitions being social rather than political.

* * *

The first great political issue to arise after James Macarthur's return was well suited to test his new enthusiasm. It concerned the local regulations for the disposal of crown land. Originally the only way in which a settler could acquire land from the crown had been by free grant, the size of each grant depending on the amount of money he had to spend on its cultivation and improvement. He was afterwards expected to pay a small annual sum to the government as quit rent, but was rarely forced to do so. From 1825 grants were also made by sale to approved buyers. The normal price was 5s. an acre, the grantee paying 10 per cent deposit and the balance over two or three years, together with quit rent.

9 James Macarthur to his father, 24 June 1829, ML A2931; James Macarthur to the directors of the A.A.Co., 27 June 1829, ML A4317.
10 John was only 36, and was said to have died of 'an effusion of water on the brain' ('Memoir of John Macarthur, Esq. of Lincoln's Inn, London', Sydney Herald, 3 Oct. 1831).
11 Edw. Macarthur to James Macarthur, 6 July 1831, ML A2913, and 5 Mar. 1832, ML A2914.
12 Until 1823 quit rent was levied at the rate of 2s. per 100 acres. When Macarthur wrote the rate was 5% of the value of the land (i.e. 25s. per 100 acres of land valued at 5s. an acre).
There was widespread discontent about these rules, which increased as Darling's methods of managing sales became more and more involved. Among others, the Macarthurs disliked his 'unwieldy system', and while in England James had suggested to Horace Twiss, the parliamentary under-secretary in the colonial office, that it ought be reformed. The way in which Macarthur explained his own ideas to Twiss was characteristic. He seems to have inherited from his father a belief that social problems could only be effectively met with simple honesty and common sense. He later grew used to explaining himself more carefully, but in this case, in spite of the difficulty of the subject, he stated his argument in a bland few words. He said that he was concerned only with general principles, and that details should be left to the local legislature.

He had two objections to the land regulations. First he disliked the cumbersome procedure by which land was allocated. He thought that 'a general average value' should be put on waste land, which was in fact official policy. He also suggested that the new land board should be abolished and its responsibilities handed back to the colonial secretary. This proposal was dismissed out of hand.

14 W. Macarthur to Edw. Macarthur, 5 June 1832, ML A2935.
15 James Macarthur, 'Suggestions relative to the appropriation of crown lands in Australia', (enclosed with Macarthur to Twiss, 10 Jan. 1829), CO 201/297 ff. 210-3. The paper is about 1100 words long.
16 The price of land had been fixed at 5s. an acre in 1825, but it had generally been sold at a lower price as a concession to settlers during the depression of the late 1820s.
17 Marginal notes on Macarthur's 'Suggestions relative to the appropriation of crown lands in Australia'.
Macarthur's other objection was more fundamental. It rested on two assumptions. He first argued that the unsettled parts of the colony had a merely 'prospective' value, to be realised only by the introduction of labour and capital. He also believed that there was in the mother country 'a redundant capital and population, which are at this moment causes of uneasiness to Great Britain'. The generous granting of land in Australia would open up a field for the employment of these resources, and because the profits were still only potential, the land should be treated 'as a fund to encourage the emigration of respectable families ... a bounty upon emigration'. That is, it should be given freely for reasons of policy, and also on principle, because it had no value for the time being.

Two points should be made about this argument. The idea of regular government assisted emigration was a new and controversial one. One of its chief exponents was Wilmot Horton, so that Macarthur was probably familiar with the debate. Horton was mainly concerned with sending emigrants to Canada, and in this case government aid consisted of a loan to the English parish authorities who had people to send out. Here the government was playing a part more or less consistent with the one given to it by the prevailing school of classical economists. It was merely supporting a useful public institution which could never repay

---

18 This was not strictly true of grazing land, where values could only increase appreciably by the expansion of settlement. The main value of pastoral estates lay in their feed, water and accessibility to markets, which owners could do little to improve. In fact good pasture could be steadily destroyed by sheep over a number of years.


20 Some of the classical economists were less enthusiastic than others (Donald Vinch, Classical Political Economy and Colonies, London 1965, pp. 51-72).
private enterprise, one of the three duties ascribed to it by Adam Smith. 21

Macarthur made very different assumptions about the proper role of government. He was led to do so partly because he was thinking of emigrants who would be able to pay their own way from England, so that the help they needed would not be financial and immediate. It was characteristic of him to believe that the rich and the poor might equally hope for state aid in the pursuit of their particular ends. But the important point is that while the classical economists simply allowed the government a practical control over unused resources (as in this case, colonial lands), Macarthur seems to have thought of the state as a vast corporate entity owning these resources, and able to draw on them as 'a fund'. This was a new idea, and it was closely connected with his later political attitude.

The reference to 'a fund' jarred with the current orthodoxy, but Macarthur's other statement that 'redundant capital and population ... are ... causes of uneasiness to Great Britain', was a direct contradiction of prevailing theory. Both Ricardo and McCulloch, the most respected authorities of the day, maintained that while there may sometimes be too many people for a nation's needs, there could never be too much capital. It was fundamental to their thinking that, since the desire to consume was unlimited, there would always be ways in which capital might be used to meet demands within the present system. 22


Later in the year (1829) Edward Gibbon Wakefield was to challenge this idea in his Letter from Sydney, but when Macarthur wrote the only authority to have questioned it at length was Sismondi, whom he had met in Geneva. Sismondi's classic work *Nouveaux Principes d'Economie*, had appeared in 1819, and it was perhaps the source for this part of Macarthur's argument. No English translation had yet been made, so that Sismondi's ideas were not well known in England, and they would certainly not have been taken for granted, as Macarthur seems to have assumed in his paper.

The idea of the superabundance of capital was one of the main points on which Sismondi differed from the classical school. He was the first to write of trading cycles as proof that over-production was possible. More fundamentally, he questioned the advantages of an economic system whose whole motive force was competition and self-interest, and whose object was sheer wealth.

*L'accumulation des richesses dans l'Etat n'est point, d'une maniere abstraite, le but du gouvernement, mais bien la participation de tous les citoyens aux jouissances de la vie physique, que la richesse represente.*

Thus he also took a different view of the role of the government in the economy. He maintained that the state had a right to intervene to see that the national resources were used and distributed so as to benefit

---

23 However Malthus had made a brief attack in 1824, in a review article headed 'Political Economy', *Quarterly Review* XXX, p. 297-34; Winch, op. cit., pp. 77-81; Peter Burroughs, *Britain and Australia 1831-1855*, Oxford 1967, pp. 16-17.

24 Sismondi's work was published in Paris. There is no copy of it among Macarthur's extant library at Camden Park.

all its subjects. In 1836 he wrote that 'Property is a concession of
the law, it is under the protection of the law, and it should be
subjected to the law'.\footnote{Quoted ibid., p. 115. Compare Rousseau: 'the State, by reason
of the Social Contract which, within it, is the basis of all
Rights, is the master of all its members' goods' ('The Social
Locke, Hume and Rousseau, London 1947, p.264).} Property was not simply the expression and
reward of private enterprise. It was also to be seen as the function
of resources dispensed by the state. In this way Sismondi's attitude
to the state seems similar to that taken by Macarthur when he wrote of
colonial crown land as 'a fund', having a prospective' value. It will
be seen that there was a more profound resemblance in that Macarthur
also believed in the absolute moral force of man-made law, especially
where the law was based, as Macarthur thought, on 'the original compact
of society'.\footnote{Macarthur's speech, [30 Aug. 1853], in E.K. Silvester (ed.), The
Speeches, in the Legislative Council of New South Wales, on the
second reading of the Bill for Framing a New Constitution for
the Colony, Sydney 1853, p. 139.} At this period of his life, at least, he never argued
from natural and indefeasible rights, proprietary or civil.

Later Macarthur was to show less confidence in the good intentions
of the state, and more in private enterprise. In 1852 he was to refer
to himself as a late convert to the doctrine of free trade. But he
still refused to see the ideal political or economic system as a mass
of contending atoms. Even at that stage he commended free trade in
qualified terms, as

free intercourse in all things, as far as was consistent with
the general interest of the community at large.\footnote{Macarthur's speech in the legislative council, 22 July 1852, SMH,
23 July 1852.}
Events had taught him - as they had taught many others, including Sir Robert Peel - that protective tariffs must always be useless and unjust. Whatever they aimed to do, they must in fact 'bolster up particular interests to the immediate injury of the interests of all others, and to the ultimate ruin of their own'.

Macarthur's early attitude to the duty of the state perhaps derived from his reading of Sismondi. No doubt he was also influenced by his tendency to think of human groups in abstract terms. Thus he considered the state, not as an aggregate of personal interests, but as a corporate entity with its own obligations to fulfil and its own credit to uphold. But perhaps even more vital was his experience of the all-embracing power of officialdom in New South Wales, where both land and labour were in the crown's immediate gift.

* * *

Macarthur's ideas on the disposal of land were not well received at the colonial office. It was thought that to give up revenue from crown lands would be unfair to 'the public', and Twiss was also confident that emigration to the colony did not depend on the level of quit rent. Macarthur's more important idea of exporting both labour and capital to Australia did in fact become part of government policy, but only after it had been explained more convincingly by Wakefield.

---

29 Macarthur's speech in the legislative council, 21 July 1852, ibid., 22 July 1852.
30 Marginal notes on Macarthur's 'Suggestions relative to the appropriation of crown lands in Australia'.
What is more, while Macarthur had wanted to see British capital spent on the improvement of estates in the colony, Wakefield and the government decided that it should be used instead for their purchase from the crown. The secretary of state, Lord Goderich, was not apprehensive that this policy might limit the emigration of men with money, because his main concern was with England's redundant population. He believed that it was 'unemployed British labourers' who should be thinking of a new home in the colony, and (unlike Macarthur) he had no doubt that they would find masters there who would be able to pay them well.  

But Goderich agreed with Macarthur that the current system needed reform. In the early part of 1831 he announced that entirely new principles would henceforth guide the disposal of waste lands in the colony. The exact relationship between this change and Wakefield's recently published ideas is debateable. But there is no doubt that while old precedents pointed in a general way to the final solution, that solution was expressed in distinct Wakefieldian terms.  

Wakefield and the colonial office agreed on three points: first the need for land to be sold at a fairly high price and the end altogether of the free grant system; second, the need for close rural settlement modelled on the agricultural communities of the mother country; and third, the need to limit the facility with which immigrant labourers might make themselves landowners, so that the colony would

---

31 Lord Goderich to Darling, 9, 23 Jan. 1831, HRA i, XVI pp. 20,34-8.
always have an adequate work force. The government tended to ignore another integral part of Wakefield's scheme, namely that labourers should not be prevented altogether from buying land and making themselves independent. Wakefield had proposed what he called 'the sufficient price', a fixed price applying to all crown land, which was to be low enough to give every immigrant a fair prospect of buying, and high enough to ensure that some served as labourers first. Instead of a fixed price, the secretary of state laid down a high minimum price (5s. an acre) and ordered the governor to see that all crown land was henceforth sold at public auction.

The secretary explained that a high price was 'absolutely essential for the purpose of checking the dispersion of Settlers'. He realised that it would make it hard for pastoralists to buy enough land for grazing, but he did not think of this as a real problem. Such people, he suggested, might be allowed to lease unsold land on a year-to-year basis. He was clearly less concerned with the grazing industry than with the raising of revenue and the growth of the small farming communities envisaged by Wakefield. Efficient production and orderly, civilised settlement must both depend, he thought, on the more intense cultivation of land around Sydney.

33 Burroughs, op. cit., pp.50 et seq.
34 Goderich to Darling, 9 Jan. 1831, HRA i, XVI p.22.
35 Goderich to Darling, 14 Feb. 1831, HRA i, XVI pp.82-3.
36 Ibid. p. 83.
37 Goderich to Darling, 9 Jan. 1831, HRA i, XVI p.21.
The imperial government had a clear picture of the type of colony it wanted to see in New South Wales. But it thought that the ideal was to be realised by giving up some of the powers which it had exercised through the governor, namely the exact supervision of settlement, the choice of settlers and the allocation of land. It declined to play the role which, according to Macarthur, it now had a vital duty to play. A minimum price having been fixed upon, everything was to be left to a mechanism driven by (but also modifying) private enterprise. Underlying the whole scheme was the laissez-faire conviction that somehow the effect of sheer accumulated liberty must be the one desired. Even the minimum price was mainly a result of the competitive interest of the state itself. Like the advocates of the rights of man, the authorities in Whitehall seem to have thought that the foundations of an ideal society must be, not obedience and self-sacrifice, but unimpeded rational self-interest.

Lord Goderich afterwards became Earl of Ripon, and the new rules for land sales were called the Ripon regulations. They were outlined in Goderich's despatch to Darling dated 14 February 1831, and published in the Sydney newspapers in early August. The new procedure required that every settler wanting to take up crown land should find an unappropriated site suitable to him and make an official application for it. It would then be advertised for sale and, after three months, put up for auction at the new reserve price. The successful buyer was then to pay into the treasury a deposit of 10 per cent and the balance within a month. 38

38 Goderich to Darling, 14 Feb. 1831, HRA i, XVI pp.80-3; Sydney Gazette, 2 Aug. 1831.
In the same despatch Goderich drew the governor's attention to the fact that many settlers were long overdue in their payment of quit rent, and also that some had not yet paid for land which had been reserved for them several years before under the old regulations. These payments, he said, should be enforced as early as possible, because it was unfair that old land-owners should be treated more leniently than new ones.  

The result was a government notice dated 22 August, announcing that all arrears of quit rent to the previous 31 July were to be paid up immediately. It was also ordered that purchases from the crown were to be completed by 1 October, on pain of forfeiting all or part of the areas reserved.  

The Ripon regulations and the notice of 22 August met with a mixed reception in New South Wales. The four Sydney newspapers took up different positions, but neither the Australian nor the Gazette treated the subject in any depth, and it was left to the others to provide detailed matter for debate. These were the Sydney Herald, which had begun publication in April, and Edward Smith Hall's Monitor. The land question was the first on which the editors of the Herald took a clear line. Their opinions are important because the paper already enjoyed a numerous readership, including Macarthur. Part of the reason for the Herald's sudden success was no doubt its cheapness. This led to rumours that it was subsidised by the Macarthur family, and that James was responsible

---

39 HRA i, XVI p. 83.
40 Sydney Gazette, 23 Aug. 1831. This order was later reissued with the date 25 August (ibid., 27 August 1831), and that date was sometimes used to refer to it. The earlier one is used here.
41 Macarthur to the editor, 27 Mar. 1832, Monitor, 4 Apr. 1832.
for its articles on the land question. There is no evidence that either story was true, and the style of the articles makes the second one unlikely. 42

The Herald's analysis of the Ripon regulations was based on the assumption that they were inspired by Wakefield. Having read A Letter from Sydney, the leader-writer was convinced that local money was to be used to bring out and maintain in the colony paupers from English work-houses ... whilst all young Colonists under twenty-one, and hundreds of native born above that age, and multitudes of industrious freemen, are pining in poverty and obscurity, without the means of subsistence.

He pointed out that the colonial waste land was worthless in its native state. Therefore the settler should pay for it over a period, as it became productive. He would then be left with capital for improvements, and meanwhile the money taken from him might be used by the local legislature for public works. But instead, the Herald complained, the imperial authorities would 'cramp and cripple our energies' from a 'total ignorance of the present state of the Colony and its resources', and a dependence on 'the theories of a speculative politician, who has never been beyond the four seas of Britain'. 43

The other side of the debate was represented by Hall of the Monitor. Hall was an intelligent radical, an admirer of William Cobbett, who wanted to see a class of small farmers forming the moral and economic backbone of the colony. 44 He therefore liked the policy of

43 Sydney Herald, 19 Sept. 1831.
44 Monitor, 1 Sept. 1826, et seq.
limiting the size of estates, but he disagreed as to how this should be done. He pointed out that Macquarie had given small farms to ex-convicts and their sons, and to the sons of immigrants, who thus became 'the chief wheat growers of the Colony'; and that Brisbane had established 'a substantial class of yeomanry' on free grants in the Hunter valley, and at Bathurst. These farmers, he said, were a 'much more useful class than the graziers who, by concentrating on livestock, had raised the price of everything else.

Hall agreed that free grants should now be abolished. But he wanted to see all unused land reserved for new settlers and for the sons of colonists who had never received grants. These might be allowed to buy small blocks on easy terms. After he had published this proposal, in his paper on 16 November, Hall received from Macarthur, through Wentworth, a pamphlet put out by the Colonization Society of London. This made it clear that the government had no intention of selling land on easy terms to anyone. He therefore suggested that new immigrants be allowed to lease as much as 1280 acres at a nominal rent, the acreage depending on the capital they could spend on improvements. Others wanting land, such as native-born youths and men 'of small capital, but of industrious habits', should be encouraged to buy their farms, but it is not clear how this was to be done. Such a system, Hall said, would lead to more intensive cultivation, better supplies of

45 Hall's proposed petition to the king, Monitor, 16 Nov. 1831.
46 Wentworth's speech at a public meeting, 18 Jan. 1832, Sydney Gazette, 21 Jan. 1832; Monitor, 21 Jan. 1832. The affair of this pamphlet (for which there is no more evidence) suggests that colonial politics was more friendly than often appears from the tone of speeches and editorials, and from the statements of historians.
'grain, fruit, and other articles of domestic and general use', and most important, 'the concentration of our society'.

* * *

The Macarthur family was disappointed by the Ripon regulations, which seemed to do away with every last virtue of the old system. But they were also worried by the notice of 22 August, which seriously affected James and William as the purchasers of 4000 acres each in Argyle. They had received this land in 1825 in the normal way: at the price of 5s. an acre, on paying 10 per cent deposit and agreeing to pay the balance within three years. In April 1828 they and 24 other landowners in the same position had written to the governor to say that, because of the drought and depression, they would not be able to complete their purchases in the proper time. Darling then agreed that they might pay the sums due in three equal half-yearly instalments. But in the following October new regulations were issued bringing their case into line with a recent change in the method of selling crown land. Having already paid a deposit of 6d. an acre they were now to pay 1s.2d. more, which would make up a third of the total cost. The balance was to be paid off at a rate of 5 per cent (or 2d.) per annum, from the date on which the original purchase money had fallen due. This order gives some idea of the complexity of Darling's land regulations, and it did not apply to all purchases.

---

48 Landholders to Darling [Apr. 1828], HRA i, XIV pp. 207-8.
When the order of 1828 was issued James Macarthur was on his way to England. But William had agreed to comply on behalf of them both, having arranged with the colonial secretary that their ls.2d. an acre should be considered paid because they were already in the government's credit. 51 On 22 August 1831 James and William apparently still owed the government £1133.6s.8d., which they would have expected to pay off within the next 17 years. Now they were told to send in this money within five weeks. James immediately set about writing a petition to the governor, on behalf of them both, asking for exemption. 52

Macarthur described the difficulties which his family and 'the whole agricultural interest of the colony' had met with during the years 1826-30. He drew the governor's special attention to something which was not new, but which had only lately become a threat to the established system of landownership. This was the growing number of small cattle owners squatting on crown land, particularly in the south country, where most of the older and richer settlers had their outstations. 53 They were, he said 'in many cases ... persons of the worst character', who ran stock on the large areas still left between the freehold estates. He accused them of stealing cattle from landowners, and he complained that there is scarcely a respectable paying establishment in the colony which during the last four years has not been subjected to heavy losses by the hovering upon its outskirts of these systematic depredators.

52 James & W. Macarthur to Darling, n.d. (a draft written at the end of August 1831, because it refers to the government notice of '22d. inst.'), ML A2924, pp.8-21.
53 According to the 1828 census 18.5% of the cattle in the south, and 11.3% of the sheep, belonged to non-landowners. This contrasts with 1.9% and 2.7% in the west and (apparently) none in the Hunter valley. (T.M. Perry, Australia's First Frontier, Melbourne 1963, pp.137, 141, 145.) No doubt many squatters were not counted in the census.
Macarthur also maintained that because the squatter did not pay for his land and stock, and had 'none of the decencies of life to keep up', he was able to undersell 'the respectable and bona fide settler' in the Sydney meat market. He argued that it was unjust to make the law-abiding landowner pay such large sums as the new orders required, when the squatter paid nothing at all and was ruining everyone else.

Macarthur thought that their own estates in Argyle had suffered more than most from squatters. He also presented their case as a peculiar one because of the state of the government road which crossed their land at Camden. This was part of the main road leading into the south country which had been surveyed in 1824. John Macarthur had then put up fencing along the route marked out, with the understanding that the government would repay him most of the cost. But the government had no sooner built a bridge giving access to the Camden property than the work was suspended. Since then settlers and stock going into the south country had made their way as they liked through Camden Park, ignoring the fences.  

Macarthur argued that not only had his family not been reimbursed for the fencing, but their pasture and stock had suffered very much by the government's failure to finish the road.  

This petition never reached its destination, and only the draft has survived among Macarthur's papers. Two events - at first sight contradictory ones - seem to have intervened before it could be finished.

54 This is confirmed by the account of the Great South Road in The New South Wales Calender and General Post Office Directory 1832, Sydney 1832, pp. 89-90.  
55 It was presumably the debt for the fencing which was to have been cancelled, or partly cancelled, by the agreement of 1828, but apparently this arrangement had been disallowed (James and W. Macarthur to collector of internal revenue, 20 Aug. 1831, NSWSA 4/30).
and sent off. In the first place the Macarthurs joined a wider campaign of protest. In the second place they decided to fall in with the order of 22 August and complete the purchase of their Argyle estates.

The general campaign seems to have begun during the week ending 3 September, when a number of landowners met at Parramatta to discuss both the Ripon regulations and the order of 22 August. The press reports of the main meeting clearly show how much the Macarthurs were disliked by many of the people of Sydney. According to the Monitor, there were present 'about forty graziers and farmers, chiefly the friends of the families of the Messrs. McArthur', who agreed on a petition which had been 'got up ... amongst the very family of the M'Arthurs; a circumstance enough in itself to excite alarm'. The Australian declared that

Macarthurs were at the head of it. Macarthurs were at the foot of it. A Macarthur took the chair. A Macarthur penned and set to rote the various resolutions. The meeting was to all intents and purposes a meeting of Macarthurites.

It was therefore, the Australian said, 'a meeting where the prejudices, and the influence, and the interests of a certain knot of persons predominated', for

whenever we see these gentry ... making themselves busy, no matter about what, or when, or where, we naturally, we irresistibly suspect that all is not right.58

---

56 Sydney Gazette, 3 Sept. 1831: 'very numerous meetings have been held this week at Parramatta, attended by gentlemen of the first respectability from various parts of the country'.

57 Monitor, 24 Sept. 1831.

58 Australian, 9 Sept. 1831.
In fact the meeting was chaired by Sir John Jamison. But the
discussion centred on a petition to the governor for which the Macarthurs
were no doubt partly responsible. Although the wording is not exactly
the same as in the address James had drafted, the tone is similar and
the same detailed points are made, particularly about the squatters.
The petition concentrated on the notice of 22 August, and the Ripon
regulations were mentioned only incidentally.\textsuperscript{59} The meeting also set
up a managing committee which the Macarthurs may well have controlled,
because its members were once described by Jamison as being resident
at Parramatta, the family headquarters.\textsuperscript{60} Perhaps Jamison was a
figure-head chairman, who owed his position partly to his title.

However, the mere fact that he was chairman does show that this
was not simply an effort of 'Macarthurites'. According to the Monitor
not only James and Hannibal Macarthur, but also John Blaxland, William
Lawson, and several members of the Cox family signed the petition.\textsuperscript{61}
There were two original copies of this document, one of which was sent
into the country for signatures, but both - and therefore the full list
of names - have been lost.

This appeal had some success. Within three days of receiving it
the governor and executive council decided to extend the deadline for

\textsuperscript{59} Petition of 'emigrant settlers and agriculturalists and graziers
in the colony of New South Wales' to Darling, n.d. [sent 8 Sept.
1831], CO 201/220; f. 463.
\textsuperscript{60} Jamison to Darling, 15 Sept. 1831, ibid., f. 477.
\textsuperscript{61} Monitor, 24 Sept. 1831.
payment of purchase money to the end of June 1832, and a notice to this effect was published on 16 September. 62 But James and William Macarthur had already decided to complete the purchase of their Argyle land. They were given credit for £420.11s. on account of the fencing at Camden, and the title deeds were issued on 19 October. 63

The decision to purchase was made about the beginning of September, during the week when the first discussions were held at Parramatta. 64 Within the next fortnight John Macarthur arranged to sell two wharves in Darling Harbour, and three cottages and eight vacant lots adjacent to his Pyrmont estate. For these he received a total of £2,235, but they went on very easy terms, easier in fact than those which the government had lately rescinded for the sale of crown land. 65 The Australian was convinced that there was a trick somewhere. 66 But it seems very likely that all these transactions were linked. They were apparently meant not only to ease the family's financial position, but also to establish their bona fides as disinterested and patriotic managers of the land campaign. This makes it seem likely that they should be attributed to James - who, as his father said, set too little value upon money - rather than to John Macarthur himself.

63 A. Maclean to W. MacpHERSON, 18, 19 Oct. 1831, NSWSA 4/17; Sydney Gazette, 12 Jan. 1832.
64 James & W. Macarthur to collector of internal revenue, 5 Sept. 1831, NSWSA 4/30.
66 Australian, 28 Oct. 1831.
The campaign now moved into a higher gear. From this point it should be seen as an attempt to comprehend and formalise the whole of local opinion, to distil and condense it into a detailed, long-term proposal which the government might adopt as its own. For two reasons this effort can be seen as something unprecedented in the constitutional history of the settlement. First, it sought more than just the granting of straightforward, well-known privileges. Second, it depended on the merging of various shades of opinion, and it was meant to bring in all shades. In other words it was intended to present local ideas with sufficient weight and unanimity, and in sufficient detail, to make them local policy. It therefore represented an early step towards government of the people by the people, or at least by their indigenous leaders. As such it should be seen as following from John Macarthur's constitutional scheme of 1828, mentioned above, in chapter 2. It also represented a notion of corporate self-government which will appear below as something peculiar to James Macarthur's whole career.

In the first days of October an advertisement appeared in the Sydney papers stating that a conference of all those interested in the land question would be held at Parramatta on 6th. The main object was to decide whether a public meeting should be called to petition the king for the amendment of the new regulations, 'with a view to promote the interests of the Colony, and to encourage Emigration'.

According to Macarthur, this development was the result of his meeting

---

67 *Sydney Gazette*, 1 Oct. 1831.
accidentally ... in the streets of Sydney, his learned friend and countryman (Mr. Wentworth), ... to whom he communicated his opinions as to the recent regulations respecting the sale of lands.

He had found, he said, that Wentworth agreed with him, so they had gathered together 'several other influential individuals' willing to act with them. Apparently Wentworth had not been invited to the earlier discussions. In other words this was a unique attempt to link the most exclusive politicians in the colony with the man who held the masses in the palm of his hand.

The advertisement carried nine signatures, including those of Jamison and Wentworth. Macarthur's does not appear, no doubt because his family was then in formal mourning for his brother John, the news of whose death had arrived the week before the advertisement was drawn up. At about the same time the legislative council presented a farewell address to Governor Darling (who was to leave the colony on 22 October) in which the elder Macarthur was not included, no doubt for the same reason.

The meeting on 6 October, like the earlier one, was chaired by Jamison. The resolutions adopted suggest that in spite of the terms of the advertisement, the speakers dwelt on the effect which the new government policy might have on their own pockets. In other words,

68 Macarthur's speech at a public meeting, 28 Nov. 1831, ibid., 1 Dec. 1831.
69 W. Macarthur to Edw. Macarthur, 23 Sept. 1831, NL A2935.
they seem to have ignored general issues, such as the future of immigration. There is nothing to show whether the Macarthurs took part in the discussion. A committee was appointed to draw up a petition to the king, which was to be discussed at a later public meeting. Its members were John, James and Hannibal Macarthur, together with Jamison, Wentworth, Wardell and fifteen other proprietors of land.  

The committee met several times within the next month. Two sub-committees were appointed, 'one in the town, [and] the other in the country', each of which drew up draft petitions. A full meeting on 5 November decided on a final text and agreed to call a public meeting to 'consider and approve' it on 28 November. The committee, according to the Sydney Gazette, took 'every pains' to circulate copies of the proposed petition in the meantime, and it was published in the press several times from 16 November. This careful procedure was something new. Macarthur was later to refer to it as a model way of making sure that an address was both carefully phrased and widely supported. Even Hall of the Monitor had been invited to take part in the discussions. He kept aloof, he said, because 'he differed from

---

73 *Sydney Gazette*, 10 Nov. 1831.
74 *Monitor*, 16 Nov. 1831; *Sydney Gazette*, 17, 26 Nov. 1831; *Australian*, 18 Nov. 1831.
the Committee on elementary principles', and as a result the new petition lacked the unanimity which Macarthur had hoped for.

The petition, as finally drafted, linked the general question of land and immigration with the private difficulties of landowners. The petitioners first complained that the extension of time lately given for the payment of purchase money was too short. The economic troubles of the last few years were mentioned, and the petitioners prayed that the government would go back to 'the liberal terms upon which grants of land were originally given in this Colony'. It was argued that the disposal of land should be seen 'as an encouragement to emigration, and not as a source of direct or immediate revenue', a phrase taken almost verbatim from Macarthur's letter to the colonial office in 1829.

The petitioners suggested that His Majesty's ministers had been led astray by 'mistaken, though, we presume, well-meaning theorists'. New South Wales was a country whose future depended partly on the products of the sea, and partly on the limitless grasslands, 'available for pastoral purposes in their natural state'. The petitioners implied that in a country which was not naturally agricultural, the best means of colonisation could only be worked out by graziers. They argued that immigration and the useful occupation of the land would follow from giving free grants to new arrivals, to young men born in the colony, and

---

76 Hall's speech at a public meeting, 18 Jan. 1832, Sydney Gazette, 21 Jan. 1832.
77 Macarthur's speech, ibid.
78 Sydney Gazette, 26 Nov. 1831.
to 'other deserving inhabitants', who might then build up their holdings by purchase. The original area might be anything up to 2560 acres each, depending on 'the settler's rank in life', 'the number of his family and servants', or some such criteria.

The petitioners thought that the grants should carry a low quit rent. They recommended 2s. for every 100 acres, as Macarthur had done in his letter of 1829. Land sold by the crown should be publicly auctioned, with a low reserve price, and credit should be allowed at 5 per cent interest. The petitioners assumed that the money saved under these easy terms would be spent on the estate. They also suggested that each purchaser should use the interest due on his debt to pay for the passage of British labourers to the colony, and that he should be given the option of spending the capital in the same way. It was explained at the public meeting that the settler might use an agent in England to find people for him and to arrange their departure, and that he would employ them himself when they arrived. In other words, the petitioners hoped that even in buying land, it would be possible for the settler to use all the purchase money to his own advantage.

This plan differed from those of Hall and the government in two important ways. One was its concentration on grazing rather than on agriculture. This was justified by the idea that the country was naturally pastoral. The petitioners wanted to see the process of land

79 Wardell's speech at a public meeting, 28 Nov. 1831, ibid., 3 Dec. 1831.
settlement directly under the control of local authorities, including the larger landowners, who were mostly graziers and whom they saw as the centres of civilised order in their own districts. This leads to the second difference, namely the greater responsibility which the petitioners would have given to the colonial government in the selection of settlers and the allocation of estates. They obviously believed that the local administration, the improvement of the land, and the management of the convicts, were already in good hands. They were afraid that the present authoritarian regime, with its clear-cut policies, was to be replaced by a system of aimless and irresponsible free enterprise, where everything would be left to chance.

The petitioners drew a dismal picture of what the future might be if the new regulations were continued. The sale of land and the immigration of landowners would drop off considerably. Those whom they called 'the more respectable class of Colonists' would no longer be able to add to their pastures with ease and security. Many, they thought, would even given up those grazing concerns which, under their direction, have been found particularly applicable to the employment and reformation of the convicts, besides being productive of general benefit.

Areas which might have been taken up by such settlers would then be used by mere squatters, who 'must soon degenerate into a state verging on barbarism'. And so, concluded the petitioners, the land reforms 'would inevitably give rise to the very evils they were intended to prevent'.

Events were to dispel the petitioners' fears about immigration. But
the last part of their forecast turned out to be very accurate. No doubt the government would have been unable to cope with the coming wool boom and the rush for new pasture under any system of land disposal. Certainly the petitioners did not foresee that many from 'the most respectable classes' would become squatters themselves when their livestock began to overflow their freehold estates. But whether or not these events were inevitable, it is also true that squatters of all sorts soon became the colony's most important primary producers, that they were very hard to control, and that some at least 'verged on barbarism'.

* * *

The Monitor and the Australian always took it for granted that in so far as the protest against the land reforms was self-interested it must be inspired by the Macarthurs and their friends, who wanted to amassed vast estates at a minimum cost. On 28 October the Australian called for a public meeting as soon as possible to prevent the Macarthurs from taking over the campaign. But several days later, when a meeting seemed imminent, the editor decided that the family 'no doubt will find

---

80 In 1837 Macarthur recognised that the abolition of free grants had been overdue, and that 5s. was a fair minimum price, but he warned that any increase would force settlers to become squatters (his evidence before the select committee on transportation (house of commons), 1837 (518) XIX, p. 172 (19 May 1837)). In 1842, when the minimum price had been increased to £1, he proclaimed the inevitable result, 'squatting was fast superseding settling' (his speech in the legislative council, 23 Aug. 1842, SMH, 24 Sept. 1842).

81 Australian, 28 Oct. 1831.
it very convenient if possible to get the sanction of a public meeting to their petition. The petition itself, when it appeared, was treated in the same way. The Australian agreed with the argument used against the Ripon regulations. But, wrote the editor, from the parts dealing with the arrears of purchase money 'we decidedly and wholly dissent'. He assumed that these were the work of John Macarthur:

Oh, John Macarthur! John Macarthur, oh! ... We never conceived you to be the astute calculator which this handiwork of yours bespeaks you.

The meeting on 28 November, at the Red Cow Inn, Parramatta, was, as the Gazette pointed out, the first of its kind in the colony. It was also the first public gathering at which James Macarthur was a leading figure, and he took a lot of trouble to make a good impression. According to the Australian, he had 'evidently rehearsed his part at least seven times over'. But the reporter conceded that his 'enunciation appeared to us remarkably clear, and his language fastidiously correct'. What is more, he 'displayed the education of a gentleman, and a rather winning courtliness by no means characteristic of his family'. The Gazette, which was always more friendly, commented on his 'very neat and appropriate speech'.

Except for Dr. William Bland, none of the old, well known members of the committee spoke at the meeting. Instead it was Macarthur who gave the opening address and who proposed that the petition

---

82 Ibid., 4 Nov. 1831.
83 Ibid., 18 Nov. 1831.
84 Sydney Gazette, 1 Dec. 1831.
85 Australian, 2 Dec. 1831.
86 Sydney Gazette, 1 Dec. 1831.
be adopted. This suggests that, in spite of being by far the youngest committeeman, he had been a guiding force in the work of the previous two months. As he implied very strongly, he came forward as one of a new generation, absolutely committed to the colony and as free as possible from the feelings engendered by old feuds. He began his speech by making it clear that this was not 'a party meeting'. None of his family, he said, had any selfish interest in the subject because they had settled all their debts to the government. His only object, he explained, was 'the good of his native land'. He was therefore glad to be associated with the patriot Wentworth, 'his learned friend and countryman'.

He then explained that the petition recommended sale of crown land by auction because that would prevent any suspicion of favouritism. He also announced that he had just received news from London that a royal commission had been set up to enquire into emigration to the colonies. He finally expressed the hope that this was the beginning of 'a fresh era in the annals of the colony', and that 'a spirit of unanimity is beginning to prevail in our community'.

He was seconded by Wardell, who also pointed out that he had no selfish interest in the success of the petition. The fact that he was able to say so was no doubt the reason Wardell was chosen as seconder

87 Ibid.; Australian, 2 Dec. 1831. The two reports of the speech vary slightly, as usual.
88 In fact this was not a commission of enquiry, but a board appointed on 24 June 1831 to answer the questions and smooth the way for private emigrants to the colonies (Madgwick, op. cit., pp. 93, 99). The press reports of Macarthur's speech may be inaccurate.
rather than Wentworth, who was not in the same position. Wardell also explained how the petitioners hoped to encourage the import of both labour and capital:

The petition was not to get rid of the sales, but to put the emigrant on that footing on which he had a right to be put, instead of obliging him to spend the entire of his means in obtaining land ... The principle of the petition was, that the Crown should sell land, in order to ensure a sum of money, to be appropriated by each purchaser in bringing out free labourers, in proportion to the quantity of land he purchased ... it would be ... an employment of English capital for the benefit of this country.

Wardell did not explain the advantage of having immigration organised by the settlers themselves, except to say that a government system would cost more. The omission is not surprising, because there was no reason for thinking that the government was planning aided emigration to New South Wales. Six weeks earlier the Rev. J.D. Lang had arrived with 59 skilled labourers, 'the most important importation the colony ever received', whose passages had been financed by a government loan. But this was the result of one man's initiative and, as Macarthur pointed out later, it really showed that settlers could find good labourers by themselves.

During the 1830s both Lang and the Macarthurs clarified their ideas on privately organised immigration. According to Macarthur they agreed on the main principles to be followed. Both aimed to remove what

89 Sydney Gazette, 15 Oct. 1831.
90 James Macarthur to Lang, 29 June 1833, CO 201/235, f. 480. See also John Macarthur sr. to Lang, 17 Nov. 1831, ML A2900.
he called 'the plague spot ... from the face of our society', namely the evil influence of the convicts, and both thought that this could be done by carefully managed immigration. 91 Lang wanted to bring in small communities en bloc from the British Isles, each with their own craftsmen and minister of religion. These were to be settled on small farms away from the existing towns, each group being more or less self-sufficient, so that 'the moral restraints of their natural vicinage might continue in vigorous operation in their new settlement'. 92 Small farming clustered around Sydney, that seat of evil, must be 'not so much a concentration of population as a concentration of vice and villainy'. 93

Lang also hoped that such people might become tenant farmers on large estates. This was the plan followed by the Macarthurs at Camden in the later 1830s, with Edward acting as recruiting agent in England. 94 According to William they considered it a matter 'of the highest importance' that colonists should choose and bring out their own immigrants wherever possible, and he added that the people should be kept together 'in sufficient numbers to form the nucleus of a rural community'. 95 Edward stated as a guiding principle that everyone going out should know exactly what his prospects were. 96 Also, he thought,

91 Macarthur to Lang, 29 June 1833, CO 201/235, f. 480.
92 J.D. Lang, Emigration: considered chiefly in reference to the practicability and expediency of importing and of settling throughout the territory of New South Wales, a numerous ... agricultural population, Sydney 1833, p. 16.
93 Lang to R. Wilmot Horton, 18 Apr. 1831, Catton papers.
94 Lang, op. cit., p. 14; Edw. Macarthur to his father, 13 June 1832, ML A2914.
95 Macarthur's evidence before the select committee on emigration (legislative council 1835), VSP 1824-37, II pp. 319-20.
the process must be gradual, 'a pair here and another there, issuing it is true like mere drops, from the mass of the population, but forming collectively a considerable body'.

It was this piecemeal aspect of privately organised immigration which was its worst fault. E.S. Hall pointed out after Wardell's speech on 28 November that the scheme which he and Macarthur had proposed would relieve Britain of a mere quarter of a pauper for every thousand acres sold here. He argued that no petition would be well received at home if it did not try to balance the needs of the mother country with those of the colony. He also remarked that large estates sold on easy terms would be snapped up by absentee, which would mean the disinheriance of their own people. He thought that the petitioners' plan would be rejected in England because it would hinder working class emigration, and that it should be rejected here because it would bring in too much British capital. Finally, he read a petition of his own.

Neither of the petitions was adopted by the meeting. Instead William Bland moved that they break up until another day, mainly because the meeting had been too badly attended to give it any authority. He suggested that they meet again at Sydney sometime after the arrival of General Bourke, the new governor, who was due any day. Macarthur agreed that too few people had come, and Bland's motion was passed. Some argument

98 Sydney Gazette, 3 Dec. 1831.
followed about whether the next meeting should be held at Sydney or Parramatta, Sydney being pressed by those who wanted to see public opinion more directly involved. Macarthur preferred Parramatta, no doubt because he thought that public opinion at Sydney was not the careful and deliberate kind they wanted. This attitude carried the day and the vote went to Parramatta.

Governor Bourke arrived in the harbour four days later, and soon afterwards the committee arranged for the meeting to be reconvened on 18 January. But on 9 January a new government notice was issued extending the deadline for the payment of purchase money to the end of March 1834. There were a number of committee members who now saw no point in going on, and this strengthened suspicions that the committee was inspired only by self-interest.

The proceedings on 18 January were rather confused. It was Wentworth who made the opening speech and who moved, on behalf of the committee, that the meeting be adjourned sine die. The notice of 9 January had dealt with the question of arrears and, he said, 'it is impossible not to admit that this was the most pressing object adverted to at the last meeting'. Therefore, he argued, the petition ought to be given up. The meeting was not much impressed with this argument. The numbers were even smaller than last time, but more people had come from Sydney, and there was a strong lobby for Hall's point of view. Wentworth's speech was answered by several angry radicals, who pointed out that it contradicted the address he had helped to draw up.

---

100 Ibid., 10 Jan. 1832.
101 Ibid., 17 Jan. 1832.
102 Ibid., 21 Jan. 1832.
Macarthur rose to support Wentworth's motion. He began by answering a personal remark made by the opposition. In his speech in November, he explained, he had only excused his own family from self-interest. He had not been qualified to excuse the whole committee. He added that although Wentworth had given the impression that the whole matter was to be forgotten, this was not the intention of the committee. But, he said, the petition would clearly have to be altered. There were a number of other speeches. A proposal from the radicals, that they adjourn for four weeks only, was then put to the meeting, 'the Messrs. Macarthur cheering most audibly' when it was declared lost. Finally, as a compromise, it was decided that they should meet again in six months time.

But this was the end of the campaign against the Ripon regulations. Next day Governor Bourke announced, in opening the annual session of council, that for the time being the proceeds from the crown land sales would be entrusted to the council, and he hoped that 'a considerable proportion' would be used to bring in labourers. According to Macarthur, speaking some time later, this statement ended all dissatisfaction with the land reforms.

But the governor's speech did not contain any long-term assurances, and he certainly did not answer the main objections which had been

103 Australian, 20 Jan. 1832.
104 Sydney Gazette, 21 Jan. 1832.
105 Macarthur's evidence before the select committee on transportation, 1837, loc. cit., p.172 (19 May 1837).
made to the Ripon regulations. In fact the real reason for the end of the affair was a less worthy one. Macarthur was no doubt referring to his own motives when he explained that the public meetings had been called because of a belief that the regulations would discourage wealthy immigrants.

It was not so much a feeling of dissatisfaction on the part of the colonists settled there, because they could obtain no more land beyond what they had already obtained by grant; if they purchased land under the old regulation, they must have given 5s. [as he had done in Argyle].

This passage seems to contain the real explanation as to why the campaign was dropped. Events at the last meeting show that many of Macarthur's colleagues, particularly Wentworth, were more concerned with the question of arrears of purchase money than they were with the Ripon regulations, which they knew could not affect them seriously. In fact, as many must have foreseen, it was the old settlers who were to benefit most from sales by public auction.

In other words the notice of 9 January, which put off the deadline for the payment of purchase money, ended the whole concern of the settlers in debt. Since many of these were important men, it therefore disabled a campaign which was supposed to have much broader aims. So much for Macarthur's naive idealism. This was not the last of his patriotic

106 Ibid.

107 This was because their knowledge of the land and their local connections allowed them to turn each auction to the best advantage (K. Buckley, "E.G. Wakefield and the Alienation of Crown Land in N.S.W. to 1847", Economic Record 33, 1957, pp.65-6; Peter Burroughs, Britain and Australia 1831-1855, Oxford 1967, pp. 229 - 30).
schemes which was to come to grief on that irreducible rock, William Charles Wentworth.

* * *

Between 1832 and 1836 a total of 3882 assisted immigrants arrived in New South Wales, under a scheme managed by the colonial office and financed from the land fund.\textsuperscript{108} They were mostly women taken from workhouses and charitable institutions, where they had been poorly trained for the work of removing 'the plague spot ... from the face of our society'.\textsuperscript{109} There were many complaints about the quality of the immigrants, and in October 1835 Governor Bourke suggested reforms which would give the colonists more control over the way their money was spent. These provided for a 'government system', where agents appointed by the local government were to look after the selection and passage of immigrants, and a 'bounty system', where settlers would be reimbursed for bringing out their own labourers. This plan was approved by the colonial office, and an agent-general was appointed by the secretary of state to supervise the working of the government system at home.\textsuperscript{110}

\textsuperscript{108} Madgwick, op. cit., p. 223.
\textsuperscript{109} Ibid., pp. 103-10. The quotation comes from James Macarthur to Lang, 29 June 1833, CO 201/235, f.480.
These reforms partly made up for the faults which Macarthur had seen in the Ripon regulations. Not only was the money from crown land sales to be spent on immigration, but the landowners themselves were to be given the chance of bringing in the people they wanted. The Macarthur's were among the first to use the bounty system. In 1836 Edward arranged for 16 families of agricultural labourers to settle at Camden. They came under an agreement that they were to be employees for five years, and were then to have a small flock of sheep on credit and the lease of a farm. The aim was to 'form the nucleus of rural communities sufficiently numerous to repel the influence of bad example from without'. Edward also sent out several families from the Rhine valley, mainly vine-dressers, who had no doubt made the same sort of agreement. By July 1839 he could boast that he arranged the embarkation of 238 people, which was about 10 per cent of the total so far sent out under the bounty system.

* * *

In retrospect, it is clear that James Macarthur played a central part in the campaign against the Ripon regulations, and that he had suddenly taken the lead from older and more experienced politicians. This was not so clear at the time. He was busy in private, but his

---

112 Edw. Macarthur to Sir G. Grey, 27 Nov. 1836, CO 201/258, f. 201.
114 Edw. Macarthur to H. Labouchere, 15 July 1839, CO 201/293, f. 85. The total number of bounty immigrants which had arrived so far was 742, in 1837, plus 1622, in 1838 (Lord Stanley to Sir G. Gipps, 14 Oct. 1841, HRA i, XXI p. 545).
public speeches were brief and unemotional and he made no attempt to offer himself as a popular leader. There was therefore no idea abroad that an important political career had begun. For several years he was to remain, in the words of the Gazette, 'a gentleman of whom we know nothing, save that his extremely mild and courteous bearing on these occasions is worthy of imitation'. 115

But to the historian, the events of 1831-2 show Macarthur laying down for himself a clear line of duty, as a native patriot. According to Hall, many of the native-born were 'high-minded even to arrogancy'. 116 Macarthur was the same, and he now aimed to give the colony a system of authority which would open new fields for high-mindedness, extend the limits of constitutional action, and channel the selfish forces of free enterprise. In the first place he wanted to make public opinion a formal, comprehensive and cogent force. In the second he hoped to see his own ideals stirring the community spirit of those whom Hall called, with perhaps a little exaggeration, 'the proudest people in the world'. 117

115 Sydney Gazette, 2 Feb. 1833.
116 Hall to Sir G. Murray, 17 Nov. 1828, HRA i, XIV p. 580.
117 Ibid.
Chapter 4

Church and Constitution 1833-1836

The whig administration which came to power in England in November 1830 was responsible not only for the Ripon regulations, but also for the appointment of Major-General Richard Bourke as governor of New South Wales.¹ Bourke was a liberal whig deeply interested in his party's reforming principles. He was also an Irishman who had given much thought to the way administrative changes, particularly the union of 1801, might be made to ensure a system of equal justice in a segmented community.² Soon after his arrival in December 1831 he decided that New South Wales provided a vast field for reform.

Everything here wants opening out ... The settlers have not quite lost sight of the institutions of their mother country; but ... a longer continuance of estrangement from their use will ... render these people fit subjects for a Turkish government.³

He was too wise to make any hasty changes, but by the second half of 1833 he had a clear idea of what must be done.

He then drew up two crucial despatches to the secretary of state. The first was dated 30 September, and it dealt with the state of religion and education in the colony.⁴ The second, written three months later,

¹ Hazel King, Richard Bourke, Melbourne 1971, pp. 131-2. Bourke was knighted in 1835 and promoted lieutenant-general in 1837.
² Ibid., pp. 53-5, and passim.
³ Bourke to Lord Monteagle, 23 Mar. 1832, ML A1736.
⁴ Bourke to E.G. Stanley, 30 Sept. 1833, HRA i, XVII pp. 224-33.
contained Bourke's plan for a new constitution in which the present nominated legislature might be replaced by a partly elected one.\(^5\)
The despatches, their implications and their results, will be described below in the order in which they were written.

* * *

Bourke set out his ideas on church and education reform at some length. There were, he said, four main religious groups in the colony: Anglicans, Catholics, Presbyterians and Protestant dissenters, the last being relatively small. Most of the people were Anglicans, but one-fifth were Catholic, and the Presbyterians made up an influential though even smaller section of the population.\(^6\) He pointed out that these groups were provided for in a way which took no account of their relative numbers, the Church of England having been particularly favoured in the past, as the official church. While the Anglicans now had 20 clerics and 9 good churches, the Catholics had only three priests and one church half-finished. The governor's figures showed that the Presbyterians were relatively well supplied with buildings and clergy, but had nevertheless received only 4 per cent of the total government aid to religion that year. The Catholics had received 11 per cent, about

---


\(^6\) According to census taken in 1833, there were 43,095 Protestants and 17,238 Catholics in a population of 60,794 (the remainder being Jews and 'Pagans'), so that Bourke underestimated the proportion of Catholics. The census made no subdivision of Protestants. See James Macarthur, New South Wales: Its Present State and Future Prospects, London 1837, appendices p. 60.
half of what their numbers entitled them to. The dissenters had never been given anything, except for some small grants of land.\(^7\)

Such a state of affairs could only be justified if the Church of England was to be the sole established church and, as the governor pointed out, 'the inclination of these Colonists, which keeps pace with the Spirit of the Age, is decidedly adverse to such an Institution'. Bourke's impression of public opinion always played a vital part in his policy-making, although the impression was sometimes formed to fit the policy, rather than vice versa. In this case his impression depended on a petition to the governor and council 'lately prepared at a Public meeting and very numerously signed', which, he said, had prayed 'for a reduction of ... Expenditure' on the Anglican church.\(^8\)

The petition in question was one which Wentworth and Hall had put to a public meeting several months before. The meeting was in fact almost wholly concerned with the amount of money spent on official salaries and pensions, and was part of Wentworth's campaign against a system of patronage which, he said, was carried on by officials with the connivance of the home government. However the amount of aid to the Anglican church had certainly been mentioned by both main speakers. In their petition they had condemned the sum spent on religion generally as too great, and had also suggested that it be distributed to take

\(^7\) Bourke to Stanley, 30 Sept. 1833, HRA i, XVII pp. 225-6.
\(^8\) Ibid., pp. 226-7.
account of the numbers in each communion. After the meeting the petition had been left at the Bank of New South Wales for signatures, but nothing more seems to have been heard of it.\(^9\) It was very characteristic of Bourke that he should see this rather confused effort as clear proof that the people were as liberal and as whiggish as himself.

The governor's proposals for reform were slightly different from those of the petitioners. He suggested that wherever a local congregation should raise £300 or more towards building a church and a clergyman's house, they should become eligible for a government subsidy equal to the total free contributions. Also, any clergyman having a congregation of 100 adults or more should be entitled to a salary from the state. After much delay, this scheme was approved by the secretary of state,\(^10\) and the result was two acts of council, the church act, passed in July 1836, and the Church of England temporalities act, passed in the following year.

These acts passed with no clear sign of dissent, in council or outside. But they were reforms of fundamental importance, so that it is necessary to know Macarthur's attitude towards them. He and his brothers had been brought up in an atmosphere of perfect religious toleration. In the 1820s the younger John Macarthur had worked for

---

\(^9\) Sydney Herald, 15 July 1833.
\(^10\) Lord Glenelg to Bourke, 30 Nov. 1835, HRA i, XVIII pp. 201-3.
Catholic emancipation in the United Kingdom. It was William's opinion that sectarian differences were merely 'one of the means which Divine Providence has adopted to stimulate men's minds upon the subject of religion'. James himself not only agreed with the 'equitable principle' of the church acts, by which each sect was put on the same footing with regard to state endowments; he also liked the idea of a system 'which thus combines the voluntary and energetic exertions of individuals with the steady and permanent support of the Government'. The acts exemplified for him an ideal scheme where the ruler, by proving himself impartial and reliable (like William's Divine Providence), might bring into play the public spirit and ambition of each subject.

It is interesting to compare this attitude with that of the governor himself. Bourke had given some thought to the relationship between personal and institutional religion. Like the Macarthurs he had also had some contact with Unitarianism. But the Macarthurs' experience had been limited to their childhood, when Unitarian ideas had

---

11 John Macarthur jr. to his mother, 12 Apr. - 18 May 1825, and to his father, 20 Nov. 1825, ML A2911.

12 W. Macarthur's evidence before the subcommittee of the general committee of Protestants (1836), ML A2980. p. 126. This idea was also expressed by James, during a legislative council debate, 4 Oct. 1849, on the second reading of the Sydney University bill, SMH, 5 Oct. 1849. See also James Lindsay, A Sermon on the Advances in Knowledge, Freedom, and Morals, from the Reformation to the Present Times, London 1818, pp. 33-4, which suggests that Lindsay was the origin of the idea.

13 Macarthur, op. cit., pp. 246, 248. He afterwards said that he had seen the 1836 bill 'in threads and fragments, in pieces of paper, in memoranda, which he had approved before it was put into the form of a bill' (his speech at an election meeting, 18 Feb. 1843, SMH, 20 Feb. 1843). This suggests that he had been consulted by the governor, as he apparently was on education reform (see below).
been presented to them as a means of justifying their position as Anglicans, setting it on a broader basis and pointing the way towards toleration. Bourke, on the other hand, appears to have studied Unitarianism — or at least the catechism of Joseph Priestley — during a period of religious doubt, when it seemed to him to provide a complete alternative to the more limited and sectarian ideas he had grown up with. At that stage he almost regretted that he had 'frequented the [Anglican] church at all'.¹⁴ His brand of tolerance was perhaps unduly earnest as a result. The Macarthur's thought of tolerance as a lively mutual respect, and as a means of strengthening the diversity of spiritual life, a diversity which was a good thing in itself. Bourke, on the other hand thought of it as a means of softening that diversity, and thus countering the evils of sectarianism.

* * *

This perhaps explains the alarm with which some settlers viewed the governor's ideas on educational reform: a man who thinks of religious diversity as an evil cannot be expected to care much about the vital teaching which sets each group apart. Bourke's model for reform was the Irish national system, which had been introduced into his own country in 1831. This system had two aims. First, it was meant to give

---
¹⁴ D.G. Hallyburton to Bourke, 5 Nov. 1820, Bourke papers, National Library of Ireland MSS 8477. Compare Dr. Lindsay's account of 'a much better union than that of faith — the unity of spirit in the bond of peace — the unity of love and of good works', (op. cit., p.35).
some education to all classes, and secondly it was designed to bring together children of different religious backgrounds, while ensuring that each was instructed only in the faith of his parents. The Irish government allowed aid to those local communities which would agree to run their schools in accordance with certain strict rules. The most important was that children should be divided into groups one a week, and once only, to receive religious instruction from clergymen of their own faith. At other times they were to have biblical extracts read to them without comment. As it turned out the system soon failed in its second aim, because although it led to the building of many new schools in Ireland, and the reform of many old ones, nearly all became distinctly Catholic or Protestant within a few years.  

But the faults of the system had not yet appeared in Ireland. Moreover, Bourke thought that it would be ideal for the colony because it would enable people in remote areas to share their schools.  

"I am certain", he wrote in 1833, "that the Colonists would be well pleased to find their funds liberally pledged to the support of Schools of this description". In fact he had reason to think that the idea was already 'favourably regarded by the Colonists in general, though it is not improbable that it would be opposed by all the Clergy'. He added that he had spoken with the head of the Anglican clergy, Archdeacon Broughton, who was against any scheme which did not confirm the special position of his church.  

---

16 Hazel King, op. cit., p.229.  
17 Bourke to Stanley, 30 Sept. 1833, HRA i, XVII pp.231, 232.
archdeacon, and a better understanding of the Irish system, were enough to turn many of 'the Colonists in general' against the whole idea.

But at first public opinion was sympathetic, if we can judge from the tone of a debate stirred up by the press about a year after Bourke's despatch was written. Both the Australian and the Monitor published the rules of the Irish system, and the Australian argued that such a scheme was needed in the colony, one where 'general education' was free from 'the swaddling bands of politico-religious orthodoxy'.

At the same time the Herald proposed a single comprehensive structure in which there would be no 'dominant party', whether of 'class or sect', and which might be managed by local committees acting under government supervision. Contributions from the local people should be supplemented by state aid, given on 'a generous, liberal and impartial' basis. Letters were published to the same effect, but no-one put forward a useful plan.

As with the first part of his despatch to the home government, Bourke's comments on education were not answered until November 1835. Meanwhile the archdeacon visited Europe, and was able to find out how the Irish system really worked. He returned in June 1836, newly consecrated bishop of Australia, and more determined than ever to oppose the implementation of Bourke's plan.

---

18 Australian, 24 Oct., 21 Nov. 1834; 'Publius' to the editor, Monitor, 3 Dec. 1834.
19 Sydney Herald, 30 Oct., 6, 13 Nov. 1834.
20 Glenelg to Bourke, 30 Nov. 1835, HRA i, XVIII pp. 205-7.
Broughton had two arguments against the Irish system. In the first place he objected to the fact that religious instruction was to be so distinct from the main part of the school curriculum. Secondly, he found that the biblical extracts used in the national schools were chosen by consultation among the church authorities. This was anathema to him: for if Protestant children heard only those parts of the bible which Catholic priests allowed them, they must eventually come to believe that they were forbidden to read the whole book as they liked. They would thus lose 'the salutary dread and abhorrence of such a principle which ought to be uppermost in every Protestant mind'.\(^{22}\) In other words the bishop feared the ending of sectarian divisions, which he thought must lead to Protestantism being invaded by Catholic principles. This seemed particularly likely in that the Irish system had been first devised for a population which was mainly Catholic.

James Macarthur had originally liked the idea of the Irish system, or he had given Governor Bourke that impression.\(^{23}\) But by 1836 he seems to have changed his mind. He thus gave up, for the time being, the principles of the Sydney Public Free Grammar School, which he had helped to found in 1825, and which like the Irish schools would have combined religious groups for the purposes of general education. He now argued, like Broughton, that 'religious instruction and general education should proceed with equal and connected steps', and that

\(^{22}\) Broughton to Glenelg, 22 May 1835, CO 201/250, f. 149.
\(^{23}\) Bourke to R. Bourke jr., 28 July 1836, ML A1733.
Protestants in New South Wales had a right to expect that their children would imbibe Protestant habits of mind from their teachers. He thought that the state should support two denominational school systems, Catholic and Protestant, endowed according to their numbers.  

Macarthur’s argument in support of this idea was confused. It seems to have been based not on any ideas about the superiority of Protestant morality, but on an estimation of what the Protestants in the colony wanted. Much later he was to write that the state had a duty in such matters to see that 'the opinions and even the prejudices of all men ... [were] treated with deference'.  

In the 1830s he seems to have been caught between a desire to soften prejudice, and a belief that the state must accommodate it. 

In the early 1840s the books, and something very close to the principles of the Irish system were in use at the elementary school at Camden Park. This was no doubt due mainly to William, who took care of such matters on the estate. Speaking in 1844, William explained that originally the system had not been 'generally well understood'. Certainly, he said, 'I did not understand it.' He now thought that 'it would be very desirable to introduce it here'. He also pointed out that the poor of the colony had never objected to it, and they would have been most affected.  

James Macarthur's thinking moved in much the same way, 

26 W. Macarthur's evidence before a select committee on education (legislative council), V&Q 1844, II pp.177-80 (30 July 1844).
and from this time both brothers gave the system their whole-hearted support. 27

But such was the state of opinion in 1836 that the plan was defeated. The campaign against it was led by Broughton and Richard Jones, a leading Sydney merchant and member of council. Jones was a keen Anglican, who believed that moral training depended mainly on the inculcation of strict religious doctrine. It is hard to see him as a bigot, 28 but he certainly became one of Bourke's most uncompromising opponents. In 1834 he pledged himself, privately, to do everything he could 'to oppose and expose' Bourke's government, which he considered 'prejudicial in the highest degree to the moral welfare of this community'. 29

Broughton arrived back from England on 2 June 1836, and on the same day Bourke informed the legislative council that the government meant to establish a school system on the Irish model. 30 But before the council could vote the money required for the scheme, the bishop and others had organised public opinion so effectively against it that the governor was forced to compromise. On 3 August two petitions were presented to the council, both praying that the plan be rejected. The

27 See chapter 8, below. Much later, in 1856, Macarthur explained that 'he had for some years past been a strong advocate for the National system, although when he was a younger man he was somewhat opposed to it, but never violently. From 1838 and 1839, when he made himself conversant with the working of the system in England [sic], he had been a supporter of it' (his speech at an election meeting, 24 Mar. 1856, Empire, 27 Mar. 1856).

28 His part in the 1843 election campaign, when he co-operated with Maurice O'Connell and Roger Therry, suggests that he thought the state should comprehend all denominations equally (see chapter 6, below; SMH, 14 June 1843).

29 Jones to Donaldson & Lambert, 14 Feb. 134, ML A727-2

30 Sydney Herald, 6 June 1836.
first was almost certainly drawn up by Macarthur. It stated that the colony urgently needed a comprehensive system of education, but one which would not 'clash with the religious opinions and feelings, or even prejudices, of the majority', as the Irish system seemed to do. This petition carried 'about eighty' signatures, headed by those of Macarthur and Jones. The second petition had been drawn up by a 'General Committee of Protestants', chaired by the bishop, and it carried about 1,300 signatures.

Nevertheless the council, by a majority of eight to four, voted £3,000 towards the establishment of the Irish system. Bourke made arrangements to import the necessary books and teachers but because of the state of public opinion, or the articulate part of it, only one school was attempted for the time being, at Wollongong. Even this remained empty, and in the end the government simply provided for denominational schools.

* * *

During the months when he was first making up his mind about his religious and educational policy, Governor Bourke had also been defining

---

31 A rough draft of the petition survives in Macarthur's handwriting, minuted to show that it was received (by Jones?) on 26 July and seen on the same day by J.D. Lang, Alexander Macleay and James Bowman (ML A357, pp. 29-32).

32 [Macarthur], op. cit., p. 226, and appendices 49 and 50; petition to the legislative council praying for the establishment of a general system of education, 27 July 1836, ML A111.

33 Sydney Herald, 18 July 1836.

his views about constitutional reform, and the future of the nominated legislative council. These he outlined in a letter to the secretary of state dated Christmas Day, 1833.\footnote{HRA i, XVII pp. 302-7.} He first pointed out that the community was 'more or less divided' into two political parties, which he called 'emigrants' and 'emancipists', and that nearly all the 14 members of the council belonged to the first group. He described the others, the emancipists, as 'the liberal party', explaining that they supported the present whig authorities in England in 'all those measures of public improvement, which they are happily accomplishing'.\footnote{Ibid., p. 303.} He did not mention the ideas of the other party, but in his private letters, he called them 'ultra tories' who had an 'aversion to all liberal measures', and who 'consider themselves a privileged class'.\footnote{Bourke to Lord Monteagle, 11 Aug. 1833, 12 Mar. 1834, ML A1736.}

In his despatch he stressed 'the evil of legislating for the whole community by means of a Council composed of one Party', but he seems to have been equally concerned with the fact that such a body must be opposed to himself and (as he believed) to 'the sentiments of the public'. He thought that government would be more effective 'if some portion of popular sentiment were infused into the Council'. He therefore suggested that the membership be increased to 24, of whom two-thirds should be elected by the people and the others nominated by the crown. The electors should be those colonists already qualified to serve as jurors or, in other words, those with land worth £30 a year or a personal estate of £300.
The right of election to the council, the governor said, should be limited to free immigrants and the native-born. He thought that this would be acceptable to 'the better thinking part of the Emancipists, few of whom stand in that relative position to the Electors as to be likely to be returned even if eligible'.

It was seen in an earlier chapter that the need for an elected council had been a matter of public debate since the return of Wentworth in 1824 and the setting up of a free press. Discussion had been meagre until 1827, when there was some brief excitement because of new charges being transferred to the local revenue, and because the term of the first council was due to expire in 1828. Most settlers anticipated reform and on this occasion the chief justice, Francis Forbes, and Colonel Henry Dumesq, Darling's brother-in-law and private secretary, both offered advice to the authorities in London. Together their opinions give a fairly balanced view of the main points involved.

Both argued from the premise that New South Wales was still a penal settlement, where the great majority even of the free settlers had criminal records, and they both agreed that this made strong centralised government necessary. But here they parted company. Like Bourke, Forbes believed that 'governments are founded on opinion'. 'New South Wales', he said, 'can only be governed in New South Wales'. He therefore argued that good administration must depend on a well defined cabinet system linked with an elected legislature in which a range of public opinion would be

---

represented. He did not say how the link was to be maintained, although it was an old problem in colonial systems.

Dumaresq's approach was more practical, and he also took account of that vital part of the population, the unfreed convicts, who could not be represented in an elective system. He pointed out that free institutions were impossible in countries 'in which there are conditions of people whose rights are unequal and dissimilar', since one class must have an interest in keeping the others under its control. Nor was it likely, he said, that an elected legislature would strengthen the executive when most of the people, because of their convict origins, must 'consider the government only in the odious light of task master and oppressor'.

It was a complex question. As the administrator of a prison settlement the governor needed clear and irresistible powers. As the ruler of a free community he had to work in harness with public opinion, which was best expressed through an elected legislature. If the free and the bond had lived in different parts of the territory he might have carried on in a dual capacity. But the assignment of convict labour meant that most of the prisoners were under the direct control of the free settlers. Therefore, in many of his administrative and legislative acts the governor's two roles were combined. Moreover, as Bourke

---

39 Forbes to R. Wilmot Horton, 6 Feb., 6, 23 Mar. 1827, CO 201/188, ff. 26, 45, 70.

40 Dumaresq, 'Reflections suggested by the address voted at the late public meeting in New South Wales and some proceedings subsequent thereto', 6 Nov. 1827, CO 201/187, f. 432.
himself realised, many convict employers naturally took up 'the feelings and prejudices of slave holders', and in other ways showed a purely selfish interest in the penal system. 41 Strangely, Bourke seems to have had no idea that an elective constitution might have given such people an ascendancy in the state, like that achieved by the squatters under his successor.

In his account of the two political parties in the colony, Bourke explained that in spite of its name the emancipist party, the party of reform, included 'a great number of Emigrants, and generally those who advocate liberal principles'. This was a curious distortion of facts. It shows Bourke's tendency to think of all political issues in party terms, and as a black and white dichotomy derived from his own ideals: since the reform party was clearly in the formal liberal tradition, he did not question its motives. As Hazel King has said,

at times his enthusiasm, and the certitude that his own principles were right ... tended to outrun his discretion as an administrator.42

They seem to have done the same, at times, with his political judgement.

In fact there was by now an important new element within the reform movement which it is hard to see as advocating liberal principles, and which would certainly not have strengthened the governor's hand had it been represented in council. This should have been clear at the beginning of the year, 1833, when a public meeting was called to petition the king

41 Bourke, unattached minute, 1837, ML A1734.
42 ADB I, p. 133.
and house of commons once again for a legislative assembly. Such meetings were convened by the sheriff after public requisition. In this case the requisition paper carried an unusually long list of 68 signatures. The names of Jamison, Wentworth, Wardell, Bland, Lord, Cox and Blaxland appear as usual. But there were also a very large number of settlers from the Hunter valley now among the signatories. These made up nearly 40 per cent of the total.\(^{43}\)

The Hunter valley was a remote district which could only be reached from Sydney by sea. It had been settled during the 1820s, mainly by rich immigrants who had been attracted by the country's new prosperity and who had taken up large grants for grazing. Many of them seem to have been retired army and navy officers of middling rank, who had no previous connection with the colony and its political troubles. From the beginning the district lacked a numerous free working class, and the settlers relied heavily on their assigned servants, who were unusually hard to control as a result. Unfortunately, not many of the masters, including those who manned the country benches, were suited to their peculiar powers.\(^{44}\)

The upper class of settlers along the Hunter were commonly described as 'gentlemen', but with a few exceptions they belonged to a social type quite different from the few leading families in the colony. Most were a type of shabby gentry, pretentious and poorly educated, who might

---

\(^{43}\) Of the 68, between 26 and 29 were from the Hunter valley (\textit{Australian}, 11 Jan. 1833). They have been identified mainly by comparing the list with petitions coming exclusively from the Hunter, and with \textit{The New South Wales Gazette} and General Post Office Directory 1832, Sydney 1832.

have been matched in such places as the West Indies. Mary Bowman, the only one of the Macarthsurs to have much to do with the Hunter, felt 'a sort of intuitive distaste' for the people there. They were, she said, a 'vulgar, boasting, flattering' set, whose friendship was not worth cultivating. Bourke himself scornfully described them as 'the exquisites of N.S.Wales'.

The political importance of the Hunter valley during Bourke's time was heightened by the fact that the governor was a liberal whig determined to oppose class privilege. He therefore presented a striking contrast with his predecessor, who had harboured a thorough contempt for 'radicals and their allies, the Liberals'. The leading settlers of the Hunter valley, on the other hand, were 'well-to-do immigrants who had come out under Tory patronage' and who had flourished under Darling. Discontent in the Hunter during the 1830s was therefore a matter of party polemics because of the change at Government House.

The labour question in the Hunter was well calculated to bring this issue to a crisis, and also to test the ambiguous nature of the governor's office. During 1833 a large number of the settlers there got up an address to His Excellency which, because of the furtive way it was handed around for signatures, was known as the hole-and-corner petition. The paper carried 126 signatures, including nearly all the names which

---

45 Quoted in Mrs. Macarthur to Edw. Macarthur, 7 May 1848, ML A2907.
46 Bourke to Monteagle, 27 Sept. 1834, ML A1736.
47 Darling to Sir G. Murray, 8 Nov. 1828, HRA i, XIV p. 445.
48 Hazel King, op. cit., p. 162.
had appeared on the requisition to the sheriff earlier in the year.\footnote{49}
The petitioners' only request was for the repeal of Bourke's act, \textit{3 Wm. IV}
o. 3. This act, which had been passed unanimously by council, had
amended one of Darling's by limiting the power of benches over refractory
convicts in cases where one or two magistrates sat alone. According
to the petitioners, this had had an immediate effect on their servants,
so that 'the authority of the master is nominal, and the power of the
Magistrates derided'.\footnote{50} Evidence from the Goulburn and Bathurst
districts suggests that this was unique to the Hunter.\footnote{51}

It is fairly clear why the Hunter valley settlers were so interested
in constitutional reform. It was now the only way in which their
own ideas and interests could be brought to bear on legislation. In
1834 the \textit{Monitor}, which supported both the reform movement and the
campaign for stricter penal laws, pointed out that 'the prison population'
would become orderly and respectful again only when the colony had an
assembly

where falsehoods will at once be \textit{exposed and detected}, and where
truth and consistency alone, will \textit{meet with efficient support,}
and \textit{speedy success}.\footnote{52}

\footnote{49} Eight, or possibly nine Hunter names (the identity of one is
uncertain) appear on the requisition and not on the address.
\footnote{50} \textit{Sydney Gazette}, 24 Aug. 1833.
\footnote{51} Letters to L. Macalister from the landowners of Goulburn, 1 Jan. 1834,
\footnote{52} \textit{Monitor}, 19 Apr. 1834. There was a close and rather puzzling
friendship between Hall of the \textit{Monitor} and the disreputable James
Mudie, for whom see below (ibid., 30 Nov. 1836).
This was also the opinion of the Sydney Herald at that time. Thus, for a short period, what Bourke would have called ultra-toryism was harnessed to the cause of constitutional reform.

Of the Hunter valley settlers themselves only one, James Mudie, has left a record of his motives for wanting an assembly. Mudie was prominent in the hole-and-corner agitation, and he at length became one of Bourke's most active and violent enemies. He was certainly, in Mary Bowman's terminology, a 'vulgar, boasting, flattering' individual. Mudie was among the supporters of reform in 1833, but like many of the Hunter valley reformers he afterwards split the emancipist party proper, for reasons which appear below.

In 1837 Mudie published a book called The Felony of New South Wales. His main aim, he said, was to reveal the 'ludicrous and affected philanthropy' of Bourke's convict policy. He also argued for changes in the constitution, though he was by now opposed to the idea of a representative assembly. It is clear that his main objection to the existing system was Bourke's control over legislation. The council was, he said, 'a mere tool of the governor ... and the chief justice [Forbes]'. The respectable settlers like himself, he explained, were now willing to forego 'the prospect of personal distinction' which an elected legislature would have given them. But they still demanded a

53 Sydney Herald, 31 Jan. 1833, 5 May 1836.
55 Australian, 11 Jan. 1833.
56 Published in London.
57 Mudie, op. cit., p. vii.
58 Ibid., pp. 236, 238.
council which would be 'as independent as possible of the governor',
and representative of 'the property and public opinion of the free
untainted colonists', who might exercise a salutary control over law
making. 59 He presumably meant that they would also control the penal
system.

No doubt the Hunter valley settlers would never have been able to
dominate an elected assembly in Bourke's time. But they would not have
been alone in their struggle against the governor's 'ludicrous and
affected philanthropy'. Even Jamison and Wentworth, Bourke's political
friends, were not inclined to work with him in ensuring that convict
servants met with justice and humanity. 60 Wentworth's ideas on penal
legislation were remarkable. For instance, according to an act of
council passed in Darling's time, runaway convicts were to have their
period of freedom added to their term, so that in effect they were to
be punished not for escaping, but failing to give themselves up, an
obvious injustice. But Wentworth thought that the penalty should be
double the time of absence. He also advocated a system whereby all the
convicts on any estate where a crime was committed were to have their
terms extended according to the seriousness of the crime, unless they
gave up the culprit. 61 Any account of local 'liberalism' must take
account of such ideas.

The Macarthurs, on the other hand, were humane and intelligent
employers. John and Hannibal, for example, had both voted in council

59 Ibid., pp.241, 243.
60 For Jamison, see Jamison to Bourke, 24 Apr. 1832, ML A1738; Jamison's
evidence before the select committee on police (legislative council
61 Wentworth's evidence before the select committee on police and gaols
(legislative council), V&P 1839, II p.89.
against the law which Wentworth later wanted to make even more stringent. It was conceded on all sides that the family's record was 'exemplary ... for kindness and liberality to servants and dependents'. At Camden the ideal was to make each prisoner cheerful and useful by seeing that he was 'as comfortable as possible ... [and] where a man behaves well, to make him forget, if possible, that he is a convict'. None of the family made any effort to support the Hunter valley agitation.

* * *

The public meeting which followed the requisition mentioned above, in January 1833, was the second great gathering at which Macarthur spoke. According to the Herald there were now 'not two men in the Colony who do not perceive the advantages that might be derived from a House of Assembly'. This was probably a fair statement, but there were still doubts as to whether all the main institutions of the Westminster system should be brought in straight away, as in the North American colonies. Macarthur shared these doubts. Before the meeting he drew up a number of resolutions which he thought everyone might agree on, and which might serve as a foundation for moderate debate. He first showed

---

62 Minutes of a council meeting, 12 May 1830, VAP 1824-37, I p. 83.
63 Monitor, 22 Dec. 1832. See also Australian, 25 May 1832; 'Moyengully' to the editors, 24 July 1843, SMH, 26 July 1843.
64 Macarthur's evidence before the select committee on transportation (house of commons), 1837 (518) XIX, pp. 163-4 (19 May 1837).
65 Sydney Herald, 31 Jan. 1833.
them to Wentworth and Jamison, but they already had their own programme worked out. Rather naively, Macarthur decided to go ahead trusting to the effect of his own obvious good faith.

The meeting opened with an address by Jamison, who told the crowd that a house of assembly would give them control over the raising and spending of their own revenue. He was about to move the adoption of a petition to the king, when he was interrupted by Macarthur, who objected to this procedure. The meeting had been called, Macarthur said, 'to take into consideration the propriety of petitioning', and not to adopt any petition forthwith. Also, no-one knew what was in this petition, because it had not been published before the meeting. Macarthur suggested a procedure like that followed with the Ripon regulations. He realised, he said, that the present constitution was unsatisfactory and must be changed. He thought that a committee should be formed to go over the question in detail and to decide what must be done, since it was clearly impossible for all points of view to be fully dealt with by the present meeting. This had been the purpose of his resolutions. One had also stated that the present council

---

66 Macarthur showed his resolutions to all the members of the committee responsible for the meeting, and only E.S. Hall approved of them (Macarthur's speech, Report of the Proceedings of the General Meeting of the Supporters of the Petitions to His Majesty and the House of Commons, held at the Committee Rooms, May 30, 1836, Sydney 1836, p. 13; the only copies of this report are one among the Macarthur papers, ML uncat. MSS 326, and one in the National Library, wrongly catalogued under 'Australian Patriotic Association').

67 Sydney Gazette, 29 Jan. 1833.
must be reformed on 'a more popular basis', which implied some sort of
elective system. But Macarthur made no attempt to read out his prepared
paper, or to battle with the rising tide of shufflings and mutterings.
In his speech he only said that he would 'admit the abstract right of
the people to that liberty which they claimed'. But, he added, it was
'a question of expediency, as to whether the colony was ripe for its full
exercise'.

He sat down among a barrage of hisses and cries of 'Question!' and was immediately overruled. After some discussion the petition
to the king was read out and adopted. It was a very short paper, merely
drawing attention to the growth of population and revenue, and 'the
improving condition of our agriculture and trade' as evidence that the
colony was ready for an elected assembly of at least 50 members.

The rest of the meeting was dominated by Wentworth. His long
speech was a tour de force, the waves of energy being met with constant
laughter, loud cheers, and shouts of 'Hear, hear', 'Go on, go on'. He
spoke mainly of the obsession which officials had with 'fingerling our
money', and on the general level of government expenditure. At the end,
although 'much fatigued', he read a petition to the house of commons,

69 Sydney Gazette, 29 Jan. 1833.
70 Some thought that he gave up too easily (ibid., 12 Feb. 1833).
which the meeting also adopted. This was a lengthy document, and it stressed the wealth of the colony, the number of settlers who might be competent legislators, and the absence of that party feeling which had been used in London as an excuse for putting off reform.

There were then a number of short speeches, including one from Macarthur, who objected to the tone of Wentworth's address, and particularly to some sarcastic remarks about himself. He would submit to being overruled, he said,

but as a native of the colony — as one glorying in the name of an Australian — it was painful to him to be taunted as an enemy to liberty.

This raised some cheers, but he was disappointed and mortally offended at his treatment. He never tried to speak at such a meeting again.

Besides adopting the two petitions, the meeting decided to organise subscriptions to cover the cost of presenting the second one to the house of commons, and a committee was named to supervise this business and the collection of signatures. The petition to the king, which was to have been sent through the governor, seems to have gone astray and was never heard of again. That to the house of commons circulated for 15 months, but by the time it left the colony it was 17 yards long and carried 6,025 signatures. It was sent to the care of Henry Lytton Bulwer, a radical M.P., for presentation to the lower house. As soon as

71 See his reference to it during his speech, Report ... of the General Meeting ... May 30, 1836, pp. 12-13.
72 Australian, 24 Mar. 1834.
it reached him Bulwer wrote to Jamison suggesting how the petitioners might organise themselves in future so as to make their demands more effective.  

On the arrival of Bulwer's letter Jamison arranged another public meeting to discuss its contents. This meeting, held on 29 May 1835, was attended by at least 100 people. Most were of course from Sydney but, in the words of the Australian, the gravity of the subject 'drew from their seats in the interior, a number of gentlemen', including, apparently, about half a dozen Hunter valley settlers.

This was one of the most important public meetings of the period, because it led to the founding of the Australian Patriotic Association and the appointment of Bulwer as the association's London agent. The official aim of the body was to ensure 'that an authentic exposition of the real state of our Colonial affairs may be from time to time exhibited before the British House of Commons', but it was inevitably seen mainly as a pressure group for constitutional change. The meeting led to the setting up of a provisional committee, which was to give way to a permanent one as soon as subscriptions totalled £1,500, a target reached by the end of August. Nineteen rural committees were also named, the members being magistrates and 'other influential gentlemen' who, it was hoped, would agree to collect subscriptions in their areas.

---

73 Ibid., 24 Mar. 1835.
74 Ibid., 2, 9 June 1835. Subscriptions were taken during the meeting from 102 people.
75 Ibid., 16 June 1835.
The minimum annual subscription was fixed at £1, which seems to have kept out anyone below the rank of middling farmer or wealthy shopkeeper.\textsuperscript{76} Formal membership, which carried the right to vote at general meetings, was limited to those subscribers who would agree to pay the same sum annually for four years. There were 416 subscribers in the first year, and between 150 and 200 seem to have signed the membership bond.\textsuperscript{77} But the rules were loosely applied. A total of 688 votes were counted during the poll for a secretary in September, and 322 were cast for his successor in the following year.\textsuperscript{78} This is a good illustration of the way the association worked. It was formed by the rich for the rich, but its founders were not prepared to endanger their popularity by enforcing the rules.

This weakness was not immediately obvious, and at first the association included some of the proudest men in the colony. The original subscribers included many magistrates, two members of council, (Jones and Blaxland), some of Sydney's most important and respectable merchants (A.B. Spark, Thomas Gore, William Dawes and John Lamb), and several landowners not previously linked with the reform movement, such as James Terence Murray and John Macarthur's friend, William Riley, who gave £50.\textsuperscript{79} None of the Macarthurs themselves joined.

\textsuperscript{76} List of Subscribers to the Australian Patriotic Association, Sydney 1835.

\textsuperscript{77} The managers of the association were very secretive about the numbers of their bound membership, but on 29 Jan. 1838 the Monitor revealed that there had been 'above 150'. This implies pretty clearly that there were also less than 200.

\textsuperscript{78} Australian, 4 Sept. 1835; Sydney Herald, 18 Apr. 1836.

\textsuperscript{79} List of Subscribers to the Australian Patriotic Association.
It was pointed out above that Bourke's political attitude was an explicit reaction to that of Darling, his predecessor. The change of policy was a rude shock to many who had prospered under the earlier system, and who now found themselves overruled, dismissed from power, and otherwise injured by the governor. At first it was only a question of penal reform, affecting mainly the Hunter valley settlers. But in time other people, in increasing numbers, took up the cause of constitutional change, for this was now the only way in which they could regain some of their political influence. The subscriptions made by Jones and many others to the Patriotic Association should probably be seen in this light. Spark and Lamb were both close allies of James Mudie, and so was John Bingle, who had taken a leading part in the reform movement since 1833.\footnote{Dowd & Fink, op. cit., part II pp. 95, 99.} Bingle and Jones both gave £10 to the association, which shows a considerable commitment.

Thus it appears that the association was at first an uneasy alliance between those, like Wentworth and Jamison, who saw Bourke as an ally in their old campaign against colonial 'toryism', and those who mistrusted his liberalism and who wanted to make sure that the authorities in London understood 'the real state of our Colonial affairs'. The great aim of the first was of course an elected assembly, and now the second also saw an assembly as the only way left for them to restore the colony to a healthy condition. This coalition was to last for as long as there was silence about the qualifications for voters and members, but there were some earlier signs of tension.
The first test of unity was in September, when a secretary was elected for the directing committee. Jones had his own candidate, Charles Jenkins, lately a clerk in the colonial secretary's office, and although he (Jones) had not signed the membership bond the nomination was allowed. 81 Jenkins came a poor fourth among seven contenders, the winner being John Stephen, whose family had old links with the emancipist party. 82 The secretaryship was a vital position, so that the election had some significance. Jenkins's defeat made it clear to Jones and others like him that they could never compete with the political machine Wentworth had established at Sydney. 83 By November there were a number who, in spite of being signed up as members for four years, were determined not to throw good money after bad. 84

During December the directing committee entrusted Wentworth with the drawing up of two bills, which were to be alternative models for a statute giving the colony an elective legislature. This was the first time since 1827 that the details of constitutional reform had been broached in public, but now they could hardly be avoided. The act of parliament which had established the present council was due to expire in 1837, and the Patriotic Association was politically bound to make suggestions as to how it should be replaced. The first of Wentworth's

81 Australian, 10 May 1836; Monitor, 12 Aug. 1836.
82 Jenkins received 7% of the votes while Stephen received 51%, that is, 45 and 351 respectively out of a total of 688 (Australian, 1 Sept. 1835).
83 Monitor, 29 Jan. 1838: 'There was a strong contest for the election of a secretary, and the minority, on that occasion, have since hesitated to pay their subscriptions'.
84 Australian, 1 Dec. 1835.
bills described a single house of 50 members, 40 of whom were to be
elected and the rest chosen by the executive. The second provided for
a bicameral system with a nominated upper house of 15 (the size of the
existing council) and an elected assembly of not less than 50. 85

There were long discussions about the qualifications of members,
the main issue being the admission of ex-convicts. Jamison wanted 'that
excessively delicate question' left to the British parliament, while
Wentworth thought it should be referred to the present council, an idea
at which Jamison, and no doubt many others, 'felt surprised'. Jamison
eventually carried the day. The relevant clauses were left blank in
the draft bills, and Bulwer was asked to see that they were 'filled up
in accordance with the British Reform Bill, without any disqualification
unknown to the constitution'. 86 Ex-convicts were not barred from the
reformed house of commons, but the Canada Act of 1791, which had set up
assemblies in the Canadas, had withheld the right to vote and be elected
from anyone 'who shall have been attainted for Treason or Felony'. 87
This was ambiguous, but it could have been taken to mean ex-convicts
as well as prisoners under sentence. Generally the Canada Act seems
to have been the model for Wentworth's bills.

*     *     *

The side-stepping of the ex-convict issue was in character with the

85 A.C.V. Melbourne, Early Constitutional Development in Australia,
Brisbane 1963, pp. 207-9; Australian, 11 Dec. 1835.
86 Ibid., 4 Dec. 1835; Sydney Herald, 10, 17 Dec. 1835.
87 Lord Campion (ed.), Sir Thomas Erskine May's Treatise on the Law,
Privileges,Proceedings, and Usage of Parliament, London 1950,
p. 196. See section 23 of the Canada Act.
loose way in which the association's voting rules were applied. It apparently led to more defections. According to Macarthur, it was this, 'and other proceedings of the persons who took a leading part in that body, and who made it entirely subservient to their own views', which 'opened the eyes' of many supporters. Mudie wrote in his book that 'the reputable colonists' gave up the association when they found that it was being used for

the purpose of party politics, even at the expense of admitting emancipated felons to an absolute equality with the free settlers, as the basis on which the leaders of the colonial liberal faction were to found their popularity.

In other words they - 'the reputable colonists' - decided that by supporting the association they were asking that legislative authority be much too dispersed, and were undermining rather than enhancing their own prospects of power. The Herald, which believed that ex-convicts should be barred both from voting and from being elected, also gave up its support for the association at this time.

Richard Jones was among those who now became disillusioned with the association. Early in the new year, 1836, he began to organise an alternative campaign better suited to his political ambitions. His reactionary movement was first noticed by the Australian on 22 March, when readers were warned that it was opposed to the aims of the Patriotic Association. Within a week the Herald published the text of two new petitions, to the king and to the house of commons, which it said 'have

---

88 [Macarthur], op. cit., pp. 266-7.
89 Mudie, op. cit., p. 266. See also the diary of George Allen, 18 Sept. 1835, 15, 21, 28 Apr. 1836, ML uncat.MSS 477; and 'Civis' to the editors, Sydney Herald, 11 Feb. 1836.
90 Sydney Herald, 11 Feb. 1836.
been handed to us'. But neither paper said who was behind these latest complications.

The authors of the new petitions seem to have been more concerned with giving information than with making demands. But they did complain that the present council was too small to be a vehicle for public opinion, and they also said that it was too much dominated by the executive, and by the chief justice, Forbes, who should not hold office as both legislator and judge. They asked for an official enquiry to find how far the constitution might be altered 'to render it efficient for all present purposes and a step towards the attainment of a Representative Legislature.' Such an enquiry might also decide on the future of the colony as a penal settlement.

But in case the imperial government should decide to bring in an elective system, the petitioners asked that the qualification of voters and representatives should depend on moral standing as well as on property. They justified this unusual idea by arguing that New South Wales was a peculiar community, where public morality was so debased that 'the possession of property affords but slight proof of good character'.

For the same reason the petitioners asked for changes in the present jury system. The qualification for jury service depended, as in England, on property alone. This meant that ex-convicts who had undergone their full term of punishment without dispensation (called expirees) had an

---

91 Ibid., 28 Mar. 1836. The petitions are also included as appendices 1 and 2 in Macarthur, op. cit.
equal chance of being chosen with those who had been pardoned for good
closest, and even with 'Magistrates and Colonists of the highest
respectability'. In such a community, they said, this must give juries
a very doubtful and inefficient character. They pointed out that the
present system was the result of an act of council in 1833, which had
been passed 'in opposition to the votes and conscientious opinions of
the most experienced members', and, they said, had since proven a failure. 92
Richard Jones had taken the lead against Bourke in the attempt to have
that act defeated, so that this argument is clear evidence that the
petitions were being used by the governor's enemies as a method of
appealing over his head. 93

The editor of the Herald commended 'these most important petitions'
to every settler with eyes to see that the so-called patriots were trying
to continue the present political system upon which the Colony is
governed'. 94 Both petitions were published twice in that paper within
the next 10 days, and since none of the other papers followed suit they
became known as the Herald petitions. 95 They were later left for
signatures at the Sydney banks, and copies were sent into the country. 96
Arrangements were also made to take in subscriptions, which were to
pay for the campaign here and in England. The total received was

92 This phrase is typical of the vague style of the petitions. It appar-
ently referred to officials, such as Alexander Macleay, who had been
obliged to vote for the bill against their 'conscientious opinions'.
There is similar ambiguity in the complaint that 'persons, who have
undergone punishment for their crimes, and of bad repute' were
admitted as jurors, but the meaning is made clear later on.

93 A.T. Atkinson, 'The Position of John Macarthur and His Family in
New South Wales before 1842', M.A. thesis, Sydney University 1971,
PP. 356-8.

94 Sydney Herald, 28 Mar. 1836.
95 Ibid., 7 Apr. 1836.
1836, C. Sturt to R. Jones, 28 June 1836, all ML A357; Sydney
Herald, 11 Apr. 1836.
£1,066, but there is no evidence to show exactly where the money came from.  

These events brought a quick response from the other side. On 29 March a notice was drawn up announcing a public meeting to decide on retaliatory action. This notice carried the names of Jamison, Wentworth and 26 others. The meeting, held on 12 April, adopted a counter-petition to the house of commons arguing that their opponents wanted to perpetuate all the worst faults of the constitution. The legislative power of the governor and chief justice, far from being a grievance, was at present the only safeguard against 'a factious oligarchy' which already had too much power in council. The lurid account of vice and dishonesty in the Herald petition was described as the work of 'a small illiberal party, who have long displayed their unbending hostility to the best interests of the Colony'.

The first name publicly connected with the Herald petitions was that of Richard Jones. On 21 April he put an advertisement in the Herald stating that the supporters of the petitions would meet at noon that day. The short notice given and the fact that no meeting place was named shows that the campaign was already well organised, and that the leaders were anxious that their meeting should not include any uncooperative elements. The advertisement also proves that Jones was playing a central part in the campaign, while the proceedings of the meeting

---

97 Ibid., 25 July 1836.
98 Australian, 5 Apr. 1836. Probably not all 26 were personal signatures. Six were those of men involved in the Herald campaign, and two of these, Riley and Blomfield, are misspelt.
show that his protégé, Charles Jenkins, had so far acted as honorary secretary. According to the governor, the petitions had been 'got up at the House of Mr. Jones', but a remark made at a later meeting by James Macarthur shows that Macarthur himself and others had helped in the drafting.

The meeting decided that Jenkins should now have a salary of £300 per annum. It also appointed a management committee with a membership of 11. Three of the committee - Jones, Robert Campbell and Hannibal Macarthur - were members of the legislative council and had been highly critical of both the jury law and the governor's plans for education reform. Three more were landowners, namely James Macarthur, Robert Scott of Glendon in the Hunter valley, and Macarthur's friend George Macleay, whose father, the colonial secretary, was also opposed to the governor. The remaining five were merchants, namely Thomas Barker, John Lamb and A.B. Spark (all former allies of Mudie), and Thomas Shadforth and Robert Campbell tertius, son of Campbell of Bligh Street.

The committee thus consisted of a total of seven merchants, together with the two Macarthurs, Scott and Macleay. In fact it might be thought of as a coalition, between the Macarthurs and a group of conservative

---

100 Ibid.
101 Bourke to Glenelg, 13 Apr. 1836, HRA, i, XVIII p. 392; Macarthur's speech, Report ... of the General Meeting ... May 30, 1836, p. 15.
102 Sydney Herald, 25 Apr. 1836.
103 Macarthur, op. cit., appendix 54; Bourke to Stanley, 2 Oct. 1833, HRA i, XVII p.236; Atkinson, op. cit., pp. 356-8; Australian, 26 July 1836.
104 Dowd & Fink, op. cit., part II, pp. 95, 99.
105 All 11 committee members are listed in the ADB I and II, except for Campbell tertius (1811-87). After Macarthur's departure for England he was replaced on the committee by his brother William (diary of A.B. Spark, 30 Aug. 1836, ML A4869).
businessmen headed by Jones and Campbell senior. It is probably hard
to exaggerate the effect of commercial groupings on politics at this
time. Jamison and Wentworth were no doubt the best known members of
the Patriotic Association, but it is clear that the movement for
constitutional change often depended to a great extent on the money and
local influence of the ex-convict merchant princes such as Daniel Cooper,
Lord, Lyons, Hutchinson and Terry. These were the men who were
called by their friends 'the Sydney liberales'. But their enemies
described them as 'the landlords of Sydney ... who grind down the citizens
with hard labour to meet their exhorbitant demands of rent'. The
political aims of this set, this mushroom aristocracy, their trading
links, and the extent of their credit network, have never been properly
worked out.

Robert Campbell's rivalry with the ex-convict merchants went back
beyond the rum rebellion of 1808, and that of Jones's firm (which was
less extreme) can be dated to Macquarie's time. Since then the

106 In the first year the Waterloo Co. (Cooper, Holt & Roberts) subscribed
altogether £15 to the association, Lyons £50, Lord and his sons £10,
Hutchinson and his stepsons (the Robertses) £27.7s., and Terry and
his family (including Hughes and J. Hosking) £50 (List of Subscribers
to the Australian Patriotic Association). For the earlier activities
of Cooper and Terry, see Monitor, 20 Jan. 1827. Two of the 3
collectors for the association, Lyons and L. Iredale, were ex-convicts
with well established trading and family connections in Sydney (ADB
II, pp. 142, 549).

107 Monitor, 20 Jan. 1827.

108 Sydney Herald, 2 July 1842.

109 D.R. Hainsworth, 'The New South Wales Shipping Interest 1800-1821:
A Study in Colonial Entrepreneurship', Australian Economic History
Review VIII, 1968, pp. 22-6; Macquarie to Bathurst, 1 Mar. 1819,
and enclosures, HRA i, X pp. 18-23.
division in the commercial life of Sydney had been made manifest in the creation of two powerful banks, the Bank of New South Wales and the Bank of Australia. In 1836 the first was a type of coalition, including on its board both Wentworth and Jones (who was president), but the Bank of Australia was free of any connections with the emancipist party.\textsuperscript{110} Nearly the whole board of the Bank of New South Wales subscribed to the Patriotic Association, although several directors, led by Jones, later went over to the \textit{Herald} campaign. Some of the Australia directors supported the association at first, but in the end their board was solidly behind the \textit{Herald} petitions.\textsuperscript{111}

The relationship between the \textit{Herald} campaign and the Patriotic Association can be best seen by comparing the full lists of those who joined one or the other.\textsuperscript{112} Altogether 427 people signed the \textit{Herald} petitions, slightly more than the total subscribing to the Patriotic Association, and of these about 53 had defected from that body (the identity of some names is uncertain). Most of the defectors had been

\begin{itemize}
\item \textsuperscript{110} S.J. Butlin, \textit{Foundations of the Australian Monetary System 1788-1851}, Melbourne 1953, pp. 195-6.
\item \textsuperscript{111} The Bank of New South Wales board (total membership 12) included 11 subscribers to the association plus Lithgow, the auditor-general, who was no doubt sympathetic (ADB II, p. 120), and of these 5 later went over to the \textit{Herald}. The \textit{Australia} board totalled 11, 10 of whom became petitioners, including 6 who had subscribed to the association. For list of directors, see \textit{The New South Wales Calender and General Post Office Directory 1836}, Sydney 1836, pp. 338-40.
\item \textsuperscript{112} See \textit{List of Subscribers to the Australian Patriotic Association}, and [Macarthur], op. cit., appendix 2. Background information has been taken mainly from directories, the 1828 census records, and the ML card catalogue. The impressions given here are derived from a body of detail which will be the subject of a published article, but which is at present contained in lists and tables.
\end{itemize}
large subscribers to the association: a fifth of those who had given £5 or more to the association now went over to the Herald.

Leaving out those who are today mere names, we have to examine 354 people who kept to the association, and 424 who had signed the Herald petitions. Unfortunately the two lists are based on different methods of selection, because the subscribers to the association had to pay a heavy fee. Also the geographical distribution of names no doubt depended on the way collectors happened to move about the country. But it must be significant that 70.6 per cent of subscribers to the association lived in Sydney, compared with only 34.2 per cent of those who signed the Herald petitions. The only country area in which the association did relatively well was Penrith, where Sir John Jamison, the senior magistrate, no doubt brought his influence to bear.

It is clear that the two movements appealed to different groups among the middle classes of the colony. The association was supported by a mass of Sydney people, shoemakers, soapmakers, ironmongers, cabinet-makers, butchers, wine and spirit merchants, brewers and publicans. The last three types were particularly numerous among the Sydney subscribers.\footnote{113} Many of these, no doubt, could be called professional politicians, intelligent energetic men, close to the heart of affairs, rich enough to pay the heavy subscription fee, and acute enough to understand that such commitments kept the wheels of business running smoothly.

\footnote{113}{There were 36 publicans among the subscribers (all but 5 in Sydney), and only 3 (all in or near Parramatta) among the petitioners (lists of licensed publicans, 1834-5, 1835-6, NSWSA 4/65, 4/66).}
The bulk of the Herald petitioners, on the other hand, were country townspeople and farmers, who were unlikely to have any connection with Sydney trading networks, but who were no doubt prepared to tread more or less in the footsteps of their wealthy neighbours.

Linked with this difference is the fact that there were many more ex-convicts in the association: 58 have been identified, mainly urban retailers and artisans, compared with only three among the petitioners. Those three were a Sydney baker and two farmers at Seven Hills. But this difference did not make the Patriotic Association a society of ex-convicts: by far the largest number in both movements had arrived in the colony as free men.\textsuperscript{114}

Much has been written about the political troubles of this time, but there is a great deal of research still to be done. No historian of the 'thirties has so far made any detailed attempt to quantify the current social and economic forces, and the work would make a thesis in its own right. For the time being, then, nothing definite can be said about why different sections of the middle class took opposite sides in 1835-6, and the present argument depends on a mere impression of the form of society. The only explicit difference in purpose between the two movements lay in the fact that the Patriotic Association aimed at quicker reform and a wider franchise. But it is an open question whether

\textsuperscript{114} A total of 98 free adult immigrants have been identified among subscribers to the association (128 counting defectors), and 190 among the Herald petitioners.
such details really mattered to its supporters. It may well be that what appealed more was the political style of each movement. The politics of the Patriotic Association, in its final form, were clearly those of confrontation: the leaders aimed to raise public opinion against the political establishment. The Herald petitioners on the other hand, put their faith in the politics of co-operation. They asked for an official inquiry, and they seemed to look forward to an evolving debate. Each side depended, perhaps, on a different social and commercial attitude, the Herald petitioners being more inclined to mutual trust, corporate action and gradual profit. This was certainly Macarthur's attitude.

Four middle-class men who signed the Herald petitions, and who may be taken as typical, are Isaac and William Mobbs and John and James Pye, who all lived near Parramatta, one of the strongholds of the Herald campaign. The father of the Mobbses had been transported in 1797. They and their mother had followed him three years later and the family had settled at the Field of Mars. In 1822 Mobbs senior had been commended for his industry by Commissioner Bigge. By the 1830s he and his sons had accumulated about 1,500 acres, where they grew 'the best oranges, apples, &c. in the colony'. The Pyes, by contrast, were native-born, as were their wives. Their father had arrived free in 1791, and had settled on a farm at Seven Hills. John was now landlord of the Lamb

---

115 Only 3.2% of the subscribers to the Patriotic Association lived at Parramatta, compared with 13% of the petitioners.
116 Report of the commissioner of inquiry into the state of the colony of New South Wales, 1822 (448) XX, p. 142.
117 The New South Wales Calendar and General Post Office Directory 1832, p. 79.
and Lark, a village inn at Baulkham Hills, beside owning a small number of cattle. James was an orchardist, who made a moderate fortune with his fruit trees and later sat as a conservative in the first parliament.  

The great debate met with a confused response in the Hunter valley. Very few settlers were persuaded to give money to the association, and a good number supported the Herald campaign: one-fifth of all the signatures to the Herald petitions are followed by Hunter valley addresses. However, the Australian was pleasantly surprised to notice during the canvass for the association's counter-petition, that 'no where has a better feeling manifested itself [towards the association] than in the Hunter districts, the strong hold of Toryism', where 'several hundred signatures' had been received. Apparently only a few of the settlers - mainly the politicians of the district - had managed to keep up with 'the reputable colonists' in their recent break with the reform movement.

* * *

It had originally been thought that Charles Jenkins would be

---

118 For James Pye's life, see ADB V.
120 Between 83 and 90 of the 427 signatories had Hunter valley addresses. Some addresses are too brief for certainty.
121 Australian, 10 May 1836.
122 Nearly half the Herald petitioners from the Hunter valley (45 of them) had been involved in the hole-and-corner agitation of 1833, and others (such as John Bingle, E.C. Close, W. Dumaresq, A.C. Innes and H.C. Sempill) were closely connected with Sydney politics.
delegated to take the Herald petitions to England. But soon after the
meeting on 21 April Macarthur agreed to take them himself, as he was
already planning to go 'on his own private affairs'. These affairs
included discussions with his brother Edward about the family property,
and the raising of a large loan for the improvement of Camden and the
other estates. The Macarthur family interests seem to have been in
a very healthy condition: recent sales suggested that they could now
look forward to £5,000 a year from the wool alone. It is true that
their fleeces were beginning to be matched for quality by other local
flocks. Also, from now on the overall value of each clip began to
fall, and after 1839 it was to be many years before their finances were
once again on an even keel. In fact they never again came up to such a
pitch of prosperity. But for the time being the family was very wealthy,
and full of hope about their own and the colony's future.

A second general meeting of the supporters of the Herald petitions
was held on 30 May, when the committee reported on progress. Twenty-five
people were present. The committee recommended among other things that

123 Macarthur to Jones, 26 Apr. 1836, ML A357; Sydney Herald, 2 June 1836.
125 Abstract of Macarthur wool sales, 1831-8, ML A2965.
127 Sydney Herald, 2 June 1836.
an office be set up in Sydney, 'a Registry for Emigrants in search of situations on their arrival in the Colony, as well as for the information of Colonists requiring their services'. The office was to receive information through regular contact with branch committees in the country, and was to be managed by Charles Jenkins. 128

The last part of the meeting was given up to Macarthur. Since he was to take the petitions to England, he said, he felt bound to explain how he would act when he got there. He had already made it clear that he wanted no remuneration of any kind: he was not to be considered as the Agent of the Petitioners, but merely as one of them ... acting in co-operation with the gentlemen whose aid had been solicited in London. 129

He would therefore act solely on his own judgement and according to principles which he would now explain. The remarkable speech which followed led the editor of the Australian to describe him as the tories' leading light, 'the Eagle of his tribe'; an equivocal compliment, no doubt, when the same article called the Botany Bay tory 'the lowest of all reasoning animals'. 130

128 Committee of management's report, Report ... of the General Meeting ... May 30, 1836, pp. 7-8. Macarthur was at least partly responsible for the formation of the branch committees (Macarthur to Jenkins, 20 June 1836, ML A357). The registry was in operation by July (Sydney Herald, 25 July 1836), and it seems to have lasted until August 1837 when the petition committee was apparently wound up (notice to creditors, Sydney Gazette, 25 July 1837; regular notices to immigrants, which end ibid., 3 Aug. 1837).


130 Australian, 9 August 1836.
Macarthur first made it as clear as possible that in spite of charges from the other side, the petitions had not been got up by a small faction out of 'hostility to the present Government'. This must have surprised some of the audience. Where they complained about crime and disorder, Macarthur said, they were referring to 'the system, or rather want of system that has prevailed [in the management of convicts] from the first foundation of the colony'. 131 He also clarified a part of the petition to the king, where His Majesty was asked that in future magistrates should be appointed and dismissed only with 'the approval of the Executive Council, in all cases'. This was an obvious reference to an affair at the beginning of the year, when Bourke had dismissed several magistrates with tory reputations. 132 But Macarthur argued that Bourke had made better appointments to the magistracy than any governor before him, including Darling. The petitioners, he said, only asked that the governor should make a habit of consulting with his council in such matters. 133

Macarthur took care to add that if anyone should differ with him on any point, they should put their opinions in writing. 134 He apparently meant that these would go with him to England. But the offer was not taken up.

131 Macarthur's speech, Report ... of the General Meeting ... May 30, 1836, pp. 11-13, 15. Macarthur took great care with the printing of this report, which includes the corrected text of his speech (Macarthur to Jenkins, 7 June 1836, ML Am 43-1/3, and 15, 20, 27, 28 June 1836, ML A357).


133 Macarthur's speech, Report ... of the General Meeting ... May 30, 1836, pp. 20-1.

134 Ibid., p. 20.
The most important part of Macarthur's speech dealt with constitutional reform, and the colony's fitness for 'free institutions'. He had given this subject, he said, 'the most earnest consideration'.  

His argument shows that he had studied the works of several revolutionary constitution-makers, including Benjamin Franklin and the younger Mirabeau. He quoted as well from Francis Bacon (one of his favourite authors), the radical Horne Tooke, and the British moral philosophers Adam Ferguson and William Paley, both men of the late enlightenment.

He had decided, he said, that caution was necessary; not an uncharacteristic conclusion. In particular he thought that as a rule it would be wrong to admit ex-convicts to full participation in the duties and functions of citizenship ... [because] they ought not as a class to be entrusted with power to control the actions of others, or to influence the regulation and government of society.

The words 'as a class' are important. What Macarthur seems to have feared most was the power of the ex-convicts acting as a body, which he thought must lead to short-sighted and corrupt standards in the legislature and courts. He argued that 'in order to enjoy free Institutions to their full extent the majority of a community should be moral and well-conducted'; among a vicious people liberty must only increase the

135 Ibid., p.16.
136 See G.M. Young, 'Portrait of an Age', in G.M. Young (ed.), Early Victorian England 1830-1865, London 1934, II p.419: 'The admiration of Bacon, almost amounting to a rediscovery, is very characteristic of the period.'
137 Macarthur's speech, Report ... of the General Meeting ... May 30, 1836, p.16.
138 Compare his notes on the draft constitution bill, April 1838, ML D185, ff.59-61 (see chapter 5, below).
opportunities for vice. But unless special precautions were taken, the ex-convicts must at present dominate an elective system. Therefore, he said, the rulers of the colony must somehow keep up, by artificial means, 'a line of demarcation, between right and wrong', between reformed and unreformed men, and between the worth and unworthy rich. In other words, if ex-convicts were to be admitted to political power, it must be as exceptions. He did not say at present how numerous the exceptions might be.

The idea of the citizen as a moral being, Macarthur's favourite idea, was characteristic of several French authors whose work he knew well. Rousseau had written of the civil community as 'a moral and collective body', and had argued that by the social contract every member 'owes a duty to each of his neighbours, and, as a Citizen, to the sovereign people as a whole'; for through citizenship he acquires liberty from self, that 'Moral Freedom, which alone makes a man his own master'. The greatest achievement of Sismondi, another political theorist whose work Macarthur is known to have admired, was his attack on the doctrine that self-interest was the motive of every national economy. Alexis de

139 Ibid., pp.16, 19.
140 See also Macarthur, op. cit., pp.57-8, 108-20; his evidence before the select committee on transportation, 1837, loc.cit., pp.165 (19 May 1837), 212, 224-5 (26 May 1837), 273-4 (9 June 1837).
142 Mao-Lan Tuan, Simonde de Sismondi as an Economist, New York, 1927 pp.57-61; Macarthur's speech, [20 August 1853], in E.K. Silvester (ed.), The Speeches, in the Legislative Council of New South Wales, on the second reading of the Bill for Framing a New Constitution for the Colony, Sydney 1853, p.141.
Tocqueville, whose *De la Démocratie en Amérique* was published in 1835, took the same general approach, though he wrote mainly from a descriptive point of view. It is not clear whether Macarthur had seen de Tocqueville's book at this stage, but it was later to be a fruitful source of ideas.

In his speech Macarthur did not dazzle his audience with foreign authorities. He referred only to a statement by the Comte de Mirabeau - 'the brightest genius ... of the French Revolution' - to the effect that 'liberty itself was not so important as the dissemination of sound principles of religion and morality'. From the same period he also quoted Horne Tooke's opinion that 'extreme selfishness' and 'extreme criminality' were proper grounds for 'exclusion from a share in the Government'. Finally, by quoting from Adam Ferguson, he tried to show that the performance of civic duty depended on the understanding that personal and community welfare must be the same thing. He could not believe that this understanding was common in New South Wales, and he spoke of the high incidence of crime as adequate proof.¹⁴³

This part of Macarthur's argument was linked with the idea in the petitions that wealth should not be the sole test of capacity under the new order, and that a 'just moral feeling ... is the only secure foundation of free Institutions'. A man was not to be given power simply in

proportion to the financial stake he had in the country. Property
was of course to be necessary, but not sufficient.

In contrast Wentworth thought of worldly success as the sole
index of political capacity, because 'in this country ignorance and
poverty went together'.\footnote{Wentworth's speech at a public meeting, \textit{Australian}, 2 June 1835. This remark was made in connection with qualifications for the committee of the Patriotic Association.} The motive force in public life for him was
to be, not moral feeling, but rational self-interest. His ally Bland
explained, in a written answer to Macarthur's speech, that the Patriotic
Association drew its ideas from the theory of the American constitution,
which, he said, depended not on fixed moral standards but on a system
of 'political checks'. These checks made it worthwhile for the politicians
of Washington 'to act well'.\footnote{\textit{Monitor}, 8 June 1836. See also Wentworth's speech in the legislative
council, 30 Sept. 1850, the debate on transportation, \textit{SMH}, 7 Oct.
1850: 'He would say, first let them take the means to become a
nation, and let them purify themselves afterwards. Let them first
achieve their nationality, and then it would be time enough to
think of modelling their social state.'}

It seems, therefore, that the old campaign for reform in the colony
was meant to establish an automaton, providing for individual effort in
much the same way as the Ripon regulations were meant to govern the
settlers' struggle for land. The key to the new system was to be found
in the qualification for voting. Those in authority were simply to
decide on a figure, a certain sum of money, with no reference to individuals
and with the confidence that a system founded on such impartiality, and
such liberty, must work well. The members of the executive and legislature were likewise to be driven by their own ambition, and limited by nothing but the ambition of others.

This is the type of machinery which Matthew Arnold, writing later in the century, condemned as the function of a false ideal, 'the specially British form of Quietism, or a devout, but excessive reliance on an over-ruling Providence'. 146 Arnold would have fought it with sheer high-mindedness:

an inward spiritual activity, having for its characters increased sweetness, increased light, increased life, increased sympathy. 147

So would Macarthur. He differed from Wentworth, and from the normal successful politician, in that he never had any long-term political programme. Nor did he have any absolute faith in simple liberty and simple justice. His priorities always referred to passing circumstances, and he saw honest motives as the only sure good. 148 This in itself seems to have led to an excessive reliance on providence: 'Let us do what, in our conscience, we believe to be right,' Macarthur would say, 'and the result cannot fail to be satisfactory'. 149

147 Ibid., p.64.
148 Compare the ideas of Macarthur's contemporary, the Christian socialist F.D. Maurice, who 'believed that the reform of society ... must come through the purification of the motives which guide society, a purification reflected in the co-operative ideal' (G. Kitson Clark, Churchmen and the Condition of England 1832-1885, London 1973, p.334).
149 His speech in the legislative council, [30 Aug. 1853], in Silvester, op. cit., p.146.
The various threads of this great issue colour Macarthur's whole career. The affair of the Ripon regulations has already shown that he was keen to make New South Wales a nation of patriots. Like George III at his accession he wanted to promote 'unity and good harmony' among the people, and, more immediately, he wanted to make politicians agree. He aimed at Dr. Lindsay's peaceful 'collision of sentiments'; at debate informed with charity, energy and eventual truth.

This was to be achieved by assuming that every man was, first and foremost, a moral being, who might have such a settled view of life that peace of mind - 'contentment' as Macarthur called it - would be his main aim.\footnote{150} At this stage Macarthur's understanding of local politics was shallow, his ideas were slightly wild, and his patriotic efforts had all been abortive. His careful manoeuvring in 1831 had led to nothing, and his attempt in 1833 to join forces with Wentworth and Jamison was a conspicuous failure. But his political attitude was not unique in the colony. As he grew older he was to receive growing support from a mass of settlers who led uniform and worthy lives, and who could see no reason why their leaders should not be as peaceful and pragmatic as themselves. These were the men of 'good sense', whom Macarthur always thought of as his real constituency.\footnote{151}

\footnote{150} Macarthur to his mother, 7 Apr. 1829, and to his father, 24 June 1829, ML A2931; his speech at a public meeting, 24 Apr. 1844, SMH, 1 May 1844; Macarthur to G.W. Norman, 6 Mar. 1852, Norman MSS C182.

\footnote{151} See, for example, his speech at the declaration of the poll for Cumberland, 6 July 1843, Australian, 10 July 1843.
Macarthur's ideas were to receive their first detailed expression in England. He spent June and July collecting figures on different matters, with the help of Charles Jenkins. He was to use these in his discussions with the great men of Downing Street. On 21 July the petition committee voted him £500 to cover expenses and on 28th he sailed from Port Jackson on board the *Abel Gower*.

152 Macarthur to Jenkins, 20, 28 June 1836, ML A357.
Chapter 5

The Colonial Abroad 1836-1839

During the week in which the Abel Gower sailed from Sydney both the bishop and the governor sent off letters recommending Macarthur to friends in England. The younger Richard Bourke, who was then living in London, was informed by his father that Macarthur was 'very amiable and ... well informed', and should be introduced 'anywhere that may be agreeable to him'.

He is not violent in his politics [the governor wrote] and tho' a tory has I believe no objection to my government. We have always been on the best terms and I understand he made a point that the tory petition shd. not say anything abusive tho' he could not prevent indirect attack from Messrs. Jones, Walker and others.

And he added, 'I wish you to give him to understand that I am sensible of his good dispositions, but it shd. be known in Downing Street that he is a Botany Bay tory'.

Broughton does not seem to have been so confident about Macarthur's opinions. He gave him letters of introduction to Edward Coleridge (a master at Eton), John Keate (lately headmaster) and W.E. Gladstone, who had just finished a short term as colonial under-secretary. At the same time the bishop wrote longer letters to Coleridge and Gladstone describing the colony's need for more clergy, churches and parish schools. In this

---

1  Sir R. Bourke to R. Bourke jr., 21 July 1836, ML A1733.
connection and for other reasons, he said,

we attach some importance to [Macarthur's] proceedings, and I am most anxious, if possible, that he should have ... an opportunity of conversing with persons whose views are correct and likely to give a right turn to his.²

He explained to Keate that he thought

much advantage may arise from his seeing our [English] public schools and other institutions in a favourable light; as his property and situation here give him much influence; and if he takes a right turn as to such matters while in England, he may import some notions which may [thus] ... take root and flourish here.³

When Macarthur arrived at Portsmouth on 24 November 1836, he was thinking of a six months visit.⁴ In fact he remained in Europe until November 1838. The political business of the trip was compressed into two periods, two English winters and springs, the parliamentary sessions of 1836-7 and 1837-8. The first six months were the busiest, Macarthur's time being taken up with the petitions, and the publication of a book in their support. During May and June 1837 he was called four times to give evidence before a select committee on transportation, appointed by the house of commons. He afterwards went into the country and was away from London until October. On his return he attended to private financial matters, and to plans for a new constitution for the colony.⁵ In June 1838 he was married. Then once again the summer and autumn were spent

² Broughton to Coleridge, 26 July 1836, Broughton papers, NL mfm; Broughton to Gladstone, 26 July 1836, BM Add. MSS 44355, ff.102-3. Both letters contain this passage.
³ Broughton to Keate, 26 July 1836, NL MSS 1731.
⁴ James Macarthur to W. Macarthur, 2 Jan., 8 July 1837, ML A2931.
⁵ The private financial business will be explained in chapter 6, below.
travelling and visiting, until he and his wife sailed for home at the end of the year.

From the point of view of constitutional reform, the achievements of the visit were small, owing mainly to vacillation in the colonial office. But it is a very interesting period for the biographer. Macarthur now appears as a patient and hard-working negotiator, willing if necessary to sink his own views in compromise, as long as it seemed workable. He also appears as much too modest for a professional politician; too careless about announcing and justifying his own point of view. He seems to have thought that a political leader should always be in a position to change his mind, as long as the question was only one of expediency. He often did so himself.6

Had compromise not been necessary, the events of this time show that Macarthur would have preferred that the colony keep its non-elective council for the time being. In other words, his announcement in 1833, about the need to give the legislature 'a more popular basis', should be seen as an effort to reach agreement with the colonial reformers, in spite of his own opinions.

The visit was more useful to Macarthur himself than to the colony. Besides raising money for the estates he made a few useful and flattering

---

6 See his speech in the legislative council, 28 Sept. 1850, SMH, 3 Oct. 1850: 'under the altered circumstances of a young colony, to expect that we could maintain the same views from ten years to ten years, argued infinitely more of inconsistency and imbecility, than any rational change of opinion can involve.'
acquaintances. He formed confidential links with Lord Howick, the secretary at war, with James Stephen, permanent under-secretary at the colonial office, with Sir George Grey, parliamentary under-secretary, and with W.E. Gladstone. His dealings with Gladstone highlight his ideas on church-state relations, and their friendship suggests that they had a good deal in common. No doubt most important for Macarthur himself was his marriage, but the effects of this on his political life are hard to gauge.

*     *     *

At first Macarthur lived with his brother Edward in his rooms behind Burlington House, Piccadilly. Within a few days of his arrival he had received numerous visitors, including his old employer, Charles Coles, and Sir Walter Farquhar and W.S. Davidson, grandson and nephew of his father's patron, the first Sir Walter. On Tuesday 6 December he and Edward called at the colonial office for an interview with Sir George Grey. Macarthur took this opportunity of suggesting that Grey should present their petition to the house of commons, and that the petition to the king might be submitted to Lord Glenelg, the secretary of state. The following day the London committee of 'gentlemen requested to undertake

7 James Macarthur to W. Macarthur, 28 Nov. 1836, ML A2931.
the management of the petitions' met, and decided to follow up these proposals with a formal submission.9

The London committee was made up mainly of City businessmen with New South Wales interests, to whom Richard Jones had sent copies of the petitions.10 Their chairman was J.S. Brownrigg, M.P., deputy governor of the Australian Agricultural Company, and they met in his rooms. Other members included Davidson and J.W. Buckle (both directors of the company), Edward Macarthur, Stuart Donaldson (father of S.A. Donaldson), and William Walker (uncle of Thomas Walker). The elder Donaldson had originally acted as agent for Sir John Jamison in his work for constitutional reform. But having received several reprimands from his son about being associated with 'the worst portion of one of the worst populations in the world', he had gone over to the opposition.11 Buckle, Donaldson and Walker were all large importers of Australian wool.12 There were several other committeemen (apparently as many as five) who seem to have taken little interest in the campaign.13 In fact none of the issues

---

9 Minutes of a meeting 'of the gentlemen requested to undertake the management of the petitions', 7 Dec. 1836, ML A284.
11 Ibid.
12 See the list of importers of Australian wool during 1836 (Sydney Herald, 22 June 1837).
13 Besides those named, Frederick Huth and John Masson were at the meeting on 7 December. The New South Wales Calendar and General Post Office Directory 1837, Sydney 1837, pp. 340-1, lists 10 members, omitting James and Edw. Macarthur, and including James P. Webber and Walter Buchanan (see S.A. Donaldson to S. Donaldson, 18 Apr. 1836, ML A728) and G.W. Norman. The Directory's 'Fredk. Rush' is presumably Frederick Huth. Masson and Buchanan were also importers of Australian wool.
raised by the petitions concerned the members very closely. In the end they, or rather Donaldson, merely took responsibility for the petition fund, leaving the day-to-day work to James Macarthur.\(^{14}\)

The committee meeting was followed by another appointment with Grey, and on 13 December Macarthur also saw James Stephen. On the following day Macarthur, Buckle and Davidson were allowed 'a very gracious audience' by Lord Glenelg, who questioned them about the main points of their petitions. According to Macarthur's later memorandum, the future of the legislative council was one of the main points of discussion.

I said that nomination by the crown of an extended council embracing men of all parties who had never been convicts was in my opinion the best plan for seven or ten years.

But, asked Glenelg, if it was decided to replace the system with one of election, 'might not the emancipists have the elective franchise?'

To which I replied that many thought not, but that for myself I could not see any objection to its being granted under proper limitations and qualifications, provided the representation were confined to the magistracy and certain officers of the crown.\(^{15}\)

Glenelg and Grey soon afterwards agreed to take charge of the two petitions.\(^{16}\) But then the question arose as to whether the wording of


\(^{15}\) James Macarthur to W. Macarthur, 18 Dec. 1836, ML A2931.

\(^{16}\) Sir G. Grey to James Macarthur, draft dated 7 Dec. 1836 (afterwards altered), CO 201/258, ff.369-71. The final version, dated 28 Dec. 1836, is at CO 202/35, ff.118-20, and ML A284. This was to be a mixed blessing. Grey seems to have put off presenting the petition to the house of commons until he could make a firm statement of policy, and it was never presented at all.
the documents reflected on the conduct of the governor. James Mudie had arrived in London earlier in the year, 'vowing vengeance against Governor Bourke' and bringing with him the manuscript of his book. 17

He informed James Macarthur that it was very libellous, and asked him to correct the press. 'I am', said he, 'an enemy of Bourke's'... 'I shall assuredly do no such thing', said McA., 'and I beg you to remember that am a personal friend of Sir R[ichard] Bourke's'. 18

At the same time Mudie published a violent article about the governor in The Times, one of a series, which was answered in the Morning Chronicle by Bourke's son. It was this answer by the younger Bourke which drew the attention of Downing Street to the ambiguity of the petitions. 19

Macarthur repeated the explanation he had made in Sydney six months before, which, as he pointed out, had never been contradicted. 20 The petitioners' remarks about the appointment of magistrates, he said, contained 'a verbal inaccuracy'. It was 'by no means their wish' that the executive council should have a veto in such matters. 21 Nor did they suggest that Bourke was responsible for the local surfeit of vice

18 R. Bourke jr. to Sir R. Bourke, 26 Dec. 1836, ML A1739.
20 Ibid.
21 Macarthur to W. Grant (Glenelg's private secretary), 15 Dec. 1836, CO 201/258, f.373 (copy at ML A284).
and wickedness: 'the evils they describe have arisen, in a great
degree, out of the very nature and constitution of society in New South
Wales'. He told Grey that

There are no terms in which I can too strongly disclaim the
existence of any connexion whatever between the petitioners
and the articles reflecting upon the character and conduct of
Sir Richard Bourke ... lately published in ... the periodical
press.

The petitions had been inspired, he said, simply by the fact that the
terms of the present constitution was due to expire.\(^{22}\) The governor's
son thought it necessary to point out that this was clearly not the
attitude of most of the petitioners, but he did not press the point.\(^{23}\)
Glenelg was satisfied with Macarthur's statement, although he made it
clear that he could not commit the government to the full text of the
petitions.\(^{24}\)

Macarthur now prepared a report to the petition committee in Sydney.
His policy so far, he explained, had been to avoid saying anything
which might 'excite the bitterness of party or ... embarrass the government'.
It was extremely important, he said, that they do the same in the colony,
because this was the only way to ensure their opinions a fair hearing from
officials and members of parliament, whether whig or tory.\(^{25}\)

\(^{22}\) Macarthur to Sir G. Grey, 2 Jan. 1837, CO 201/267, ff. 503-6
(copy at ML A284).

\(^{23}\) R. Bourke jr. to Sir R. Bourke, 29 Dec. 1836, ML A1739.


\(^{25}\) Macarthur to the Sydney committee, 11 Jan. 1837, ibid.
He also drew the committee's attention to the uncertain future of convict assignment and the whole system of transportation. This was a question which had been debated in England with increasing warmth since 1832, when Richard Whately, archbishop of Dublin, had published his *Thoughts on Secondary Punishments*. Whately argued that as long as prisoners were assigned as labourers it was foolish to hope for an efficient system of punishment and reform. Whether masters were cruel or kind, he maintained that their interests could never agree with those of the penal system. In 1834 Edward Gibbon Wakefield had joined in the debate, describing assignment as a form of slavery. George Arthur, the lieutenant-governor of Van Diemen's Land, had also taken part, and had written two pamphlets in support of present methods.

Before his brother's arrival in England, Edward Macarthur had informed Grey of his own attitude to transportation. He was less concerned with the convicts themselves than with 'the moral effect upon the future character of the Australian colonies'. He did not believe, he said, that the obvious 'practical benefits' reaped by the settlers could 'counterbalance the moral objection', and he suggested that transportation should cease as soon as possible.

James Macarthur took the same approach, but he thought more about

---

the present faults of the system than its long term effect on the colony. In his letter to the petition committee he argued that the settlers must prepare for the end of convict labour, at least on their own estates. He pointed out that if they were to use free labour at all, then it was only right to expect the end of the assignment system. The tone of argument shows that he did not expect the committee to take kindly to such change. But he was anxious that they should see it coming, and that the settlers should prepare 'to grapple with the difficulties connected with it'.

He appealed both to their pockets and to their sense of justice:

Is it practicable that free labor and convict labor should be carried on with advantage upon the same establishment?

Or is it justifiable to bring the labourer of unblemished character and conduct into competition with one who is expiating his crimes, thus subjecting innocence not only to the danger of contamination, but in some degree to the penalties of guilt, and taking from crime the just severity of punishment?

To these questions, it appears to me there can be but one answer. Economic progress may be checked, he went on, but the community 'will, at all events, be less exposed to danger, and less subject to reproach'. Besides, any ill effects would be short-lived and he was sure that

---

29 To some extent Edward Macarthur's concern was that of a snobbish expatriate. He did not like the idea of coming from a convict colony.

30 Macarthur to the Sydney committee, 11 Jan. 1837, ML A284. See also James Macarthur to W. Macarthur, 9 Dec. 1836, ML A2931.

31 From an economic point of view, it was wiser to organise an estate to cater for free and bond labour at the same time. See Macarthur's evidence before the select committee on transportation (house of commons), 1837-8 (669) XXII, pp. 11-12 (5 Feb. 1838).
afterwards 'the advancement of the colony, both in rapidity and in all other respects, would infinitely surpass its progress at any antecedent time'.

* * *

Within a fortnight of writing this report Macarthur turned his thoughts to the book which was to back up the petitions. He first found an assistant, Edward Edwards, a young man of 25 who was becoming well known as a pamphleteer and an authority on libraries and adult education. He was to help with the mechanics of writing, printing, and publishing. Their first meeting seems to have been on 21 January. Macarthur still had some other business to attend to, and he was also not very well about this time. But Edwards began work straightaway with the first draft of the introduction.

The full title of the book was New South Wales; its Present State and Future Prospects: being a Statement with Documentary Evidence, submitted in support of Petitions to His Majesty and Parliament. The statement consisted of an introduction followed by eight detailed chapters, covering altogether 275 pages and consisting of about 45,000 words. Except for the introduction, this was all Macarthur's work. He and Edwards

32 For Edwards, see Dictionary of National Biography VI; W.A. Munford, Edward Edwards 1812-1886: Portrait of a Librarian, London 1963. He was one of the founders of the free library movement.
33 James Macarthur to W. Macarthur, 18 Mar. 1837 (first letter), ML A2931; Macarthur to Edwards, 25. Jan., 22 Feb. 1837, Edward Edwards correspondence. It seems that Macarthur was sick for a good deal of his time abroad (C. Norman to G.W. Norman, 10 Oct. 1838, Norman MSS C139).
34 For the controversy as to who wrote the book, see appendix 2, below.
followed a system whereby the original draft of each chapter was first sent to Edwards for revision. Some days later Edwards would return the revised script for Macarthur's approval. It was then given to the printers, except for the sections on legal subjects, which were sent for a second revision to Francis Barlow of Lincoln's Inn, whom the petition committee had engaged as counsel. 35

On 2 March Macarthur gave Edwards the first draft of chapter I, a review of government policy in New South Wales. 36 He had virtually finished chapter II, on transportation, by 28 March, and chapter III, on the jury system, by 12 April. 37 The rest of the statement dealt with the law courts, the legislative council and possible legal reform, immigration, general resources, religion and education. As Macarthur had anticipated, the last six chapters were written relatively quickly, the subject matter being 'less difficult and confined within a narrower range, as well as more familiar' to him, than in the cases of chapters I and II. 38 He and Edwards then went over the index together,

35 Letters no. 23, 31, 38, all n.d., Edward Edwards correspondence. Barlow had been secretary to Lord Lyndhurst, sometime lord chancellor and the younger John Macarthur's patron. See also the minutes of a meeting 'of the gentlemen requested to undertake the management of the petitions', 7 Dec. 1836, ML A284.
36 Macarthur to Edwards, 2 Mar. 1837, Edward Edwards correspondence.
38 Macarthur to Edwards, 18 Mar. 1837, ibid.
and the whole was published during the last week in June.\textsuperscript{39} For this work Edwards received £80 from the petition committee, plus a £10 gratuity from Macarthur himself.\textsuperscript{40}

The statement is compact, detailed and well balanced. Twenty-eight French, German, North American and British writers and several parliamentary reports are quoted to reinforce the argument. Macarthur relied for most of his general ideas on Alexis de Tocqueville, whose \textit{De la Démocratie en Amerique} had appeared in Paris in 1834.\textsuperscript{41} He also made several references to the \textit{Memoirs and Correspondence} of Thomas Jefferson, and to the recently published report of William Crawford, a commissioner who had been sent by the British government to investigate the working of United States penitentiaries.\textsuperscript{42}

The book cannot be called profound except where Macarthur makes some long term predictions. Here he shows his great sympathy with the thinking of de Tocqueville. He quotes de Tocqueville on the ideal government, 'essentially democratic', but more centralised than the United States because 'each citizen, exercising certain vested and defined rights' would be active within a limited sphere. Macarthur

\begin{footnotes}
\item[40] Macarthur to Edwards, 29 June, 6 Nov. 1837, Edward Edwards correspondence.
\item[41] See pp. 63-5, 111, 173, 279, 282.
\item[42] For Jefferson, see pp. 111, 149, 241, 278, and for Crawford see pp. 120, 218, 230, 238. For Crawford's life and work, see \textit{Dictionary of National Biography} V.
\end{footnotes}
suggests that this ideal might be realised in Australia. 43

In another place he points out that, unlike America, Australia was a country which would only respond to steady, well directed toil:

There, nature of herself, produces absolutely nothing in the vegetable kingdom for the food of man; but, to honest and persevering labor, nowhere does she yield a more grateful return. 44

Now he argues that because of the uncertainty of the climate the Australian settler must be a prudent man, self-sufficient in every way and able to live sometimes on his capital.

This is a circumstance which may possibly exercise a powerful and permanent effect upon the future political institutions and character of Australian communities. It would appear not unlikely to have a tendency to modify the development of popular influences, and to give rise to institutions, which, although founded, like those of America, on British principles, may probably partake less of the attributes of American democracy. 45

There follows a paragraph which shows Macarthur's ignorance of Asia, but which also proves his idealism and imagination:

And may not this very difference render Australia, at some future period, a more efficient instrument for diffusing throughout the eastern hemisphere the spirit and principles of British liberty, by rendering them the less repulsive in their form and practice, to the habits and manners of the Oriental nations? 46

44 Macarthur, op. cit., pp. 185-6.
46 Ibid., pp.281-2. Compare his opinion that one of the few advantages of bringing in Indian labourers to New South Wales was that it might be 'the means of introducing the habits of Europeans among the lower classes of Indians: for ... in this colony they would not come into contact with a slave population, but with men imbued with European feelings' (his speech in the legislative council, 8 Sept. 1842, Sydney Herald, 9 Sept. 1842).
These statements, particularly the reference to 'vested and defined rights', go to the heart of Macarthur's political thinking. He thought of the perfect constitution not as a medium for liberty, but as a system of guarantees, which even Asian despots might learn to maintain. In the 1850s, when New South Wales had both an elected legislature and responsible government, his ideal was still the centralised state incorporating in itself the 'vested and defined rights' of individuals and groups. In a private letter he then described the 'essential principle of our constitution' as

representation of interests, and not of mere numerical proportions - that is in fact the English, in contradistinction to the American principle.47

By this time his ideas had become more rigid, more defensive and more strictly Anglophile than they seem in his book, but there was no radical change.

Macarthur was anxious to get the book out as quickly as possible because it was expected that a bill reforming the colonial constitution would be brought in before the end of the current parliamentary session.48 The original term of the New South Wales Act of 1828 had expired the year before, and although it had since been extended the government was pledged to introduce an entirely new measure during 1837.49 The fourth chapter of the book was therefore devoted to the changes Macarthur thought necessary.

47 Macarthur to H. Oxley, 20 Oct. 1856, ML A2920.
48 [Macarthur], op. cit., p. 10.
49 PD third series, XXXIV c.1265 (5 July 1836).
The legal constitution must relate to the form of society, and the society of New South Wales was founded on the convict system. Macarthur therefore asked that change should begin with that system. The point made most strongly in his book was that the principles of penal administration in the colony had been faulty from the very beginning. Assigned convict labour, he wrote, had been

looked upon rather as a 'commodity' to be disposed of for the advantage of the colonists, than with reference to the punishment of crime, the true object to be attained.\(^50\)

This had led to the lack of any comprehensive system of convict management, which had not only been bad for penal reasons but had done great damage to the colony.\(^51\)

In his book he was less concerned with the ending of transportation than with the best way of using the system while it lasted.\(^52\) He wanted to see a number of changes. Its administration should first be taken out of the hands of the governor and entrusted to an official directly responsible to the home office, the department of state which looked after police and gaols.

The Governor would thus be released from a weight of responsibility, and from many irksome details, which seriously interfere with his other important duties. So great, indeed, is the dissimilarity between the Government of a free community of colonists, and the enforcement of the discipline essential to a penal settlement that a capacity for both is scarcely to be expected in the same individual.\(^53\)

\(^50\) [Macarthur], op. cit., p. 54.
\(^51\) Compare his father's very similar ideas, John Macarthur to J.T. Bigge, 7 Feb. 1821, and John Macarthur's suggestions no. 1 [for Sir T. Brisbane, Dec. 1821?], ML A2897.
\(^52\) [Macarthur], op. cit., p. 277.
\(^53\) Ibid., p. 47.
Secondly, rules should be laid down for the proper employment of the convicts, and the council in Sydney should legislate to control 'the conduct of masters towards their assigned servants, with penalties for non-observance, to be levied summarily by justices in petty sessions'.

But better still, preparations should be made for the end of private assignment. This suggestion seems to have been the result of an interview Macarthur had had with Lord Glenelg. Macarthur had proposed to Glenelg that all convicts should be sent to remote private estates, away from the disturbing influence of the towns. The details of this scheme are not clear, but Glenelg's reply had debarred any new system of private assignment, because of the feeling which had grown up against it 'in the bosom of the British people'.

In his book, therefore, Macarthur outlined another plan. After a few years all prisoners should be employed only on public works, on clearing land for the use of settlers, on making roads, and on 'other operations requiring combination of labor', where they might work in gangs under the control of an official overseer. Macarthur thought that under this system convicts might be entitled, as usual, to a ticket of leave after a period of good conduct, and those who then continued orderly and industrious might have their sentences remitted. Finally, after becoming free, they might be gradually restored to the different

54 Ibid., pp. 54-5.
56 [Macarthur], op. cit., pp. 50, 55.
degrees of civil rights and political duties', as long as their behaviour justified it.\textsuperscript{57}

These 'civil rights and political duties' should include jury service and the electoral suffrage. With regard to juries, Macarthur recommended that in future the right to serve should not depend on property alone, which was the effect of recent local and imperial laws. Transported men who were already free and settled in the colony should not, he said, be deprived of rights which they had at present. But in future only pardoned convicts should have the same absolute rights. The others, the expirees, might become eligible for jury service only after a period of good behaviour as free men. In fact, it should be possible to disqualify for the time being anyone at all who seemed 'deficient in character, or otherwise unfit to be a juror'. Macarthur showed by various examples that this was the practice followed in several of the United States.\textsuperscript{58}

The right to sit on juries might carry with it the right to vote in council elections. In his book Macarthur conceded that the colony

\textsuperscript{57} Ibid., pp.57-8.
\textsuperscript{58} Ibid., pp. 112, 116-20. On another occasion Macarthur explained that under the present system ex-convicts could make political capital out of their right to sit on juries, 'and if any magistrate had taken on himself the responsibility of striking him off, he would very likely have been liable to an action at law' (his evidence before the select committee on transportation (house of commons), 1837 (518) XIX, p.224, and see also p.273 (26 May, 9 June 1837)). Sir G. Grey's question no. 3401 et seq. (ibid., pp.222-4) suggest that any such legal action would have been impossible.
might be ready for an elected legislature. He now wrote that 'the petitioners ... would recommend' a council of 30 or 35 members, with as many as two-thirds elected. 59 Members should be chosen from among the magistrates, or from those 'of such standing in society as to be fully qualified for the magistracy'. 60 The governor should no longer act as president of the council, and debates should be public. Macarthur thought that this would be the best way of preparing the colony for a normal bicameral system, which might follow in seven years or so. 61

This plan, like his suggestions for assignment, shows Macarthur's love of negotiation and compromise. Since his interview with Glenelg in December he must have seen or at least been told the details of Bourke's public despatch on constitutional reform. There the governor had asked for a council of 24 members, with two-thirds elected, the franchise to be limited to those eligible for jury service. 62 Before writing this section of his book Macarthur had certainly had 'some unrestrained conversation' with one of Bourke's closest advisers, Chief Justice Forbes, who was then in England. 63 His own suggestions show that

59 [Macarthur], op. cit., pp. 133, 139.
60 Ibid., p. 133.
63 F. Forbes to J. Stephen, 31 Mar. 1837, CO 201/266, f. 468: 'I have had some unrestrained conversation with Mr. James Macarthur upon the subject of forming a legislature [etc.] ... we do not differ upon these ... points'. Forbes wanted the present council to be merely doubled, by the addition of 15 elected members. Macarthur apparently spent 'two or three days' with him, presumably at Cambridge, where Forbes was staying (Macarthur's speech in the legislative council, 12 July 1842, Sydney Herald. 13 July 1842).
he expected the governor's ideas to be followed in principle, but he hoped for some slight amendment. Only his proposals about overall numbers go further than Bourke's, aiming perhaps at a compromise with Wentworth, who had suggested a combined house of 50 members, with 40 elected.

Macarthur was quite unjustified in calling his plan something which the petitioners as a whole would approve. This is a good example of the indifference with which he sometimes treated his own supporters. When copies of his book arrived in Sydney the Herald remarked that it would 'surprise some people to learn that Mr. M'Arthur does not object to an Emancipist Juror, solely as an Emancipist'. The editor also disliked the conciliatory remarks Macarthur had made about Bourke. At about the same time Macarthur heard that one of Alexander Macleay's English relations had 'expressed the dissatisfaction of his friends at the course I have taken with regard to the petns.' But, he told William, he had followed his own honest judgement, which was all that concerned him: 'To please the ultras of N.S. Wales I never expected.'

To some extent the trouble Macarthur took to finish his statement was wasted. On 20 June, while he was putting the last touches to the index, the king died at Windsor, which meant the almost immediate dissolution of parliament. In the very week in which his book was published Sir George Grey informed the house of commons that in spite of

64 Sydney Herald, 9 Nov. 1837.
65 James Macarthur to W. Macarthur, 4 Oct. 1837 (first letter), ML A2931.
the government's pledge it would now be impossible during the present session to bring in a bill 'giving an elective council to the colony of New South Wales'. The matter was to be considered during the recess, and he promised that when parliament met again he would be prepared with 'a measure which would not only satisfy the colonists, but which would be well adapted to their peculiar situation'. Macarthur accordingly put off his departure for home until the spring.

Macarthur's suggestions on convict management, on the other hand, were well timed. While he wrote, the transportation debate was reaching a crucial stage. On 23 March the home secretary, Lord John Russell, announced to the commons that the government meant to make changes in the whole system of criminal law. Transportation, among other penalties, would be examined and reformed, the government being convinced that 'the inequality of treatment' which followed from the assignment system made it 'a most uncertain mode of punishment'. Macarthur finished the first draft of his chapter on transportation a few days after this announcement. Haste now seemed to him more essential than ever, if his own ideas on the subject were to have any effect on 'those who are likely to take it up before Ld. Jno. Russell's speech is out of recollection'.

66 PD third series, XXXVIII c.1708 (30 June 1837). On 7 June Macarthur had expected the bill to 'be determined on during the ensuing week' (James Macarthur to W. Macarthur, 7 June 1837, ML A2931).
67 James Macarthur to W. Macarthur, 8 July 1837, ibid.
68 PD third series, XXXVII cc. 709-13.
69 Ibid., cc.726-7.
70 Macarthur to Edwards, 28 March 1837, Edward Edwards correspondence.
The first man to take up the subject publicly within the next few weeks was Sir William Molesworth, a radical member of parliament. On 8 April Molesworth secured the appointment of a select committee to inquire into the working of transportation. As was customary, Molesworth himself became chairman. The other members included Russell, Howick, Grey, Henry Lytton Bulwer - the agent of the Patriotic Association - and Charles Buller, who was to be Bulwer's successor. 71

Macarthur was called before the committee on 19, 23 and 26 May and 9 June, and once more in February 1838 when it was reconvened after the recess. According to one observer, the ex-convict Edward Eagar, he gave his evidence carefully and sincerely: 'there was no swagger nor assumption in his manner, and it made a considerable impression on the Committee'. 72 Macarthur no doubt realised the importance of this inquiry, and took great care with his answers. During the 1837 interviews he was also supplying Molesworth with the proof sheets of his book as they came chapter by chapter from the press. 'The appendix' he told William, 'is a sort of text book in the committee.' 73 He was questioned on a wide range of subjects, covering most aspects of colonial affairs. Some of the answers he gave have been mentioned in different places above, and it is only necessary to say here what advice he offered on the future of transportation.

71 Clark, op. cit., II pp. 331-44.
72 [Eagar] to the editor, 29 July 1837, Monitor, 3 Jan. 1838.
73 James Macarthur to W. Macarthur, 7 June 1837, ML A2931. In their report the committee made 5 references to material in the appendices of the book (report of the select committee on transportation (house of commons), 1837-8 (669) XXII, pp. 4, 7, 30).
As far as Molesworth was concerned the main aim of the inquiry was to prove that the present system of transportation should be replaced by penitentiaries, built on scientific principles. He therefore wanted facts which showed the inefficiency of the system and, if possible, its corrupting influence in Australia. Macarthur obligingly dwelt in detail on the various ill effects he had observed. In particular he argued that the incidence of crime had steadily increased, even compared with the growth of population, from the earliest years of the colony. He attributed this to the poor management of convicts, which had hindered good discipline and reform and which had become worse as settlement extended.\textsuperscript{74} The system of assignment was at fault because 'of course it is in the interest of the assignee to make his servant as comfortable as possible', and comfort was not consistent with a penal regime.\textsuperscript{75}

He went on to say that free labourers were urgently needed, but he added that the most useful and respectable kind would not go out in large numbers as long as they had to compete with convicts. Nor was it right, he said, to have them working together.\textsuperscript{76} He admitted that many settlers would object strongly to the ending of assignment, and he agreed that it would 'produce very injurious effects' if it were done too quickly. But he thought the system might be 'gradually discontinued' as free labourers arrived to fill the gap.\textsuperscript{77}

\begin{flushright}
\textsuperscript{74} Macarthur's evidence before the select committee on transportation, 1837, loc. cit., pp. 159-161 (19 May 1837).
\textsuperscript{75} Ibid., pp. 163-4 (19 May 1837).
\textsuperscript{76} Ibid., pp. 164-7 (19 May 1837).
\textsuperscript{77} Ibid., p. 173 (19 May 1837).
\end{flushright}
On 26 May, when he came before the committee for the third time, Macarthur was questioned on the employment of convict labour on public works. He repeated the ideas outlined in his book, and suggested that if the convicts were employed on roads and similar projects, it might possibly be found a sufficient punishment and ... would be also very likely to prove an aid to colonization; convicts so employed would become the pioneers to a better class of population.78

The committee's report, presented in 1838, relied heavily on Macarthur's evidence. His answers were used more than those of any other witness,79 the committee being convinced that they were 'worthy of the most attentive consideration' because of his local knowledge.80 The report also contained a careful description of the plan he had suggested.81 But this was meant to show beyond doubt that the only real solution was the ending of transportation itself. The report concluded with the argument that Macarthur's scheme, which was the only alternative, was too ambitious, and its effect might well be inhumane.82

* * * *

78 Ibid., p. 216 (26 May 1837). Compare E.G. Wakefield's suggestion, whereby convict gangs 'would act as pioneers to a future army of Emigrants ... preparing the settlement for the habitation of better men' (A Letter from Sydney, London 1829, p. 87).
79 The witnesses most often cited in the report were Macarthur (25 times), George Arthur (22 times), J.D. Lang (20 times), Forbes (19 times) and Murdie (16 times).
80 Report of the select committee on transportation, loc. cit., p. 38.
81 Ibid., pp. 39-40.
82 Ibid., p. 41, 46.
While he was attending to the petitions, his book and the transportation committee, Macarthur was also looking after matters close to the bishop's heart. In his letters to Coleridge and Gladstone, Broughton had suggested a campaign in England to gather money for the church in Australia (or the Church of Australia, as Macarthur called it). They not only needed more church buildings, clergy and parish schools, he said, but the means of supporting what they had. Within a month of Macarthur's arrival Coleridge called on him to propose a scheme for raising 'a very large sum of money' for the Australian church. Macarthur afterwards drew up an 'Appeal to the people of England', which he gave to Coleridge for polishing and publication. Within six months the appeal had raised £2254. This was an impressive sum, though short of the £10,000 which, apparently, Coleridge had first expected.

---

83 Macarthur to W.E. Gladstone, 24 Mar. 1838, Gladstone (Hawarden) papers.
84 Broughton to Coleridge, 26 July 1836, Broughton papers, NL mfm; Broughton to Gladstone, 26 July 1836, BM Add. MSS 44355, ff.100-1.
85 James Macarthur to W. Macarthur, 18 Dec. 1836 ML A2931.
86 James Macarthur to W. Macarthur, 2 Jan. 1837, ibid. For the final printed version, see 'An Appeal to the Friends of the Church of England, in behalf of their Brethren in Australia', CO 201/281, ff.309-10, which is the copy given by Macarthur to Lord Glenelg.
87 Sydney Herald, 6 Nov. 1837.
88 R. Bourke jr. to Sir R. Bourke, 26 Dec. 1836, ML A1739.
During the first months of 1837 Macarthur spent a good deal of time 'with private individuals of weight and influence' discussing the more general question of education in the colony. He also wrote on the subject to his friend Hobbes Scott, now rector of Whitfield in Northumberland. Scott answered with a letter of advice, and the assurance that 'You are welcome to any opinion or assistance I can give to your plans'.

Part of these plans appeared in Macarthur's book. In chapter VII he pointed out that there were now two superior colleges in Sydney, the Australian College, which was Presbyterian, and the Sydney College, which was non-demoninational. He suggested that there is still room for a third and yet more extensive establishment in immediate connection with the Church of England, based, however upon such comprehensive principles as would render its advantages available to persons of other denominations.

His ideal was apparently a college without religious tests, and yet Anglican in spirit like the English and Irish universities, and like William and Mary College in Virginia. In such a place young men might

---

89 James Macarthur to W. Macarthur, 18 Mar. 1837, ML A2931.
90 Scott to Macarthur, 10 Mar. 1837, ML A2955.
91 [Macarthur], op. cit., pp. 239-40.
92 About March 1837 Macarthur lent Edwards the Memoirs and Correspondence of Thomas Jefferson (London 1829), Vol. I, as a source of material for the education chapter, and asked him to note the description on p.41 of the foundation of William and Mary College (see Macarthur to Edwards, letter no. 17, n.d., Edward Edwards correspondence; the notes in the copy of the Memoirs and Correspondence I, now at Camden Park; appendix 2, below). William and Mary College was founded by royal charter in 1693, and it had a divinity school for the training of Anglican clergy.
be trained for the priesthood of the Church of England, for 'other liberal professions' and for teaching in the schools.

Macarthur described the large land grants which had been made to the Anglican Church and Schools Corporation — which had been dissolved in 1833 — as an obvious source of funds for such an institution, particularly as they were on the point of being sold.\footnote{Macarthur, op. cit., pp. 240-1.} Elsewhere he explained that such grants should never have been made in the first place, as if to an established state body: 'such a mode of providing for the church is not only impolitic in other respects, but detrimental to the cause of religion'. But the church now had a fixed interest in the land which, as a matter of equity, the state had a duty to protect, it being 'unjust to take away that which has been granted whether the grant were politic or not.'\footnote{Macarthur to T. Macquoid & W. Cowper (secretaries to the diocesan committee, Sydney), 25 July 1839, ML A2995.}

Soon after the publication of his book, and before he left London for the summer, Macarthur went with Scott to see W.E. Gladstone.\footnote{About 2 months earlier Macarthur had also had an interview with William Howley, archbishop of Canterbury, but apparently nothing important was discussed (Macarthur to Edwards, letter no. 27, n.d., Edward Edwards correspondence; Macarthur's speech in the legislative council, 1 Sept. 1840, Sydney Herald 2 Sept. 1840). No record of the interview survives at Lambeth (information kindly supplied by Mr. E.G.W. Bill, librarian, Lambeth Palace (6 Aug. 1975)). Howley had old personal links with Scott (Scott to W. Ord, 18 Aug. 1813, Blackett-Ord (Whitfield) MSS A32).} They
had a long conversation on New South Wales, but the details are not recorded.\footnote{M.R.D. Foot (ed.), The Gladstone Diaries, II 1833-1839, Oxford 1968, p. 302 (27 June 1837).} Gladstone's diary shows that he and Macarthur had at least five other meetings during this and the following year.\footnote{The others were on 29 June and 8 December 1837, and 10, 22 Mar. and 3 May 1838 (ibid., pp. 302, 328, 354, 356, 368). Between 3 and 13 Oct. 1837 Gladstone read Macarthur's book (ibid., pp. 316-7).} Several letters also passed between them, but for this period only Macarthur's notes to Gladstone survive. On 10 March 1838 they met for a discussion 'on [the] Church', and a fortnight afterwards Macarthur called on Gladstone for breakfast. The next day Gladstone wrote to him asking, apparently, that he take part, as 'the lay representative in England of the Australian diocese', in the revival of the National Society for Promoting the Education of Children of the Poor in the Principles of the Established Church. In reply Macarthur said that Gladstone was quite right in assuming that

\begin{quote}
I do indeed 'feel deeply the importance' of establishing throughout the empire a national system of education, based upon the principles of our national religion.
\end{quote}

But, he went on, circumstances - which he did not explain - prevented him from giving more than nominal support.\footnote{The Gladstone Diaries II, p. 356 (23 Mar. 1838: 'wrote to ... Macarthur'); Macarthur to Gladstone, 24 Mar. 1838, Gladstone (Hawarden) papers.}

At this time Gladstone was 28 years old, and a passionate high church Anglican. His religious ideas were reaching a crucial stage, and
he was just about to publish an elaborate statement of faith. In this book, *The State and Its Relations with the Church*, 99 Gladstone argued that the English nation, as a fragment of civilisation, was 'an institution manifestly divine', with 'a personality of its own, a collective power [and] a collective responsibility'. Its personality, he explained, was embodied in its national church. Thus, by its independence the Church of England

does not renounce the communion of the Catholic body, but sympathising with all other nations and their churches, freely acknowledges the laws which are binding in common upon all.100

He extended the argument to the British colonies and referred among others to New South Wales, 'where vicious principles have recently assumed the form of a system, and obtained the sanction of law'. 101 He meant Bourke's church acts. Such legislation, he said, could only be excused if it was the explicit choice of the inhabitants, for it must 'prevent their enjoying the benefit of the nationality of the church'. 102

Macarthur and Gladstone shared an absorbing interest in grand moral questions. They both brought a type of self-conscious domestic virtue to public life, although in Macarthur's case the leading principles were more humanistic than religious. Macarthur took most of

99 Published in London, 1838.
100 Ibid., pp. 193-4.
101 Ibid., pp. 257, 270-2.
102 Ibid., p. 278.
his ideas on morality from the 18th century enlightenment and, unlike Gladstone, 'he was not wont to speak much upon religious subjects'. Yet he must have admired Gladstone's strange and intense mixture of pragmatism and high principle, because he was himself driven by the same contradictory habits of mind.

To some extent they also agreed on the proper relationship of church and state. They were certainly working in different fields. Macarthur was concerned mainly with seeing that the Australian colonies did not become a new America, a place where, as de Tocqueville told him,

Le pauvre a gardé la plupart des préjugés de ses pères, sans leurs croyances ... et son égoïsme est aussi dépourvu de lumières que l'était jadis son dévouement.

Thus, for Macarthur the formalities of church life were incidental. Gladstone, on the other hand, argued passionately, and usually at length, about the institutions of the established church and their links with the secular world.

All the same, their talks were no doubt useful to Gladstone in the writing of his book. It may be hard to see any lasting effect on Macarthur, but his contact with Gladstone and Broughton's other friends into his head fleeting ideas about the English church having unique claims in an English colony.

103 H. Tingcombe, A Sermon preached in St. John's Church, Camden, on Sunday 28th April, 1867, on the occasion of the death of James Macarthur, Esq., Sydney 1867, p.10 (ML A2928).

104 De la Démocratie in Amerique, I p.xxiii. The last part of this passage is heavily marked in Macarthur's copy, now at Camden Park.
greatest weakness was his wish to be taken seriously by Englishmen of rank, a weakness which may well have forced his romantic and tory temperament into conflict with his rationalist upbringing. Unlike his father, Macarthur did not believe that 'the only use of religion was for political purposes'. But 'his mind ... [was] always occupied with politics', or at least with secular social issues, and like Gladstone he tended to think of religious feeling as something which grew out of society, as a self-generated binding force. Although he was against exclusive state aid, his dealings with Gladstone suggest that he too liked the idea of a national religion, sanctioned by age and giving the modern nation its own peculiar bent and constitution. But he stopped short of Gladstone, or, in another sense, went beyond him. His writings and speeches usually imply that the secular power was itself to be seen as the final instrument of justice, and the authority dividing right from wrong. This is in keeping with his wish to see government in New South Wales well defined and centralised.

* * * *

At the end of July 1837 Macarthur left London for the country.

105 Untitled paper with information, mainly from Rev. Henry Fulton, about John Macarthur and Sgt. Whittle of the N.S.W. Corps, [1811?], British war office papers 72/35.


107 See in particular his speech at an election meeting, 14 Jan. 1843, Australian, 16 Jan. 1843: 'the basis of the happy and glorious constitution under which they lived ... was the still more perfect law of Christianity'. I am grateful to Dr. Deryck Schreuder for ideas on Gladstone's religious thinking.

108 Macarthur to Edwards, 24 July 1837, Edward Edwards correspondence.
There is no exact record of his movements for the next two months, but he apparently spent a good deal of time with prospective emigrants to New South Wales. At one stage he was in Bristol to inspect a group of farm labourers going out under the government scheme, and to answer their questions about the colony. Afterwards, in September, he was in the western highlands of Scotland, where an emigration agent appointed by the New South Wales government was at work.

Macarthur returned to town on 1 October. In spite of its good intentions he found the government further than ever from a final decision on colonial reform, and early in the new year he became involved in fresh discussions. There is some evidence that he had taken part in similar talks soon after his first arrival. Among his papers there is the draft of a bill dating, apparently, from early 1837, and providing for a system of elected district authorities in the colony. These were to have replaced the existing legislature, leaving all general colonial business to the governor and executive council alone. The lesser bodies, called county courts, were to consist of between 6 and 12 members.

109 Macarthur to Edwards, 6 Nov. 1837, ibid.
110 Macarthur's evidence before the select committee on transportation (house of commons), 1837-8 (669) XXII, p. 6 (5 Feb. 1838); T.F. Elliot to J. Stephen, 10 July 1837, HRA i, XIX p. 32. The emigrant ship Layton left Bristol on 8 September (Australian, 23 Jan. 1838).
111 James Macarthur to W. Macarthur, 4 Oct. 1837 (second letter), ML A2931; T.F. Elliot to J. Stephen, 10 July 1837, HRA i, XIX p. 32.
112 ML A2928. There is no date on the paper, but since it refers to 'the King-in-Council' it must have been written before the accession of Queen Victoria in June 1837.
elected for four years at a time. They were to legislate for county matters, particularly roads and education.

The name 'county courts' suggests that the new authorities were modelled, remotely, on the English courts of quarter sessions, which were county institutions composed of local magistrates and having both judicial and administrative powers. The scheme also recalls de Tocqueville's recent account of local government in the United States. In his Democracy in America de Tocqueville had dwelt at length on the nominated courts of sessions which played a central part in county administration in Massachusetts.113

The first publication of de Tocqueville's work had coincided with a new concern about local government in both the home and colonial offices. The same year, 1835, saw the passing of the Municipal Corporations Act, which had replaced 178 English borough corporations with elected councils. During the following year a commission of enquiry, headed by Lord Gosford, had been at work in Lower Canada, and had suggested in a preliminary report that the province be divided into seven or more districts, each with its own elected legislature. These elected bodies were to send delegates to make up the provincial lower house.114 Later, in December 1836, Stephen had made a counter-proposal, in which he had suggested the division of the province into three ridings, each having its own elected 'general court' whose responsibilities

114 Second report of the Canada commissioners (12 Mar. 1836), (house of commons), 1837 (50) XXIV, p. 91.
might be limited to local matters, the provincial assembly being
elected by the population as a whole. 115

At some stage Macarthur wrote in his copy of the New South Wales
plan, 'Confidential not to be shewn to anyone'. But there was nothing
very secret about the general idea. In May 1837 Bulwer reported to the
Patriotic Association that he thought reform might be limited to 'some
species of Municipal Government', 116 and Edward Eagar, who sent regular
reports of the negotiations of 1837-8 to Hall of the Monitor, gave a
detailed and highly critical account of the plan in his letter of
30 August. 117 Macarthur's only recorded opinion was that he thought
such a plethora of little parliaments would dislocate the work of the
central power. 118

In his letter to the association Bulwer suggested that such a
system might easily be combined with an elected council for the colony
as a whole. The result would have been something like that recommended
for Lower Canada by the Gosford commission. In fact it seems that
Stephen had made a similar proposal for New South Wales as early as
October 1836. 119 It was reconsidered at the colonial office during the

115 Peter Burroughs, The Canadian Crisis and British Colonial Policy
116 Bulwer to Hall, 30 May 1837, Monitor, 12 Feb. 1838. Hall was now
secretary of the Patriotic Association.
118 C. Buller's memorandum for Glenelg, [15 Mar. 1838], Australian,
session of 1837-8, although by then Bulwer had been replaced as an agent for the Patriotic Association by Charles Buller, M.P., also a radical. Buller took up his post in December 1837 and over the following weeks he looked at a number of plans which had been worked out at the colonial office. According to Eagar, the office wanted a bill which would satisfy all parties in New South Wales. In particular, they had suggested a system of municipal bodies linked with a partly elected council. On 3 February 1838 Buller, in a letter to the Patriotic Association, reported that he was making good progress, having arrived at a solution which would meet with general support. He could not at present reveal the details, but, he said, he had described his ideas to Macarthur, who had given his approval, and he was now working them out further for Glenelg.

As with the earlier plan, a draft bill for a two-level system of government is among the Macarthur papers. This was apparently one of a number of copies drawn up at the office by Stephen after Buller had sent in his recommendations. Unlike the earlier paper, it has several of Macarthur's own comments on it. These make it clear that

120 Bulwer recommended Buller as his successor in his letter of resignation, 2 Dec. 1837 (Australian, 29 June 1838), and Buller's appointment was confirmed at an association meeting in May 1838 (ibid., 25 May 1838).

121 [Eagar] to the editor, 1 Feb. 1838, Monitor, 27 June 1838.

122 Buller to the committee of the Patriotic Association, 3 Feb. 1838, Australian, 3 July 1838. For a discussion of the evidence for these negotiations, see appendix 3, below.

123 ML D185, ff. 49-85. This document is undated, but should be April 1838 (see below).

from his point of view the most important aspect of the plan was the 
method of election to the council or, as the bill calls it, the 
legislative assembly. The formation of district councils (the name of 
county courts was now given up) made possible a system of double election, 
for these were to act not only as administrative bodies but also as 
electoral colleges for the assembly. The assembly was to have 35 members. 
Of these, 23 were to be chosen by the councils and the rest appointed 
by the governor. The councillors themselves were to be elected by the 
owners or occupiers of tenements worth £10 or more a year, which in 
New South Wales meant virtually household suffrage.

Macarthur believed that the system of double election had two 
obvious advantages. First, it would check the entry of doubtful 
characters into the assembly, because the district councillors must be 
more cautious and responsible electors than their own constituents. 
Secondly, he thought that this check might be so effective that there 
would be no need for any peculiar system of legal disabilities in the 
new constitution. In other words, he saw double election as the best 
way proposed of 'getting rid of the emancipist question'. On the other 
hand, if this advantage was not assured there could be no excuse for 
such complexity and he thought it would be 'the wiser course to abandon 
the proposed experiment'.

Never at any time had Macarthur demanded that anyone in the colony 
should be deprived by law, and for life, of civil rights possessed by

---

125 ML D185, ff. 61, 62.
other settlers. Nor does Buller seem to have suggested it. Nevertheless
the draft bill produced by Stephen made expirees - those convicts who had
served their whole term without pardon - into a distinct class needing
unusual property qualifications for the franchise. A £20 qualification
was to apply to those who had received a ticket of leave, with £30 for
those who served their whole term without any dispensation. In his
rough notes on the bill Macarthur suggested that to create such
distinctions at any level was a 'very questionable' policy.

He knew, he said, that
to give the emancipated convicts such a degree of political power
as should enable them to exercise a separate and preponderating
influence on the govt. of the colony would be a fatal error; but
if no legal distinction be made between them and the rest of the
inhabitants, will they not soon cease to act separately - whereas
on the other hand if such a distinction be kept up its natural
effect will be to separate them from the other colonists and to
form them into a discontented and dangerous faction.126

This comment has been quoted at length because it shows that historians
have been wrong in treating Macarthur as an arch-'exclusive'. In fact,
he was the only colonist before the end of transportation who ever
considered, seriously and in detail, a constitution in which there might
be no mention of ex-convicts at all. This point is important in the
next chapter. Macarthur was much less concerned with legal barriers
than with moral distinctions, which were always open to amendment.127

---

126 Ibid., ff. 59-61. Macarthur afterwards said that these opinions
'were recorded under his hand in Downing Street itself' (his
speech at a public meeting, 4 Feb. 1841, Australian, 6 Feb. 1841).
If so they must have been recorded in that volume of papers on
constitutional reform which has since been lost from the archives
of the colonial office (see appendix 3, below).

127 It could be argued that the flexibility of moral qualifications, as
distinct from legal ones, left the rights of the subject much more
dependent on arbitrary power. This objection would not have occurred
to Macarthur, whose thinking rested on the assumption that rulers
would be just.
After all, in New South Wales - as he once said in another context - there could be no such thing as a final settlement of anything'.

According to Eagar, Macarthur ensured that in the new constitution the governor would have the sole power of originating bills. In fact the draft in the Macarthur papers would have given this power to the assembly as well, and there is nothing on the paper to show that Macarthur wanted otherwise. He seems to have had only two suggestions to make which were not connected with the ex-convict issue. He thought that the assembly might be given control over half of the proceeds from crown lands, whereas the bill allowed for only a third. This in itself suggests that Eagar was wrong. He also proposed that the opportunity of a new act should be used to give the whole area south of the Murray River to South Australia, and also 'to adopt some less barbarous name' for each of the two older colonies. For example: 'V.D. Land might be named Tasmania. Cambria or Victoria have been suggested for N.S.W. Wales.'

---

128 Macarthur to S.A. Donaldson, 12 July 1856, ML A731.
129 [Eagar] to the editor, 12 Mar. 1838, Monitor, 6 July 1838.
130 ML D185, f. 79.
131 Ibid., f.49. Macarthur thought that to make such an extension to South Australia would prevent navigation disputes on the Murray. He afterwards said that he had made this suggestion to officials in Downing Street and to 'several members of parliament', and that if a new bill had been passed in 1838 such boundaries 'would have been fixed by it' (his speech in the legislative council, 9 Dec. 1840, Sydney Herald, 10 Dec. 1840).
Buller had submitted his recommendations to Lord Glenelg on 15 March, and the subsequent draft bill was prepared during the following three weeks. According to Eagar copies were sent to the various cabinet ministers on 5 April. This was probably when Macarthur received his. If so, during the next few days his thinking on the subject changed. His first notes on the draft are those quoted above, but they are followed by others which record his final opinion that the scheme would never work. On 9 April he reported this decision to the secretary of state. He still believed that the system of double election was the only one worth thinking about. But it was very complicated. He was afraid that communications in the colony were too slow and settlers had too little time to make it run smoothly. Forbes had objected in the same way to this 'very unwieldy piece of machinery' when it was first proposed in 1836. But Macarthur also argued that it was not the right time to bring in an experimental system, when the colony was undergoing rapid change. He told Glenelg that 'in a few years' the tone of society must be 'very much elevated and improved', thanks mainly to immigration. That would be the time for permanent reform, when exotic safeguards would be unnecessary.

He knew, he said, that his opinion would be unpopular in the colony, but it was well considered, and he would not 'shrink from any responsibility or odium that may attach to it'.

---

132 See appendix 3, below.
133 [Eagar] to the editor, 13 Apr. 1838, Monitor, 27 Aug. 1838.
134 Macarthur to Glenelg, 10 Apr. 1838, CO 201/282, ff. 301-4.
As a temporary measure he thought that the numbers of the present council might be increased by 6 or 10, so as to 'include men of all parties' and so 'practically to represent the colonists at large'. Council debates should also be made open to the public.\textsuperscript{136} In another place he suggested that such a council might also be considered as a constituent body, with the power to devise 'some plan for conferring free institutions upon the colony'.\textsuperscript{137} He assured Sir George Grey at the same time that

I shall cheerfully acquiesce in whatever course may eventually be determined upon, and endeavour by every means in my power to promote the successful working of the new act in the colony.\textsuperscript{138}

But there was no new act. At first Glenelg approved of his ideas, and on 16 April Macarthur, in a letter to Gladstone, referred to them as official policy.\textsuperscript{139} Buller also wrote to the Patriotic Association on 21 April to announce that as a provisional measure the present council was to have some 'liberal' gentlemen added to its number, and that there was to be a more thorough reform in three years time.\textsuperscript{140} By the end of the month, however, the colonial office had returned to a state of indecision.\textsuperscript{141} By July Glenelg had made up his mind to continue the

\begin{footnotes}
\textsuperscript{136} Macarthur to Glenelg, 10 Apr. 1838, CO 201/282, ff.301-5. This letter was the record of an interview between Macarthur and Glenelg earlier on the same day. In another place Macarthur said that he had advised Glenelg to appoint Wentworth and Bland to the council (his speech at an election meeting, 27 June 1843, \textit{Australian}, 28 June 1843).
\textsuperscript{137} Macarthur's minute, draft bill for the government of N.S.W. and V.D.L., ML D185, f.85.
\textsuperscript{138} Macarthur to Grey, 10 Apr. 1838, CO 201/282, f.307.
\textsuperscript{139} Macarthur to Gladstone, 16 Apr. 1838, Gladstone (Hawarden) papers.
\textsuperscript{140} Buller to the committee of the Patriotic Association, 21 Apr. 1838, \textit{Australian}, 20 Oct. 1838.
\end{footnotes}
present act unchanged for one year more. In the end it was renewed annually until 1842, when an elective system was finally introduced.

The government's failure to bring in an elective system in 1838 was no doubt partly due to its own extraordinary vacillation. But it can also be put down, in part, to the influence of Macarthur. According to Eagar the transportation committee's unflattering account of colonial morals, based partly on Macarthur's evidence, had had a powerful effect on the minds of ministers. Their natural conclusion was that an authoritarian system should be continued in New South Wales for the time being. Those ministers who talked privately with Macarthur must also have been impressed with his doubts about reform. Macarthur had explained these to Glenelg on his arrival, and they were always there in spite of his efforts to reach a compromise with the ideas of Bourke, Wentworth and Buller. Grey and Howick may have been particularly susceptible because they both became Macarthur's personal friends. Howick was apparently one of the strongest opponents of change, and his attitude may have been decisive.

142 Eagar to Sir G. Grey, 18 July 1838, and colonial office minute, CO 201/281, f.434.
144 Grey and Howick (afterwards 3rd Earl Grey) were cousins. The Macarthers had entertained Howick's brother Frederick Grey, a naval officer, at Parramatta in 1826-7, which was apparently their first connection with the family (Mrs. Macarthur to E. Kingdon, Mar. 1827, in Sibella Macarthur-Onslow (ed.), Some Early Records of the Macarthers of Camden, Sydney 1914, pp. 457-8; James Macarthur to W. Macarthur, 9 Dec. 1836, 7 June 1837, ML A2931, and 1 Jan. 1855, ML A2932; Howick to Macarthur, 3 Feb. 1840, ML A2932; Macarthur to 3rd Earl Grey, 17 May 1861, Grey papers).
145 [Eagar] to the editor, 13, 18 Apr. 1838, Monitor, 27 Aug. 1838. Howick had once (1830-33) been colonial under-secretary and, according to the London Spectator, 29 June 1839, 'when any Colonial question comes before the Cabinet, it is really decided by Lord Howick's voice', because of his experience and energy (quoted in Peter Burroughs, Britain and Australia 1831-1855, Oxford 1967, p.208).
Macarthur also left his mark in other, less elevated places. A more interesting aspect of his work in England was his easy co-operation with men like Molesworth and Buller, liberals and radicals whom the emancipist party saw as its own natural allies. This group lived in a state of uneasy union with the government, its main supporters within the whig party proper being Howick and his brother-in-law, Lord Durham. Their politeness surprised Macarthur himself, and it was a source of annoyance to Eagar and those colonists who saw themselves as liberals and the Macarthers as incorrigible tories. Macarthur afterwards recalled that when he gave Buller a proper account of politics, Buller 'took him by the hand, and said that if that was Australian toryism, he did not know what liberality was.'

Macarthur would have been less surprised had he known more about English party principles. His earlier letters give the impression that he thought of radicals as sheep, atheists and levellers. In fact, he shared with men like Molesworth and Buller a certain radical optimism, a wish to improve on a large scale, and a belief that the condition of society must depend more on administrative methods than on personal wealth and opportunity. But he was unclear - as they were - how far these methods should be part of an imposed plan, and how far they should simply evolve. The problem arose from the central fault of utilitarian

146 See, for example, his interchange with Molesworth and Buller while giving evidence before the select committee on transportation 1837-8, loc. cit., pp.6-13 (5 Feb. 1838).

147 James Macarthur to W. Macarthur, 7 June 1837, ML A2931; [Eagar] to the editor, 12 Mar. 1838 (two letters), Monitor, 29 June, 6 July 1838.

148 Macarthur's speech at an election meeting, 26 Mar. 1856, SMH, 28 Mar. 1856.

149 For example, James Macarthur to John Macarthur jr., 6-11 June 1827, ML A2931.
thinking which, being based on psychological theory, sometimes aimed to balance opposite needs and sometimes to reinforce absolute ones. The ideas of the radicals depended on two more or less contradictory principles:

the one in virtue of which the science of the legislator must intervene to identify interests which are naturally divergent; the other in virtue of which the social order is realised spontaneously, by the harmony of egoisms.

Both principles appear in the colonial policy which the group adopted in the 1830s. In the first place they believed in organised emigration and the careful building up of new settlements by the imperial power; and in the second place they wanted to see these settlements independent of the mother country, working out their own millenium.

With regard to New South Wales, the radicals thought that transported convicts should be immediately replaced by free emigrants, and Buller for one argued that the settlers could not expect a normal representative system while transportation continued. Macarthur tended to agree, but both his temperament and his experience led him to give much less attention to general theory and much more to local circumstances. They also agreed, however, that as soon as possible the Sydney government should have some constitutional link with local opinion, one result of this agreement being the unusual idea of double election.

* * *

151 Ibid., p. 508.
153 Buller to the committee of the Patriotic Association, 3 Feb. 1838, Australian, 3 July 1838; Macarthur’s evidence before the select committee on transportation, 1837-8, loc. cit., pp. 6-13 (5 Feb. 1838).
Maclaurin had planned to leave for home early in 1838 but he was delayed once again, this time by a personal matter. Early in May he announced his engagement, and he was married on 14 June at St. Pancras church in Bloomsbury. He was 39 years old. There had been some idea that he might marry in England, and letters had been sent from Governor Bourke's family to their London relations asking 'that our Australian friend be provided with a becoming partner'. His wife was Emily Stone, second daughter of Henry Stone, a City banker who lived in Tavistock Square. Emily seems to have disliked the 'formality' of her father's house, which meant that Macarthur married not so much into the Stone family as into the family of her sister Sibella, the wife of George Warde Norman, a director of the Bank of England. Macarthur and Norman had apparently been introduced as early as 1828 by Hobbes Scott.

---

154 C. Coles to Macarthur, 12 May 1838, ML A2922.
155 His wife was 32. She was born in Calcutta (where her father was in the H.E.I.C. service) on 26 Feb. 1806, and died at Camden on 27 Nov. 1880 (see the family gravestone at Camden Park). She brought a dowry of £3000 (James Macarthur's marriage settlement, 13 June 1838, ML A2929).
156 Sir R. Bourke to R. Bourke jr., 21 July 1836, ML A1733.
157 Henry Stone was the grandnephew of George Stone (1708?-1764), archbishop of Armagh, and of Andrew Stone (1703-1773), tutor to George III. Emily's mother was a daughter of William Roxburgh (1751-1815), a famous East Indian botanist. For these, see Dictionary of National Biography XVII and XVIII. The Stones were an old city banking family, having begun as goldsmiths and East India stock brokers (P.G.M. Dickson, The Financial Revolution in England, London 1967, p. 513; D.M. Joslin, 'London Private Bankers, 1720-1785', in E.M. Carus-Wilson (ed.), Essays in Economic History II, London 1962, p. 352). For Emily's family tree, see ML A2910.
158 S. Norman to G.W. Norman, 15 June 1838, Norman MSS C138. G.W. Norman (1793-1882) came from a newer but ultimately better known banking family than the Stones. For his life, see Dictionary of National Biography XIV. He was a committed liberal and a man of wide learning and interests, and was famous as a writer on finance.
an intimate friend of the Norman family, and it was Scott who officiated at the wedding.\textsuperscript{159}

It was a thoroughly successful marriage.\textsuperscript{160} Sibella Norman rightly predicted that 'he will fill up the place of sister as well as husband, he seems to enter so completely into all her feelings'.\textsuperscript{161}

From the other point of view, Emily's new mother-in-law soon found that she was devoted both 'to his interests, and those of the family generally'.\textsuperscript{162} It has been called an 'unromantic but most useful match' on the grounds that it gave the Macarthur family new contacts with the liberal whigs and enabled James to increase his London overdraft.\textsuperscript{163}

But the Normans and their relations had had connections with the Macarthurs for nearly 20 years, so that this was a strengthening of old ties.\textsuperscript{164} Nor were they a political family, although the Stones were

\begin{flushleft}
\footnotesize

159 Scott to G.W. Norman, 27 Dec. 1827, 28 Feb., 27 June, 17 Sept. 1828, Norman MSS C36; Scott to Mrs. Macarthur, 14 June 1838, ML A2955.

160 See Macarthur's letters to his wife, 1838-65, ML A4341, A4342, A4343, especially [13 Nov. 1851], 2 Dec. 1857, A4343; Emily Macarthur to James, 11 Dec. 1852, ML A2960.

161 S. Norman to G.W. Norman, 15 June 1838, Norman MSS C138.

162 Mrs. Macarthur to Edw. Macarthur, Jan. 1842, ML A2907. For proof that she was enthusiastically devoted, see her letter to Macarthur, 29 June 1843, ML A4344, an account of electioneering at Parramatta.

163 ADB II, p. 151.

164 John Macarthur jr. had known Edward Barnard, agent for N.S.W. and Norman's first cousin, since at least 1819, and Norman was an original director of the A.A. Co. (John Macarthur sr. to John Macarthur jr., 20 Feb. 1820, ML A2899; A.A. Co., list of proposed directors, [1824], CO 280/2, f.15). See also John Macarthur jr. to James Macarthur, 21 Nov. 1825, ML A2911.
\end{flushleft}
related to Sir George Grey, through that other banking clan, the Barings. The suggestion that Macarthur might have married for an overdraft seems to be random, and wrong.

After the wedding the Macarthurs left London. They were invited to stay for a week at Sir George Grey's country house, but declined for lack of time. Instead they travelled to Edinburgh, to Aberdeenshire, and then to Northumberland, where they spend several days with Scott. Then after some time in the west country, they returned to town about the end of August. In November they sailed from Portsmouth aboard the emigrant ship Royal George, with 'a large party of friends and relatives, and ... a considerable number of emigrant labourers and tenants for the Camden estate'. They reached home in March 1839.

164 James Macarthur to W. Macarthur, 1 Jan. 1855, ML A2932.
165 Macarthur's London bankers were Herries, Farquhar and Co., close family friends since 1802. There is no evidence that he had a standing overdraft. The Bank of Australasia had just been formed in London, with G.W. Norman's brother Richard as a director, but Macarthur did not see it as a good thing (James Macarthur to Edw. Macarthur, 30 July 1838, ML A2931). It was not until 1842 that he was forced to take out a mortgage with the latter bank (James Macarthur's statement for the information of Edw. Macarthur, 25 Feb. 1858, ML A2928).
166 James Macarthur to W. Macarthur, 1 Jan. 1855, ML A2932.
167 James Macarthur to Edw. Macarthur, 30 July 1838, ML A2931; W. Leslie to Mrs. Leslie of Warthill, 6 Sept. 1839, Leslie papers.
168 Sydney Gazette, 13 Dec. 1838. The labourers and tenants for Camden were apparently 6 families from Dorset and 6 from Kent (Edw. Macarthur to W. Macarthur, 11 June 1838, ML A2914). There were 102 immigrants altogether (Sydney Herald, 11 Mar. 1839).
169 They left London on 11 November, and the Cape on 26 January, and reached Sydney on 10 March (ibid.).
Emily, Elizabeth, William, two unidentified friends, and James Macarthur.
Photograph by William Macarthur

The Macarthurs in the 1850s

Edward Macarthur
Photograph by Fauchery
The Legislative Council Chamber 1843-1856, afterwards
the Assembly Chamber
From a water-colour by Janssen, 1844

The First Ministry under Responsible Government, 1856
(with Macarthur absent; left to right, Holt, Manning,
Donaldson, Darvall, Nichols)
from a photograph by Freeman
William Charles Wentworth

Sir Edward Deas Thomson

Sir Charles Cowper

Sir Charles Nicholson
PART II

Chapter 6
The Cicero of the Cowpastures\textsuperscript{1} 1839-1842

In 1839 the government of New South Wales was carried on in several two-story buildings situated within a quarter acre at the head of Sydney Cove. Five or six hundred yards away, at the top of a hill, was another collection of official buildings, more elegant though less important, namely St. James's church, the prisoners' barracks, the court house and the hospital. In a town like Sydney these were distinguished structures, monuments to the fine taste of Governor Macquarie. The hospital was especially grand, if size is any test, because it filled most of Macquarie Street with a double colonnade of white pillars, brilliant under a strong sun and a blue sky.\textsuperscript{2} One wing of the hospital had the distinction of housing that small but august body, the legislative council of New South Wales.\textsuperscript{3}

The council now numbered 15. Its president was the governor, and the governor at this time was Sir George Gipps, who had arrived as successor to Sir Richard Bourke in February 1838. Gipps's appointment had been mainly due to the ability he had shown in 1836, as a member of Lord Gosford's commission to Lower Canada. There he had displayed all

\textsuperscript{1} This epithet was applied to Macarthur by the Sydney Herald, in an abusive editorial, 24 July 1841. The Cowpastures was the area by the Nepean River which included Camden Park.

\textsuperscript{2} Macquarie Street has now been continued beyond Bent Street to the water, and the main part of the old hospital building has been pulled down.

the administrative sense and liberal spirit which the Sydney government seemed to require. Most important, his ideas had been founded on a keen awareness of the rights of public opinion, as expressed through the local legislature. This awareness was to be very obvious in New South Wales, together with another aspect of Gipps's character, his unlucky knack of making good policies unpopular. During his term of office it sometimes seemed that, in spite of his ability, Gipps let himself 'be governed by the colony, instead of governing it'.

His period in North America had given the governor a good understanding of the traditional type of colonial constitution. But the New South Wales system was relatively primitive and ambiguous, with all the different elements mixed together. Instead of two chambers, quite apart from the executive, with the lower one representing the people, he found a single nominated house, whose members sat behind closed doors with the governor himself in the chair. Gipps had the power to make only one change, namely the admission of strangers to the gallery. He did this soon after his first meeting with the council in May 1838, although the seating was very cramped. From 6 June debates were published in the local press, and no doubt members began to give more attention than they had done to feeling outside.

---

4 See, for example, Gipps's memorandum, 5 May 1836, with the third report of the Canada commissioners (3 May 1836), 1837 (50) XXIV, p.120.
5 Lord J. Russell's minute, 5 July 1841, on the despatch Gipps to Russell, 1 Feb. 1841, CO 201/307, f.8.
6 Sydney Herald, 4 June 1838.
7 Ibid., 7 June 1838. The session of 1838 was much longer than previous ones, presumably because members tended to have one eye on public opinion, to make more careful and elaborate speeches, and to examine government measures more closely.
Besides the governor, the council consisted of the chief justice, the Anglican bishop and the commander of the forces, four senior officials and seven leading settlers. The four officials were the colonial secretary, Edward Deas Thomson, the attorney-general, Hubert Plunkett, the collector of customs and the auditor-general. Of the seven private gentlemen most had belonged to the council since Darling's time, and one, Robert Campbell of Duntroon, survived from the original board of 1825. The most energetic of the seven was Bourke's old adversary, Richard Jones, who still prided himself on his independence from the government, especially as that government was whiggish. Jones's chief supporters were Hannibal Macarthur (James's cousin) and Campbell, and he could usually rely on Alexander Berry, a merchant with large estates on the Shoalhaven.

So-called liberal opinion in the colony was represented by Sir John Jamison, whom Bourke had appointed in 1837, and John Blaxland, but neither took a very active part in debates. These two may be seen as a third party in the chamber, in so far as controversial issues often depended on whether they voted with Jones or the government. The seventh non-official member when Gipps arrived was

8 The chief justice was Sir James Dowling, the bishop, Dr. Broughton, and the commander of the forces, Major-Gen. Sir Maurice O'Connell. The collector of customs was Col. J.G.N. Gibbes and the auditor-general was William Lithgow. All members are listed in ADR I and II.

9 However Jones liked Gipps much better than Bourke, and went so far as to say in 1840 that 'he did not believe that there ever existed a more correct set of gentlemen, both in their private and public characters, than the government officers of New South Wales' (his speech in council, 10 Dec. 1840, Sydney Herald, 12 Dec. 1840).

10 When Jamison died in 1844 George Allen noted that 'for many years he has been quite imbecile and an object of pity' (Allen's diary, 3 July 1844, MS uncat. MSS 477). Blaxland was also old and ill.

11 See appendix 5, below.
Edward Charles Close, who came from the Hunter valley and who was, at 48, the youngest of the seven. But Close resigned his seat later in the same year.

The vacancy was at first filled by Capt. Phillip King, Hannibal Macarthur's brother-in-law. Early in 1839, however, King was appointed resident commissioner for the Australian Agricultural Company, at Port Stephens. Anticipating that this would probably disqualify him from the council, Gipps wrote to Whitehall suggesting that either James Macarthur or William Charles Wentworth be named in his place. He added that he preferred Wentworth because he wanted to make the council as far as possible a vehicle of public opinion. 'Mr. James Macarthur', he explained, 'was lately engaged in England as the agent of that political party which already has a great majority in the unofficial part of the council.' Wentworth on the other hand was popular, rich and able, and in spite of his past was no longer a violent politician.

Gipps's despatch was examined at the colonial office in October, several weeks after Lord John Russell had succeeded as secretary of state. It seems to have been quickly dealt with. Stephen's dislike for the Australian Agricultural Company put an end to any doubts about King's membership, and a more general prejudice against Wentworth left

12 Otherwise only Gipps (47), Thomson (38) and Plunkett (36) were under 50 years of age in 1838. Of the remainder Dowling was 51, Broughton 50, O'Connell 70, Gibbes 51, Lithgow 54, Campbell 69, Berry 57, Jones 52, Blaxland 69, Hannibal Macarthur 50 and Jamison 62.

13 Gipps to Glenelg, 3 Apr. 1839, HRA i, XX pp.81-2.
Macarthur holding the field. He took his seat when council met for the following session, in the winter of 1840.

* * *

It was then two years since Gipps's first address to the chamber: more than enough time for members to adapt themselves to their new president, and to the scribbling of reporters in the gallery above their heads. It is clear that these changes had had their effect. The debates published for the period show members falling more and more clearly into government and opposition. In theory the ex-officio members had independent views on most matters, although Gipps expected the support of his four officials 'where a great issue of imperial policy is to be maintained'. In fact, these officers rarely voted against him on any point, and only the auditor-general ventured to make speeches in opposition.

The most controversial matter of Gipps's first session, that of 1838, was a bill designed to transfer crown land and buildings used by the military to the formal possession of the ordnance office in London. This was seen by the colonists as an attempt to divest them of their own common property and the non-official members became the agents of a distinct and unanimous public opinion. Such thorough opposition was

---


16 Australian, 19 June, 17 July 1838; Monitor, 15, 18, 25 June 1838; Sydney Herald, 18, 21 June 1838. Petitions were presented against the bill on 17 July 1838, and see also the debate on that day (ibid., 20 July 1838).
something new. Plunkett, the attorney-general, was taken aback, remarking that 'I should be sorry to see the Colonists for the first time shew an unreasonable attitude to Government arrangements'.

This 'unreasonable attitude' was to become more and more common among the non-official members, and the attorney-general was to suffer from it most. The issue was partly personal. Plunkett was the chief heir of the political tradition established by Bourke, and was therefore distrusted by Jones, Campbell and Hannibal Macarthur. This difference was heightened by the fact that Plunkett was a Catholic, these three being keen Anglicans.

But the main trouble arose from the fact that the attorney-general was responsible for the details of most official policy, and particularly law reform. Plunkett himself believed that his was 'the most important department under the Government', and this seems to have been true. Had the system been one where the final authority rested with a popular electorate of taxpayers, perhaps the treasury would been the central agency of the state. But where the crown is the whole source of power the precedency of departments must tend to be different. The

---

17 Plunkett's speech in council, 20 June 1838, ibid., 21 June 1838.
18 See, for example, the editorial in the Sydney Herald, 4 July, 1838.
19 Plunkett and Roger Therry, who acted as attorney-general 1841-3, were Irishmen as well as Catholics. For their relationship with Bourke, see Hazel King, Richard Bourke, Melbourne 1971, pp.23-31. See also Therry to Bourke, 27 Feb. 1840, ML A1738.
main obstacles to government action must then perhaps be legal rather than financial. This was certainly true in New South Wales, where constant change and reform were taken for granted, and where the chief power outside the government lay with the country benches.

Antagonism on legal matters was very obvious during the 1839 session. During the debates on the estimates Jones, Hannibal Macarthur and Blaxland made a more or less successful attack on Plunkett's appointment of a second crown solicitor in his department. In September Jones and Macarthur were also able to block an effort, by Plunkett, to force magistrates to choose only barristers as their chairmen during quarter sessions. However, in a later division, on the question of abolishing the option of military juries in criminal cases, Plunkett was able to split the non-official members: the votes of Jamison and Blaxland gave him a majority of two.

The religious issue was broached during a debate on 27 August, on educational reform. The discussion centred on a series of resolutions proposed by the governor as a test of opinion inside and outside the council. Gipps wanted, ideally, a unified school structure comprehending all classes and sects, like the Irish national system. But since feeling had been so strongly against it in 1836, he had suggested a scheme whereby every school undertaken in future by the state would be

---

22 Debate of 10 Sept. 1839, ibid., 11 Sept. 1839.
run on the principles of the British and Foreign School Society, a body catering for various shades of Protestant opinion. The Catholics were to receive special grants to enable them to maintain their own schools at an equal standard.24

Bishop Broughton led the opposition to this scheme, arguing that while his church was to compromise its doctrines with those of other Protestants, the Catholics were to teach theirs as strictly as they liked. Comments of the same kind were made by Jones, Hannibal Macarthur and King, and also by Blaxland and Dowling, the chief justice. The main speech on the other side, apart from the governor's, came from Plunkett, who liked the plan as an approximation to the Irish system. There were several other statements in support, and Gipps said afterwards that all but one of the 'friends of Sir Richard Bourke' had agreed with his ideas.25 But he did not bring the debate to a division because he thought that the speeches on the other side reflected the general feeling in the colony: 'the government wish to lead the public opinion,' he said, 'not drag it'.26

During the following month leading Anglicans, including James Macarthur, drew together to strengthen their parish schools against

---

24 Sydney Herald, 2 Sept. 1839.
25 Gipps to Lord Normanby, 9 Dec. 1839, HRA i, XX p.428. Gipps concluded that he would have had a majority. The one exception among Bourke's 'friends' was presumably Dowling. Besides Plunkett, only Jamison, Thomson and Gibbes spoke in favour of the scheme, but Gipps may have talked to others before the debate. See also his speech in council, 30 Aug. 1839, Sydney Herald, 4 Sept. 1839.
26 Ibid.
future attack. The part taken by Macarthur at this point was strangely at odds with his evidence before the transportation committee of 1837, when he approved of a suggestion very like that of Gipps. His work for education was full of such contradictions: he once explained that he would support any scheme which seemed to suit 'the opinions and even the prejudices' of the people, as long as it had some distinct religious content. But events late in the 1840s show that, other things being equal, he liked the Irish system best.

*  *  *

Council convened for the 1840 session on 28 May, and Macarthur took his seat on 2 June. At this time the members sat around a single long table in strict order of precedence, with the governor at the head, the chief justice and the bishop on his right and left, then the other ex-officio members, and the seven non-officials arranged

---

28 Macarthur's evidence before the select committee on transportation (house of commons), 1837 (518) XIX, pp.176-7 (19 May 1837).
29 Macarthur to H. Oxley, 20 Oct. 1856, ML A2897.
30 See chapter 8, below.
31 Sydney Herald, 29 May, 3 June 1840. Macarthur probably missed the formalities of the first sitting because his wife had just given birth to their first (and only) child, on 8 May (Macarthur to G.W. Norman, 8 May 1840, Norman MSS C182). This was Elizabeth, afterwards Mrs. Macarthur-Onslow. Macarthur said a 'few words' on 2 June, the day of his swearing in, and 'was not at all nervous' (Macarthur to his wife, [3 June 1840], ML A4341).
further off according to the date of their appointment. This meant
that Macarthur sat at the bottom of the table on the governor's left,
beside his cousin, Jones and Campbell, and facing Berry, Blaxland and
Jamison. The chamber was so small and the table so large that Macarthur
sat directly under the gallery and he tended to look away from it while
speaking. The remote position of 'the honourable member at the bottom
of the table' might have given some dramatic effect to his confrontations
with the governor, except that he was invisible, and often hard to hear,
from the gallery. All the same, by the end of his first session
Macarthur was able to boast, privately, that he had become 'a leader!!
of the independent party'.

From the very beginning of the session Macarthur showed some skill
in untangling controversial points and bringing debates to a consensus.
This was his first real opportunity to apply the political principles
which marked his whole career. He had declared at the beginning of the
1830s that the problems of the colony were 'only to be cured by
patient efforts upon the spot', and that its future must depend on
there being 'a spirit of unanimity' among the different sections of
the population. In 1848 he was to say again that the local people,
or their leaders, must be allowed to determine for themselves all

32 Debate of 3 July 1838, Sydney Herald, 6 July 1838.
33 Macarthur to G.W. Norman, 5 Sept. 1840, Norman MSS C182.
34 Ibid.
35 See, for example, debates of 2, 17 June 1840, Sydney Herald,
5, 19 June 1840.
36 Macarthur to his father, 11 July 1829, ML A2931.
37 Macarthur's speech at a public meeting, 28 Nov. 1831, Sydney
Gazette, 1 Dec. 1831.
issues which were 'governed ... by the internal circumstances of the
colony'. For, he said,

  in all matters relating to themselves
  they are the right persons to judge of
  what is best for them.\textsuperscript{38}

This was the practical aspect of Macarthur's patriotism. As a
corollary he argued that the method of choosing leaders - always the
main point for Wentworth - must be incidental. He thought that such
things were 'matters of expediency', which depended on the state of
the community, and which might be left to common sense. He was not
perfectly happy with the council as it existed in 1840, because he
thought that it was not varied enough to represent the whole people.\textsuperscript{39}
But, within certain strict limits, it provided a forum for that type
of discussion on which the credit and welfare of the colony seemed to
depend. He was usually much less concerned with final decisions than
with the way in which they were reached. His ideal was cool debate,
unselfish compromise and, eventually, a businesslike unanimity. Thus,
by 'the discussion of conflicting opinions the truth might in the end
be elicited'.\textsuperscript{40}

The most crucial questions to confront the council during Macarthur's
first three sessions arose from the rapid spread of settlement during
the 1830s. The community was now divided not only by social class and

\textsuperscript{38} Macarthur's speech at a public meeting, 19 Jan. 1848, _SMH_, 21 Jan.
1848. Compare his 'Suggestions relative to the appropriation of
crown lands in Australia', n.d. (enclosed with Macarthur to H. Twiss,
10 Jan. 1829), CO 201/297, ff.212, 213.

\textsuperscript{39} See chapter 5, above.

\textsuperscript{40} Macarthur's speech at the declaration of the poll for Cumberland,
6 July 1843, _Australian_, 10 July 1843.
economic interest, but also more and more distinctly by geography.  
This led to new problems of administration, and in particular Gipps was 
keen to see elected local authorities set up throughout the territory. 
He turned his mind to this question during the winter of 1839, considering 
each body in the first instance as a money-raising institution, 'whether 
it be for public works, for the maintenance of Police, or for any 
purpose of a local nature.'  

The fiscal arrangements of the colony were still relatively 
straightforward. The local public revenue was of two kinds, the first 
arising from indirect taxes and duties, controlled by the legislative 
council, and the second arising from the sale and lease of crown land, 
which since 1832 had been appropriated by the British treasury. 
Expenditure was divided in the same way. Since 1826 the whole civil 
government had been paid for by the settlers. Since 1834 they had also 
financed their police and gaols, required by the convict system, under 
a reciprocal arrangement whereby the Crown applied the land revenue 
strictly to local purposes. The most important of these local purposes 
was assisted immigration, but there were always a number of smaller 
charges which the governor was obliged to make on the land fund. 
The settlers had two objections to this system. In the first 
place they argued that the land fund should be spent only on immigration. 

---

41 For partial evidence, compare the number of country post offices 
on the mainland in 1832 and in 1840, namely 16 and 47 (The New 
South Wales Calender and General Post Office Directory 1832, 
Sydney 1852, p.178; Tegg's New South Wales Pocket Almanac, and 
Remembrancer 1840, Sydney 1840, pp.90-1). See also appendix I, 
below.

42 Governor's financial statement, read in council 23 July 1839, 
Sydney Herald, 24 July 1839.
There was a growing shortage of labour during the 1830s, and it was widely urged that the depression which began late in 1840 was at least partly due to an imbalance of labour and capital, or in other words to the past 'misappropriation' of the land fund. In that year Gipps in fact declared in council that he would 'never again put his hand to a warrant to take from the fund, except to defray emigration expenses'.\footnote{Governor's speech in council, 4 June 1840, ibid., 5 June 1840.} But this was a promise which could not be kept.

In the second place, the settlers complained of having to pay the whole cost of police and gaols. They argued that transportation was at least as useful to Britain as it was to the colony, and that they were entitled to a subsidy from the treasury at home. This charge was certainly a great burden on the local treasury, amounting to at least a quarter of the annual expenditure.\footnote{See appendix 6, below.} Feeling became unusually strong whenever the settlers could convince themselves that the convict system was being maintained out of the land fund. In fact it could be argued that this was always happening as long as the land revenue was used for anything but immigration, because its application to other purposes made more local money available for police and gaols.\footnote{Gipps to Lord J. Russell, 17 July 1840, HRA i, XX pp.712-3; Peter Burroughs, \textit{Britain and Australia 1831-1855}. Oxford 1967, pp. 263-7.}
him all the keenness of a young beginner, angry at long-standing abuses
and eager to make a name for himself. He also understood the complex-
ities of the issue, which was unusual. Thirdly he had some direct
contacts with Whitehall, which could be the source of useful information.
Only a little before the opening of the session he received an important
letter from his brother Edward, in London, warning him that the British
government meant to press for everything they could get:

Whatever you do, consent to no direct taxation, call for
return[s] of all moneys abstracted ... from the land fund,
let men of all parties unite in a firm remonstrance to
parliament and providence will not desert you.46

This advice was very apt, and it corresponded closely with the course
James Macarthur followed over the next three years.

The governor's annual financial minute always showed how the land
fund was being applied, but Macarthur moved for detailed returns in
1840 and 1842.47 Moreover, in 1840 and 1841 he divided the council on
the question of whether the police and gaols expenditure should be
cut by half, which he thought was as much as the colony should bear.
His arguments were conciliatory at first, but in 1841 he quoted Edmund
Burke's description of the links 'strong as iron' but 'light as air'
which should bind British communities together, and he warned, in what
was then very extreme language, that they 'might be turned to iron for
other purposes'. On both occasions the government had a majority of

1840, 3 Aug. 1842.
seven to five. 48 As the following pages show, Macarthur also made a special effort in council to block any measures of direct taxation, particularly if the money was to pay for the presence of convicts.

These were cases when he felt strongly enough to forget the niceties of debate and his ideal of unanimity. That ideal, after all, assumed a certain dedication to the welfare of the community, a rational desire for the common good. The present controversy went much further. According to Macarthur, it tested the assumption itself. Nothing less could justify the very strong language he used in 1841 and 1842.

*   *   *

During the first week of the 1840 session Gipps laid on the council table two new bills which, taken together, were to provide the colony with a comprehensive system of local government. The first, brought in on 28 May, was a municipal corporations bill, which was to allow for the incorporation by charter of any town which could be shown to have a certain minimum number of people. As a corporate body the citizens, through their elected council, were to make by-laws, appoint officers, conduct markets, and provide for the management of streets, sewerage, lighting and water. 49 The second bill, the commissioners


49 Sydney Herald, 29 May 1840.
of police and public works bill, was introduced on 4 June. It was to authorise the election of boards in the various rural police districts. These were to build and maintain roads, bridges and similar works. 50

Both types of authority were also designed to raise money, through local rates, for the administration of their own areas. In both cases the money was to be used partly for the items listed above. But the town councillors and the commissioners were also to finance, as a first priority, their local police and gaols, and over these they were to have no control. Gipps explained in introducing the second bill that up to this time the colonial treasury had been able to finance the whole police and gaols establishment according to the arrangement of 1834. But the expense was now very large and, since he was no longer free to use the land fund for anything but immigration, some other source of revenue had to be found. 51

He was not prepared to let the local authorities control their police and gaols - although they were to pay for them - because of the special problems of law and order which were integral to the colony as a penal settlement. Thus, as far as this item of expenditure was concerned, local rates were to finance an imperial responsibility. Gipps could not prevent the bills from confirming and extending an arrangement which the settlers considered anomalous and unfair.

50 Ibid., 5 June 1840.
51 Ibid.
For the time being, however, the public reaction to both bills was restrained, probably because they were not fully understood. No petitions were presented against either of them. The main Sydney newspapers acquiesced in the corporations bill as something appropriate to a British colony, but they disliked the prospect of rates and the fact that the town councils were to have no control over their police, as was normal in England. With the exception of the Monitor, they were totally against the police and public works bill, which had none of the saving features of the corporations bill, and which became known simply as 'the taxing bill'.

Macarthur was opposed to both bills. His main objection arose from his belief that, with the present constitution, they would give the government an unlimited power over the levying and spending of rates, or, as he called them, taxes. Normally the people were able to keep a check on such matters through their elected representatives. But here they could elect only local councillors and commissioners, men forming small and disparate bodies which would be unable, and perhaps unwilling, to resist the central power. He foresaw that it would be possible for them [the local authorities] under any tyrannical Governor to tax the people to any extent they might think proper, and no redress would be found.

52 Ibid., 23 Mar., 15 June 1840; Australian, 8 Aug. 1840; Monitor, 25 May, 1, 5 June 1840.
53 Sydney Herald, 15 July 1840; Australian, 16 July 1840; Monitor, 23 July, 1840.
54 Macarthur's speech at an election meeting, 14 Jan. 1843, Australian, 16 Jan. 1843. See also his speech at a public meeting, 29 Jan. 1848, SMH, 31 Jan. 1848.
The police and gaols issue gave a special point to this argument.

Also, Macarthur said, he 'was doubtful how far an irresponsible [that is, a nominated] body like the existing Council had the power to pass such Bills.'\(^{55}\) He used various technical arguments in support of this idea, but the underlying thrust of his objection was that the new system was to be imposed indiscriminately, by a non-elective council and without reference to local wishes. Non-official members of all parties had, at some time, joined in campaigns during the 1830s, and had signed petitions stating at least that the present council was not fully representative.

How then could they pass such a measure as this [the corporations bill] in the face of such a declaration?\(^{56}\)

'All he asked', as he explained later, was that the colony should be permitted to 'have municipal institutions in the same shape, created in the same way, as they were in Great Britain.'\(^{57}\) That is, charters of incorporation should be issued only on demand, and after specific debate by a representative body. Both his objections told particularly against the proposed rural boards, which were held to be mere taxing bodies with no precedent in England.

\*\*\*\*

---

57 Macarthur's speech at a public meeting, 7 Feb. 1848, *SMH*, 9 Feb. 1848.
The governor was anxious to have the police and public works bill - the 'taxing bill' - dealt with before the corporations bill, because he was not very confident that the former would pass and he thought its fate should be known before they went on with the other. But he could not persuade the council to begin detailed consideration of the 'taxing bill' until 14 July, by which time the non-official members were fully prepared to make sure that it was thrown out. By that time their ill-feeling had also lessened the chances of the corporations bill. This was an early example of Gipps's political ineptitude. He had a type of honesty which was so spontaneous that in some circumstances it seems like sheer bravado. Thus, in cases where reform had an uneven appeal he tended to push for the least popular parts first, which usually went a long way to combine public opinion against the scheme as a whole.

In opening the debate on the second reading of the 'taxing bill' Gipps made a full statement in its justification. He explained that the reform was not only necessary in order to increase revenue. It would also be an important first step in the introduction of self-government at the regional level, an ideal which had been recommended for British North America by the Gosford commission in 1836 and more recently by Lord Durham in his well known report. He was not hopeful

58 Governor's comments in council, 4, 25 June 1840, Sydney Herald, 5, 29 June 1840.


60 Compare his management of the squatting regulations of 1844 (K. Buckley, 'Gipps and the Graziers of New South Wales 1841-1846', Historical Studies: Selected Articles first series, Melbourne 1967, pp.82-95.
of the present bill passing, but he asked members to think of the colony's financial difficulties and, if they would not have this solution, at least to suggest some other.

Macarthur answered with a vigorous speech, setting out his various objections to the bill. The rural boards, he said, would not work well because, unlike the Canadas, this was a pastoral colony, whose population was scattered and transitory. Therefore, if such boards were formed, their stability and their revenue must depend on a few settled freeholders, which would be unfair, inefficient, and likely to increase the tendency to squatting.

After making a few other points, Macarthur turned to his main argument, which rested on the principle of taxation with representation. The bill, he said, would authorise a system of direct taxes, which must be illegal unless sanctioned by an elected local legislature or a clear act of parliament. No such legislature or act existed. The imperial statute of 1828, the New South Wales Act, which had set up the present council, only authorised it to raise taxes for local purposes.

He could not imagine upon what principle the enormous sum, which the Council was called upon to extract from the pockets of the people, could be said to be necessary for local purposes.

The question was therefore one of principle, and 'he would rather lay down his life than sanction the sacrifice of that great constitutional principle he was advocating'. He moved that the bill be rejected.

Jamison, Berry, Hannibal Macarthur and Lithgow the auditor-general took the same line, and only Plunkett and Gibbes, the collector of
customs, had the courage to speak in favour of the obnoxious bill. It was lost six votes to five. 61

Macarthur now took a characteristic step, which was no doubt meant to show that his arguments had not been merely fractious and irresponsible. As soon as members had resumed their seats after the division he announced his intention of moving that the bill be brought in again on another day. But, he said, the police clauses should be dropped. The new commissioners were simply to look after the highways and, as Macarthur later explained, they were to raise money by tolls rather than a general system of rates. 62 The question was afterwards put down for discussion on 4 August.

But at the head of the notice paper for that day, and therefore taking precedence, were three much more important resolutions. These had also been brought forward by Macarthur, and were meant to delay for as long as possible the passing of the corporations bill. During his address on these resolutions, on 4 August, Macarthur argued that the whole matter should be put off until the following session, because he believed that 'there is nothing in the New South Wales Act to authorise the Council to pass such a Bill'. The power of incorporation in cases like this appeared to rest with the crown, or with parliament

61 Debate of 14 July 1840, Sydney Herald, 17 July 1840.
62 Macarthur's speech in council, 12 Aug. 1840, ibid., 14 Aug. 1840. See also the debate of 8 June 1842, ibid., 9 June 1842.
as the agent of the crown. Whatever the case in law, the question seemed to him a 'very delicate' one, and he thought it would be wise not to hurry the bill through, simply to have it disallowed by the crown law officers at home.

When he came to moving his resolutions, at the end of his speech, Macarthur mentioned that the wording on the notice paper had been partly changed. The main point of the original wording, which members had all seen, had been explained in his speech. That is, reform should be put off until the new corporations could receive the official sanction of the queen. But members were now asked to decide on two additional points which had not appeared on the notice paper, and which, strangely, he had also not explained. In the first place, the new motion suggested that the councils should control

So much of the Police in each municipality (independently of the Police required for the coercion and discipline of British and other transported Criminals) as may be justly considered local.

Secondly, the same authorities should have the power to levy rates for the financing of all business under their control. Taken with the first point, this clearly implied that the money was not to be spent on British convicts.

There had been no hint of these additions in Macarthur's speech, but they made a crucial difference to the question being debated. The

---

63 They also proposed a census of the colony, so that the local government reforms might be based on adequate information. In fact the government was apparently already considering such a measure, and a census bill was brought in later in the session.
governor protested that he was in fact moving new resolutions altogether, for which the council had not received proper notice. The debate was therefore put off for two days. 64

Macarthur seems to have brought forward his revised resolutions in this strange way because he hoped Gipps might abandon the corporations bill before it became necessary to take up the extreme arguments which his new motion foreshadowed. In fact he had good grounds for thinking the governor would do so. Gipps had already told members that this was not a vital bill: it was much less important than the 'taxing bill' - now defunct - and had been meant 'partly as a sweetener [sic] to the other measure'. 65

Macarthur moved his revised resolutions for the second time on 6 August, in a short speech which included no mention of their wording. But his convoluted strategy was too much for the council, and, more important, it had quite baffled some of the private gentlemen who sat with him at the bottom of the table. He tried to rally them at the end of the debate by explaining that the bill contained all the main faults of the 'taxing bill';

and this was one of the strongest reasons, although he had not before mentioned it, which had induced him to wish that the course he proposed should be adopted. 66

64 Sydney Herald, 5 Aug. 1840.
65 Governor's speech in council, 21 July 1840, ibid., 22 July 1840.
66 Sydney Herald, 10 Aug. 1840
The private members who sat beside him, on the governor's left, seem to have taken the point. But as usual the three who sat opposite, Jamison, Blaxland and Berry, proved less manageable. The resolutions were lost eight votes to six, as Macarthur informed his wife, 'Sir J.J. and Mr. Berry having as they say in Parliament ratted.'

The council then agreed to consider a roads bills such as Macarthur had suggested on the defeat of the 'taxing bill'. But the details were eventually put off until after the corporations bill could be dealt with.

* * * *

It was now the middle of August, and the corporations bill was better understood outside the chamber than it had been at first. There was still a general acquiescence in the bill as a whole, but there had been some trouble about clauses 5 and 30, which dealt with the qualifications of voters and town councillors. Here the emancipist question, which had been dormant for some years, once again raised its ugly head. Clause 5 stipulated that ex-convicts who had served their whole term without pardon - the expirees - could not vote

---

67 Macarthur to his wife, 7 Aug. 1840, ML A4341. Apparently Berry's was a recent desertion, but it had been clear on 4 August that Jamison was 'flinching from his guns' (Macarthur to his wife, 4 Aug. 1840, ibid.). Blaxland was staunch. Campbell was apparently sick, as usual.

68 Sydney Herald, 14 Aug. 1840.
in council elections until they had been free for at least three years. Clause 30 prevented them from becoming councillors until they had been free for at least seven. 69

On 23 June, three weeks after the first reading of the bill, a petition was laid on the table from about 400 ex-convicts objecting to these provisions. The petitioners also asked that they or their counsel be heard at the bar of the chamber. Jamison and Hannibal Macarthur both argued in support of this appeal, and three counsel were accordingly heard. 70 As far as the voting franchise was concerned they seem to have made their case. When clause 5 came to be debated, on 6 August, members agreed unanimously that all reference to ex-convicts should be left out. 71

Clause 30, dealing with the eligibility of town councillors, caused more trouble. There was a case for disqualifying recent expirees, because of the possibility that councillors, or aldermen at least, would be ex-officio magistrates, whose integrity should be unimpeachable. On the other hand the election of expirees was very unlikely, and hardly worth any special provision. This was Macarthur's opinion. His attitude agreed with that which he had taken in 1838, with reference to Charles Buller's constitution bill, and which he

---

69 According to Gipps, clause 30 had originally 'excluded the same persons altogether from being elected; but before the Bill was laid before the Council, though after it was printed, I allowed some words (in manuscript) to be added to the Clause, making them eligible, provided they had been free of their sentences for seven years' (Gipps to Russell, 26 Aug. 1840, HRA i, XX p.778). For his explanation about the original drafting of the bill, see the debate of 18 Aug. 1840, Sydney Herald, 19 Aug. 1840.

70 Sydney Herald, 24 June 1840. When speaking of this affair later (at an election meeting at Parramatta, 27 June 1843), Macarthur is reported to have said that he himself advised the ex-convicts to petition (Australian, 28 June 1843), but this was an inaccurate report (compare SMH, 28 June 1843).

71 Sydney Herald, 10 Aug. 1840.
had explained at the time in his rough memoranda on the bill. In other words he thought that Gipps should not have brought the matter up by his drafting of the two disqualification clauses. As he said later, 'it was unwise to refer to it at all.'

It appears that he said as much at the time, privately, to Deas Thomson, the colonial secretary. But in public he was careful to make no explicit statement one way or the other. His silence, or at least the behaviour which followed from it, shows a type of political energy and cunning which he rarely resorted to. Because he was uncommitted in public, he was able to take whatever side was most useful to him as a means of defeating the corporations bill as a whole.

Clause 30 was to be debated on 11 August. It was clear beforehand that although Gipps had drafted the clause himself, the government would vote for its amendment so as to give full rights to expire.

---

72 ML D185, ff.59-61. See chapter 5, above.
73 Macarthur's speech in council, 8 June 1842, Sydney Herald, 9 June 1842.
74 See Macarthur to his wife, 13 Aug. 1840, ML A4341; and his speech at an election meeting, 27 June 1843, SMH, 28 June 1843, where he explained that 'He had stated to His Excellency's confidential adviser [Thomson], that if the Bill were introduced without any allusion to the emancipists he would support it'.
75 That is, he meant to make no such statement (see his speech in council, 8 June 1842, Sydney Herald, 9 June 1842, stating that he had 'very carefully guarded himself against expressing any sentiments of his own'; and his speech at an election meeting, 27 June 1843, Australian, 28 June 1843). But the report of his speech in council, 18 Aug. 1840, Sydney Herald, 19 Aug. 1840, is at least ambiguous.
76 Gipps to Russell, 26 Aug. 1840, HRA i, XX p.778.
77 Governor's speech in council, 21 July 1840, Sydney Herald, 22 July 1840.
If the controversy were to amount to anything it was therefore necessary for Macarthur to find support for the opposite point of view. The cooperation of Jones and his cousin was apparently secure, so that the balance of power lay, as usual, with the non-official members who sat on the governor's right. Macarthur seems to have done some canvassing among those gentlemen in an effort to win support for the clause as it stood. 78

But when council assembled on 11th it must have been clear that such efforts had so far been futile. Jones and Hannibal Macarthur immediately tried to have the debate postponed, 'in order that members might have more time to make up their minds upon the different clauses'. The vote went against them at first, but before the discussion could reach clause 30 it was decided after all to leave the rest of the bill until the following week. 79

Macarthur and his friends made the best use of this time. Next day, Wednesday 12th, they began to make hasty arrangements for a petition praying for the retention of the clause as it stood. 80 The paper was sent out for signatures on Friday, and both James and William Macarthur were active in procuring the largest possible number of names, their total being 485. 81 According to James, all the signatures had been received 'in a day and a half'. 82 Thus the petition was ready for presentation when the council turned to the subject again on 18 August.

78 Macarthur to his wife, 10 Aug. 1840, ML A4341.
79 Sydney Herald, 12 Aug. 1840.
80 Macarthur to his wife, 12 Aug. 1840, ML A4341.
81 Macarthur to his wife, 12, 15 Aug. 1840, ibid.
The obvious aim of this petition was to get popular backing for clause 30. But the organisers also hoped to broaden the issue so as to bring in a majority of the council, not only in favour of the clause, but, indirectly, against the government on the question of the whole measure. Thus the petition made two points besides its argument in favour of the clause. First, it asked as a matter of equal justice - since the case against the clause had been argued at the bar - that the case for it should also be heard. And secondly, it complained, without going into detail, that the provisions in the bill 'for levying taxes and assessments' were 'a violation of the great fundamental principle of taxation by representation'.

In other words, although the new petition can be seen partly as an end in itself, it was mainly an episode in a war of attrition against the corporations bill as a whole, a war in which Macarthur was anxious to avoid any wholesale patriotic attack on the government. When the petition was presented the attorney-general remarked that no doubt its reference to taxation 'had ... caused many persons to sign', and the governor began his comments by assuming that it was really directed against the whole bill. The assumption is not surprising, because Thomson must almost certainly have told him Macarthur's true position.

But the debate on 18 August ended with a division on the simple question as to whether counsel should be heard in favour of clause 30, a mere matter of equity. This meant that Plunkett, Berry and the

83 Debate of 18 Aug. 1840, ibid.
auditor-general, who were all against the clause, voted on Macarthur's side, giving him a majority of seven votes to six. But Gipps had had enough. For some time, he said, he had perceived, 'he would not say opposition, but a great disinclination to go on with the Bill'. The present vote had driven him to the conclusion that he should probably abandon it altogether, particularly as further discussion would stir up the old bitterness of the emancipist question. He gave notice that he would announce his decision next day.

On the following day, 19 August, the corporations bill was withdrawn. The governor remarked that he thought the campaign against expirees was invidious and unrealistic, but he could not ignore the more general opposition. Macarthur's highways bill was due to be debated next, but as it had the same qualification clauses it too was withdrawn. 84

The whole affair is partly interesting as an illustration of the way Gipps tended to court defeat. He played directly into the hands of Macarthur and his allies by bringing in the 'taxing bill' before the corporations bill. This put both in jeopardy, because instead of the corporations bill being 'a sweetener to the other measure', the other measure poisoned the appeal of the corporations bill. He managed to stress the faults of his programme rather than the strong points. It is also arguable that Gipps caused unnecessary trouble for the corporations bill by his drafting of clauses 5 and 30, and in this way, finally, lost the whole campaign.

84 Sydney Herald, 21 Aug. 1840.
The part played by Macarthur also has a wider significance. He knew that he and his family were commonly thought, however wrongly, to regard ex-convicts as beyond the pale, socially, politically and irredeemably. He was careful to make no public statement about clause 30, but he must have realised that very few people would see that he had not committed himself. He must have understood that his popularity and his political future depended on the common impression being refuted, in words and actions, as soon as possible. And yet he was prepared, as he said, 'to bear the odium ... until a proper time should arrive, when he might clear himself of the charge.' This is a very good illustration of Macarthur's pride, and his fundamental reliance on his own 'sense of right' whatever the demands of politics.

His behaviour also shows another, more profound characteristic: a certain moral blind-spot, a disregard for means when the end in view seemed noble and urgent, but too abstruse to be popular. Minds which travel 'through strange seas of Thought, alone', must often be tempted to take short cuts; Macarthur's duplicity in the affair of clause 30 was a doubtful short cut to a more worthy end. The same impatience seems to have moved him in 1826, in the Broadbears' case, and in 1837, during the writing of his book, when he referred to some of his most unusual and generous ideas as being such as the Herald petitioners as a whole would recommend. This is the dark side of Macarthur's intricate, stylised virtue.

*     *     *

---

85 Macarthur's speech at a public meeting, 4 Feb. 1841, Australian, 6 Feb. 1841.
86 See chapters 2 and 5, above.
Gipps now made a full report to the secretary of state, asking for instructions as to whether his two bills should be reintroduced and, if so, what changes should be made in them. No answer reached Sydney until the very end of the following session, which meant that nothing could be done until the session of 1842. But in his reply Lord John Russell commended the governor's attempts at reform and, in spite of Macarthur, he assured Gipps that the council certainly had the power to incorporate towns. He instructed him to bring in both bills again, with the corporations bill only altered so as to apply to particular towns.

The council was called together earlier than usual in 1842, so that these instructions might be carried out. At its first meeting on 10 May Gipps laid on the table three new local government bills, namely a police and public works bill (barely changed since 1840\textsuperscript{89}), a bill to incorporate Sydney, and another to incorporate Melbourne. Gipps wisely arranged for the Sydney corporation bill to be considered in detail first, as its merits were obvious. Its second reading was put down for 31 May. The Melbourne bill was never a subject of controversy in its own right.

Macarthur's fundamental position had not altered since 1840. As long as the legislative council remained non-elective, or 'irresponsible', his basic objections to the local government reforms could be sustained.

\textsuperscript{87} Gipps to Russell, 2 depatches, both 26 Aug. 1840, HRA i, XX pp. 777-83.

\textsuperscript{88} Russell to Gipps, 21 July 1841, HRA i, XXI pp. 440-2.

\textsuperscript{89} The short title of the bill was changed from 'commissioners of police and public works bill' to 'directors of police and public works bill' to emphasise the fact that these officials were to be elected (governor's speech in council, 10 May 1842, Sydney Herald, 11 May 1842).
In his view the new bodies were meant to raise money which was to be applied, not only to their own local works, but also to police matters which were the sole responsibility of the governor. As long as the council had no constitutional links with the ratepayers - that is, as long as it was non-elective - it could not hope to have any effective control of the governor's use of rates. Therefore, Macarthur argued, local government reform should be delayed until the council itself should have a broader and more popular foundation. In 1842 this more important change seemed imminent.

But although the logic of his objections was identical in 1840 and 1842, their impact was not the same. This was especially true for the Sydney corporation bill. In the first place, Russell's despatch forced Macarthur to give up his argument about the exclusive right of the sovereign to incorporate towns. He was ready by 10 June to admit that 'he had been led into an erroneous opinion' on that point. Also, under the new bill only the mayor was to have magisterial powers, which put an end to all disquiet about expirees. Thirdly, transportation to the colony had ceased late in 1840, which reduced the chance that the governor might spend much of the local rates on British convicts. Finally, it became clear during the discussion of the Sydney bill that the governor meant to subsidise the policing of the city, which did a good deal to make the measure more attractive.

90 Sydney Herald, 11 June 1842.
91 Gipps to C.J. La Trobe, 25 June 1842, Gipps-La Trobe correspondence: 'It has been agreed by all parties that neither in the provisions of the Sydney bill, nor in the discussion of it shall any allusion whatsoever be made to convicts or emancipists'.
92 Governor's speech in council, 17 May 1842, ibid., 18 May 1842. Gipps gave this change the widest possible publicity by a notice in the press 'for general information' (ibid., 15 June 1842).
These changes meant that Macarthur was forced to use a curious and tenuous argument to maintain his position. In both 1840 and 1842 he argued from the principle of no taxation without representation, which, he said, was so fundamental that it could not be set aside unless by explicit act of parliament. But in 1840 he had insisted that the council had no power to raise taxes for anything but local purposes. The ending of transportation made that point useless. He was now forced to argue that the New South Wales Act gave the council no authority to delegate taxing powers to an inferior body, namely the Sydney corporation. And since the council was non-elective, he said, there should be some special provision in the act, even though the corporation itself was to be elected and the money was to remain largely under its control.\footnote{Macarthur's speeches in council, 31 May, 8, 9, 10 June 1842, ibid., 1, 9, 10, 11 June 1842.}

The Sydney Herald, which was now strongly in favour of incorporation, found this argument impossible to follow; no doubt there were few who could understand it. But the paper was prepared to allow its author 'the purity of Don Quixote's motives'.\footnote{Sydney Herald, 12 July 1842. The Herald's opinion was very significant, if we can believe its claim that its circulation now exceeded that of all the other Sydney newspapers put together (ibid., 31 Mar. 1841).}

However, in politics the quality of the logic is less important than the number of people who want to agree with the argument. The period since 1840 had brought certain appealing changes to Gipps's scheme, but it had also made the whole question much more familiar to the public. While the advantages of reform were better understood, those settlers who thought they might suffer from it were also better
organised. Campaigns aiming at the defeat or amendment of the bills were therefore under way very early, both in Sydney and in the country.95 On 8 June two petitions from the people of Sydney were presented to council, one praying for the rejection and the other for the amendment of the corporation bill. Each carried more than a thousand signatures.96 The first had been proposed at a public meeting on 31 May by Wentworth. It objected to the bill in toto, arguing that it was a measure of direct taxation which the council could not contemplate as long as its members were non-elective. The petition was entrusted to Macarthur, who said on presenting it that he agreed with its prayer but not its argument. He thought that parliament might have given the council full taxing powers, although of course it had not done so.

The second petition had been adopted at a meeting called several days after Wentworth's. Some of the organisers had helped to convene the first meeting, but they had not agreed with Wentworth's wholesale rejection of the bill. Their petition asked only that it be amended so that the town authorities might be endowed with enough incidental sources of revenue, particularly land, to allow them a good minimal income.97

95 Macarthur to J. Piper, 1 June 1842, ML A255; Sydney Herald, 17, 22 June 1842.
96 Ibid., 9 June 1842. For the text of the petitions, see ibid., 31 May, 7 June 1842.
97 For the requisition lists for the two meetings, see ibid., 28 May, 2 June 1842, and for the proceedings, see ibid., 31 May, 7 June 1842. The second petition was presented to council by Jones, who gave it his tacit support.
It was assumed by all concerned that the two petitions came from two opposing interests in the town. The Herald described Wentworth and his colleagues as

a new and very powerful class of alarmists - the Sydney aristocracy ... the landlords of Sydney ... who grind down the citizens with hard labour to meet their exorbitant demands of rent.\textsuperscript{98}

Wentworth himself said frankly that his petition was signed mainly by town property holders, 'the very persons who, if the Bill pass into law, will have to be rated - will have to fork out.' He called the supporters of the other petition 'mere rabble'. One of his allies commented sadly on the attempt of their rivals 'to separate the interests of tenant and landlord', because 'it would always be the interest of a landlord to assist his tenant'.\textsuperscript{99}

Council spent 8 and 9 June discussing the general principle of the bill. They then left the main question for the time being, partly to allow for a clearer statement of public opinion. Macarthur said that

He still had doubts as to the power of taxation; but if it was the wish of the people of Sydney that the Bill should pass, he would not oppose it on that ground, but that wish should be directly expressed.\textsuperscript{100}

Meanwhile they went on with the bill in committee, which took up the rest of the month. Macarthur was usually absent, or else silent,
apparently because he did not want to commit himself to the measure as a whole, even by implication. 101 His restraint was a boon to the governor, because it left the opposition without a leader. Macarthur's colleagues were not prepared to use his complex and tenuous arguments and could only bring forward minor points of criticism, which Gipps met or ignored as he liked. 102

By the end of the month then, Macarthur stood more or less alone in council. But his position outside was now particularly strong. On 28 June he announced at the council table that he had had news from England which made it quite certain that parliament was on the point of giving them a new constitution. Therefore, he said, nothing would be lost by leaving the present bill to the elected legislature which they could now expect to have within a year. 103 This argument had no effect in council, but it almost certainly added to the reputation Macarthur was beginning to acquire as a champion of the elective principle.

By this time Macarthur had also become the centre of a campaign against the new police and public works bill, which was due for its second reading on 5 July. The life of this bill was short and

101 This did not prevent him from suggesting amendments, although 'many ... did not come from him personally, but were conveyed in another way', particularly through his cousin Hannibal (Macarthur's speech at an election meeting at Liverpool, 14 Jan. 1843, Australian, 16 Jan. 1843; compare the debate of 30 June 1842, Sydney Herald, 1 July 1842, with Macarthur's speech in council, 12 July 1842, ibid., 13 July 1842). He explicitly refused to vote on the franchise clause, 29 June 1842 (ibid., 30 June 1842).

102 See particularly the debate of 30 June 1842, ibid., 1 July 1842.

103 Sydney Herald, 29 June 1842.
and inglorious. On 5th petitions against it were presented from most of the important country districts, the bulk having been entrusted to Macarthur.  

At the end of the debate it was thrown out. The voting figures are not recorded. The only members who made speeches against it were Berry, Macarthur and his cousin. Macarthur explained that 'All the objections that he had urged to the sister Bill applied also to this one'. But the main argument used against it was to the effect that in most of the rural districts the small householders would control the local boards, by force of numbers, while the landowners would pay the most substantial rates.

Finally, the opposition to the Sydney bill had moved into its last stage. On 29 June Wentworth called a third public meeting, to which he proposed a new petition. This was a terse and straightforward document, with a simple argument designed to appeal to all the earlier petitioners. It pointed out that during the debate on the bill the council had in fact set aside no source of revenue for the city, apart from rates, and it therefore asked that the measure be abandoned. This petition, which carried 5079 signatures, was presented to council by Macarthur on 6 July.

104 Of the seven petitions against the bill, five (from Bathurst, Argyle, Liverpool, the Cowpastures and Parramatta) were entrusted to Macarthur (ibid., 6 July 1842).
105 Ibid.
106 For the requisition for this meeting, see Sydney Herald, 27 June 1842, and for the proceedings, ibid., 30 June 1842.
107 For the text of the petition, see the debate of 6 July 1842, ibid., 7 July 1842.
108 Ibid.
The climax of the whole local government issue came on 12 July, when Macarthur moved the rejection of the Sydney corporation bill. Macarthur's cause had lately suffered from the appearance of a fourth petition, signed by 1500 Sydney working-class men, who liked the bill and only asked that the franchise be lowered. What is more, an examination of the signatures attached to Wentworth's last petition had suggested that many belonged to people living outside Sydney, and that some at least were bogus. But most members had already made up their minds on the question. When it came to a division, Macarthur's motion was lost by seven votes to four. Jamison and Campbell now came out against the bill, but Jones sided with the government, Berry refused to vote, and Blaxland stayed away. On 20 July the corporation bill passed its third reading and was safe.

Macarthur had now become a very substantial political figure. To some observers it seemed that his principles had changed in the process. The Herald, for example, described him as a unique specimen of senatorial zoology ... [in] a transition state from the courtly to the popular genus.

109 Debate of 6 July 1842, ibid. This petition was presented by the governor. The franchise was in fact lowered as a result, from the occupants of houses worth £40 p.a. to those worth £25 p.a. (debate of 12 July 1842, ibid., 13 July 1842).

110 Plunkett's speech in council, ibid. Wentworth's own house, at Vaucluse, was well outside the proposed city limits.

111 Ibid.

112 Sydney Herald, 21 July 1842.

113 Ibid., 2 June 1842. See also Therry's comment in council, 3 Jan. 1842, ibid., 4 Jan. 1842.
There can be no doubt that he was much more widely known and more popular than he had ever been before. Two of the country meetings called in June to petition against the police and public works bill had also passed resolutions thanking him for upholding the great principle of taxation with representation. More thorough-going gestures were made in Sydney and Parramatta, where subscription lists were opened with the intention of making him a present.

These lists stayed open for several years. Some of the organisers had second thoughts because of Macarthur's part in the general election of 1843. Then Macarthur himself refused to take anything, on the grounds that his work had been 'somewhat unduly estimated'. Finally, in 1847 he was presented with a silver tea service. But the intervening period had shown as clearly as possible that in fact his principles had not changed. He was still relatively detached, and prepared to be unpopular if his own 'sense of right' seemed to justify it.

The only difference with the period 1840 to 1842 was circumstantial. Macarthur happened to be the man for the hour. He had said in 1838

114 Reports of meetings at Queanbeyan, 10 June 1842 (ibid., 22 June 1842), and Parramatta, 27 June 1842 (Australian, 2 July 1842).
115 Reports of meetings of 'the friends of Mr. James Macarthur' at Sydney, 1 Aug. 1842, and at Parramatta, 27 Aug. 1842, SMH, 6, 30 Aug. 1842. The bulk of those involved seem to have been young native-born men.
116 J. Byrnes's speech at a meeting of the Parramatta subscription committee, 8 June 1846, Australian, 11 June 1846. See chapter 7, below.
117 Macarthur to J. Byrnes, 26 June 1846, ML A4342. Macarthur suggested that the money collected be given to the Parramatta Benevolent Society.
118 Australian, 16 Jan. 1847.
that he thought the colony would be ready for an elected legislature 'in a few years'. 119 In 1841 he believed the time was ripe, and as a member of council he was in a position to make his opinions and his public spirit well understood. Also the stolid reputation of the council and Wentworth's temporary quietness gave him an appeal he would not have had on a more crowded stage.

Finally, Macarthur had a very good opportunity in the summer of 1840-41 to put into practice his old ideas on corporate self-government. Here it is possible to see him playing again, and much more effectively, the part he had taken against the Ripon regulations nine years before. In both cases he tried to combine local feeling of all shades against an imperial measure foolish enough to justify a total, well-considered and detailed rebuttal.

On both occasions the enemy seemed to be the spirit of Wakefieldism, and the controversy involved the administration of crown lands. Late in November 1840 rumours began to circulate in Sydney that the colony was to be divided in three, with new governments at Moreton Bay and Port Phillip. 120 This story was apparently confirmed a fortnight later, when the settlers heard of a bill which had been brought before parliament in July, and which authorised the queen to form new colonies south of the Murrumbidgee and north of the Hunter valley. 121 This was, however, incidental to the main point of the bill, which was to continue the New South Wales Act for another year.

119 Macarthur to Lord Glenelg, 10 Apr. 1838, CO 201/282, f.305. See chapter 5, above.
120 Sydney Herald, 24 Nov. 1840.
121 Ibid., 5 Dec. 1840.
The settlers were right to fear another onslaught of Wakefieldism, which was now the panacea of Downing Street. According to Macarthur, Wakefield's theory required that 'the Colonists occupy as little land as possible.' This was not strictly true, but it was certainly vital to the theory that the area of settlement be compact and well-defined. At present New South Wales covered a space which seemed limitless. The official attitude deemed it far better to divide the territory into distinct provinces, each of which might be a field for the operation of the theory. The precise boundaries were not important. The imperial government thought, momentarily at least, that the proper limits of the old colony should be the original 19 counties, together with the lands to the west. Perhaps, as Edward Macarthur alleged, this seemed a wise and progressive policy simply because 'the more recent the map of Australia, the more glowing the tints of the London topographer by which those limits are defined.'

For the time being, however, the change was to affect nothing more than land administration. Henceforth all land south of the Murrumbidgee was to be sold at a fixed price of £1 an acre, so that as soon as it was surveyed it might go to the first applicant. It was also intended, eventually, to do the same with land north of the Hunter valley. Gipps received instructions to this effect in November 1840. However

122 Burroughs, op. cit., pp.231-6.
123 Macarthur's speech at a public meeting, 7 Jan. 1841, Sydney Herald, 8 Jan. 1841.
125 Russell to Gipps, 31 May 1840, HRA i, XX pp.641-8.
he was so firmly convinced that chaos would follow that he declined
to obey them, explaining with two despatches and a long memorandum to
the secretary of state, which together set out in conclusive detail
the case against any system of fixed prices.\textsuperscript{126}

At the same time the legislative council condemned by unanimous
resolution any plan to confine the colony, at least within the limits
of New England and the Murray.\textsuperscript{127} Outside the chamber a public meeting
was arranged for 7 January.\textsuperscript{128} Meanwhile, however, news reached Sydney
that the bill to continue the New South Wales Act had been amended
before being passed, so as to include no reference to the division of
the territory.\textsuperscript{129} The amendment was due to Edward Macarthur, who had
enlisted the aid of Sir Robert Peel, leader of the opposition.\textsuperscript{130}

The general view in New South Wales was that their final ruin
had only been postponed, and that a strong demonstration of opinion was
still necessary.\textsuperscript{131} The chief concern of the leading settlers seems to

\textsuperscript{126} Gipps to Russell, two despatches and a 'Memorandum on the disposal
of Lands in the Australian Provinces', all dated 19 Dec. 1840,
\textit{HRA} i, XXI pp.111-34; Burroughs, \textit{op.cit.}, pp.236-45.
\textsuperscript{128} The meeting was at first planned for 22 December, and later put
off to 7 January, partly 'to enable residents in the country to
attend' (ibid., 16 Dec. 1840).
\textsuperscript{129} Ibid., 19 Dec. 1840.
\textsuperscript{130} Peel to Edw. Macarthur (copy), 28 July 1840, CO 201/315, f.77;
Edw. Macarthur to Peel (draft), n.d. [c.29 July 1840], ML A2915;
C. Buller to the committee of the Patriotic Association, 31 Aug.
\textsuperscript{131} \textit{Sydney Herald}, 19 Dec. 1840.
have been that their property beyond the 19 counties would be jeopardised by any reformed system of land sales. They were mainly disturbed by the fixed price idea, and the prospect of their squatting runs being under the control of new and remote governments. They also feared that the change would bring an end to their land fund, because there was not much valuable crown land left for sale within the proposed middle district. But the issue touched more than merely squatters and men of property. The radical Henry Macdermott, who wanted to see the colony populated with small farmers, was equally concerned.¹³² No doubt most men agreed with Bishop Broughton, when he declared in council that he 'was anxious to retain what he would call such a scantling that we may in time be a first rate nation.'¹³³

Therefore the meeting on 7 January went ahead, and very large numbers turned up. The central figures were Richard Jones and Macarthur, and it was Macarthur who explained what had been done so far and the course the organisers meant to follow. A brief petition to the queen had already been drawn up, and this was approved by the meeting. A committee was then appointed, which was entrusted with the drafting of a detailed memorandum, 'containing at full length the views of the colonists upon the measure'. This was to be sent to England for the information of those concerned. According to Macarthur,

¹³² Speeches delivered and petition adopted at a public meeting, 7 Jan. 1841, Australian, 9 Jan. 1841.

¹³³ Broughton's speech in council, 10 Dec. 1840, Sydney Herald, 12 Dec. 1840. However there were movements in support of division in New England (Australian, 12 Jan. 1840), and at Port Phillip (Stephenson's minute, 11 Sept. 1841, on Edw. Macarthur to Stanley, 3 Sept. 1841, CO 201/315, f.72.).
every person [here] would [thus] have an opportunity of expressing his opinion either to the Committee or through the medium of the public press, and furnish [sic] much better arguments in support of the cause which they had undertaken, than could possibly be done in the limited discussion of a public meeting. 134

The committee went to work during the following weeks. Macarthur was a member, but he spent most of the time at Camden and had 'little or nothing to do' with its decisions. 135

On 4 February a second meeting was called, the committee having agreed that parliament should be petitioned as well as the queen. The meeting also discussed and approved the committee's memorandum. By now the feeling of urgency had largely evaporated, and this gave Macarthur an excuse for talking about matters which were near to his heart, though not strictly related to the main point. At the earlier meeting he had given a brief summary of the delusions of 'the theorists of Adelphi-terrace', that is the Wakefieldians. He now described the best way, as he saw it, of meeting the danger they posed to the colony: namely by calm and concerted action. He hoped, he said, that the present meeting would come to 'a wise and unanimous conclusion', for this would prove that they were ready for an elective legislature, something which was now of 'absolute necessity'.

The occasion, he thought, was one where the opinions of all the people, in their various groups and interests, must be gathered together

134 Australian, 9 Jan. 1841.
135 Macarthur's speech at a public meeting, 4 Feb. 1841, ibid., 6 Feb. 1841. This restraint was perhaps meant to counter rumours that the campaign was being run by 'the friends of Messrs. Macarthur, &c' (Sydney Herald, 3 Feb. 1841).
and distilled; 'for', as he said at another time, 'it was only by
taking the opinions of all classes that the truth in all its majesty
could be made known'. For himself, he said, he was prepared to join
with anyone in a conference on constitutional reform, and 'he would not
flinch from any point in its discussion.' He made a special appeal
to those for whom reform meant the end of a system which bore particu-
larly hard on ex-convicts:

With regard to what was usually termed the emancipist
question, his firm opinion was that the more advisable
course would be to allow it to die away, so that in
future years it might be altogether forgotten that
such a stain had ever rested on the colony.

He explained that this had always been his view, in spite of what had
been commonly thought. As he had said in 1838, in private, so he
said now, 'that it would be unwise, in the new bill, to have any clause
whatever upon the subject.'

This speech has been strangely interpreted by scholars. The
Australian Dictionary of Biography may be cited as an example:

In 1842 [sic] Macarthur announced that he no longer opposed
the constitutional aspirations of those emancipists whose
industry had won them wealth and respectability.

---

The occasion was a debate on Cowper's motion of no confidence in
the government, with Macarthur supporting the government.
137 He made an exception of the £10 occupancy franchise, for, he
said, 'he felt convinced that there was no such qualification
in the colony'.
138 Australian, 6 Feb. 1841. Compare the report in the Herald, 6
Feb. 1841 (published in C.M.H. Clark (ed.), Select Documents in
139 This phrase appears only in the Herald report.
Taking the common view, the Dictionary explains that Macarthur was building a coalition with 'men of similar capitalistic interests', like Wentworth. These men, the Dictionary says, now forgot their 'personal differences' in order to defend themselves against the rising tide of democracy. 140

It is certainly true that the speech marked an important epoch in the political life of the colony. But it should not therefore be twisted to serve a faulty construction, a view of the period which rests mainly on some large assumptions about class conflict. Macarthur certainly wanted to work in harmony with Wentworth, but it has been seen in earlier chapters that he also wanted to do so in 1831, 1833 and 1838. 141 There is no evidence that Wentworth wanted to work with Macarthur, and except for a few months in 1842 he actually made no overtures of any kind before 1848. 142 As for Macarthur's ideas about ex-convicts, he was telling the truth when he said that 'they were such opinions as he had always held'. 143

The real significance of the speech lies in the fact that Macarthur was now prepared to make more thorough commitments in public. His nomination to the council had at last given him a political stage, and had made him a well known public figure. Also the changing tone of society now enabled him to make statements which, according to his own

---

141 See chapters 3, 4 and 5, above.
142 See chapter 8, below.
143 Australian, 6 Feb. 1841.
lights, it would have been rash to make at any earlier time. Perhaps his experience as a council member had also made him a keener politician, more eager to take responsibility. But the most important point is that he was now ready to do whatever he could to make his ideal of corporate self-government a permanent reality, by working for an elective council.

The meeting of 4 February was a clear demonstration of public opinion, no-one dissenting from the new petitions except on points of detail. They were afterwards sent to Edward Macarthur, who received them in September and straightaway secured an interview with Lord Stanley, the new secretary of state. Stanley promised him that the colony would remain intact, at least within the boundaries described by the legislative council. The fixed price system had already been abandoned, after the arrival of Gipps's memorandum in May. With these hazards out of the way the settlers were ready to turn their minds to the question of constitutional reform, as Macarthur wanted.

---

144 Edw. Macarthur to Stanley, 2 Sept. 1841, CO 201/315, ff.54-72, and 4 Sept. 1841, papers of 14th Earl of Derby, box 135/5.
145 Edw. Macarthur to James & W. Macarthur, 18 Sept. 1841, ML A2915. The interview was the day before, 17 September. The boundaries are roughly those of New South Wales at present.
146 Burroughs, op. cit., p.247.
Between the spring of 1838 and the spring of 1841 little rain fell in New South Wales.\textsuperscript{1} As a result much of the harvest failed, and there was a great scarcity of food and water for livestock. It was the first serious drought for more than 10 years. At first the farmers suffered more than the pastoralists, for although many cattle and sheep died there was still a steady growth in their total numbers, which continued into the 1840s.\textsuperscript{2} This was no doubt because, for the time being, graziers were able to move their stock about in search of moisture. But there was also an economic difference. Unlike the farmer, whose fortunes depended wholly on local markets, the grazier, or at least the sheep owner, still looked to the mother country as the guarantor of his income. Great Britain was not only the site of the wool market, it was also the source of new capital, which determined the demand for young stock produced in the colony.\textsuperscript{3} The grazier depended less on Providence than on the lords of Lombard Street and the Exchange.

During the mid-1830s the price of wool in London had reached an unprecedented peak. This was part of the reason for the enormous confidence in the colony as a land of promise, and for the great pastoral expansion

\begin{itemize}
\item \textsuperscript{1} Gipps to Glenelg, 8 Apr. 1839, HRA i, XX pp.107-8; Sydney Herald, 15 Oct. 1841.
\item \textsuperscript{2} T.A. Coghlan, \textit{Labour and Industry in Australia}, Oxford 1918, I p.433.
\item \textsuperscript{3} G.J. Abbot, \textit{The Pastoral Age: A re-examination}, Melbourne 1971, p. 118.
\end{itemize}
of those years. After 1836, however, the price began to fall, until in 1844 it was less than half what it had been during the boom. At the same time British investors became more cautious, partly because of this decline, and perhaps partly because of a general tightness of credit at home. Meanwhile, in October 1840, the long continued shortage of grain led to several failures among the great millowners of Sydney. This was the first crumbling before an unprecedented economic landslide. The flow of capital from home largely ceased in the following year, and by 1843 the price of sheep was a fraction what it had been in the late 1830s. Crown land sales, having reached an all-time maximum of £316,626 in 1840, had sunk by 1842 to 4.6 per cent of that figure. At the same time there was a severe shortage of labour, which was not helped by the ending of transportation in 1840 and by the failure of funds to pay for free immigrants.

When these troubles began Macarthur and his brothers had their capital widely deployed. Between 1835 and 1838 their freehold property at Taralga, in Argyle, originally 13,000 acres, was nearly doubled, at an

---

5 Butlin, op. cit., p. 230.
6 According to one estimate the average price of sheep dropped from 60s. a head in the boom, to less than 6s. in 1843 (Stephen H. Roberts, The Squatting Age in Australia 1835-1847, Melbourne 1964, pp. 203-4). But 60s. is probably too high (compare W. Macarthur to Edw. Macarthur, 20 Jan. 1858, ML A2933).
7 See appendix 6, below. Investment in the pastoral industry, as distinct from land alone, changed in a complex way because, while land sales fell off dramatically, the number of licensed squatting stations beyond the settled district (not counting Port Phillip) rose from 694 (July-Dec. 1839) to 907 (Jan.-June 1843) (V&G 1843, p.474).
8 Butlin, op. cit., p. 317.
outlay of about £3,000. In the years after 1837 they also held another
10,000 acres there on crown lease. In 1840 most of their sheep -
25,000 head - were kept on this very ample estate. However, by then,
for reasons which no-one understood, the quality of pasture had begun
to deteriorate, so that within a few years it had become 'one of the most
unhealthy in New South Wales'. In 1845 a good part of the sheep were
moved to Nangus, a squatting run of 75,000 acres on the Murrumbidgee,
which James and William had taken up in 1838.

Expansion and improvements were financed from two sources, not
counting normal income. One was Emily's dowry of £3,000, which was spent on
the laying out of Camden village and on the vineyard, cellar and dairy
at Camden Park. The other was a loan of £10,000 which Macarthur had
secured in England in 1838, at 7 per cent. This was a partnership
loan, undertaken by the three brothers together, following their
agreement that all the family property should be a common concern. Half
of it was used in Argyle, and half was spent at Camden on housing
immigrants, and on the purchase of Belmont, 2,000 acres which had been
a de facto part of the Camden estate since 1807.

9 Macarthur papers on land, ML A2962, pp. 436-45, passim; Government
Gazette, 1 Apr., 23 Sept., 25 Nov. 1835, 13 Jan., 10 Feb., 27 Apr.,
15 June, 13 July 1836, 12 July 1837, 30 May, 8 Aug., 7 Nov. 1838,
11 Dec. 1839.
10 Ibid., 31 May 1837, 20 Apr. 1839.
11 Return of sheep at Richlands for week ending 16 May 1840, ML A2967.
12 W. Macarthur to Edw. Macarthur, 20 Jan. 1858, ML A2933; Government
Gazette, 11 July 1838.
13 James Macarthur 'Statement of expenditure from 1834 to 1854',
20 Jan. 1858, ML A2928.
14 James & Edw. Macarthur to Vice-Adm. J. Erskine Douglas (the creditor),
20 Jan. 1838, ML A2971; W. Macarthur to Edw. Macarthur, 4 July 1840,
ML A2935.
15 James Macarthur, 'Statement of expenditure from 1834 to 1854',
20 Jan. 1858, ML A2928.
In 1840 the family interests were large and magnificent. But the liabilities were also heavy. Labour was now very costly, the interest on the loan called for £700 a year, and there were two households to be kept up, at Camden and at Parramatta, where old Mrs. Macarthur lived with her two unmarried daughters. Soon after the first sign of a fall in sheep prices Macarthur and his brother William begun to cast about for new means to support the partnership. They cut up 2,000 acres at Camden into small farms, but no buyers were forthcoming. They advertised for sale 50 stud horses, but also with no success. In 1841, however, they managed to sell a number of allotments in their new village. They also borrowed £8,500 from the Bank of Australasia, as a partnership debt. To this was added, on their own personal account, £4,000 from the same source and, in 1842, £2,000 from Herries, Farquhar and Co., their old London bank.

The depression brought new liabilities. During 1841 Macarthur took out a mortgage on the Australian newspaper to the extent, apparently, of £1,500, which was later increased, and never repaid. His connection

---

16 In 1841 they began for the first time to advertise for workmen (Sydney Herald, 3 July 1841 to 8 Jan. 1842).
18 Ibid.; Sydney Herald, 2 June 1840.
19 Ibid., 11, 30 Sept., 6 Nov. 1840; W. Macarthur to Edw. Macarthur, 20 Jan. 1858, ML A2933.
21 James Macarthur, 'Statement of expenditure from 1834 to 1854', 20 Jan. 1858, ML A2928.
with the paper will be explained below. In the winter of 1842 his brother-in-law, James Bowman, became virtually bankrupt. The Macarthurs undertook to rescue Bowman's estate, which cost them much trouble, and an immediate outlay of £6,000.\textsuperscript{22} Other failures at this time involved losses of roughly £7,000.\textsuperscript{23} In 1845 old Mrs. Macarthur explained to Edward that although they could produce at Camden most of the necessities of life, together with wine, fruit and dairy products, 'still there is the lack of money to pay wages and to purchase tea, sugar and cloathing.'\textsuperscript{24}

On top of this trouble the family was riven with quarrels and discontent. In 1839 Edward began to make it clear that he regretted ever joining the partnership.\textsuperscript{25} Then the second of the three sisters, Mary Bowman—'whose lofty spirit can ill brook reverses'—succumbed to her husband's disgrace and became a melancholy invalid.\textsuperscript{26} In the end she went slightly mad.\textsuperscript{27} In April 1842, Elizabeth, the oldest and most able of the three, died at the age of 49, which left a sad gap in the family counsels. Finally, Emmeline, the youngest, 'entangled herself' with

\begin{footnotes}
\item[22] Bowman's receipt to James Macarthur, 17 Feb. 1842, ML A425.
\item[23] Ibid.; W. Macarthur to Edw. Macarthur, 20 Jan. 1858, ML A2928.
\item[26] Mrs. Macarthur to Edw. Macarthur, 28 August 1842 (second letter), and see also 4 March 1843, both ML A2907.
\item[27] W. Macarthur to Edw. Macarthur, 6 May 1848, ML A2933/B.
\end{footnotes}
Henry Watson Parker, private secretary to the governor. Their engagement was frowned on by her mother and by James, and 'all visiting at govt. house ... ceased in consequence' until late in 1843, when the wedding took place. This feud no doubt explains the bitterness which often entered into exchanges between Gipps and Macarthur during the council debates of 1842.

Clearly these were times quite different from the buoyant 1830s, when the Macarthur's were unified, cheerful and rich. William afterwards said that he would rather die than pass again through that 'gulph of difficulty', the 10 years which followed 1841, years which left James looking constantly 'worn and anxious'. This chapter covers the earlier part of that period, and it concentrates mainly on the campaign for a new constitution, in 1842, and the first general elections of 1843.

* * *

28 Mrs. Macarthur to Edw. Macarthur, 28 August 1842 (second letter), ML A2907. Mrs. Macarthur said she thought Parker was 'bad-tempered, penurious, and narrow minded' (ibid). There seems to have been great ill feeling between Emily and Emmeline (Emmeline to Edw. Macarthur, 9 Sept. 1844, ML A2959). Edward took Emmeline's side, pointing out to James that she was old enough to please herself (she was 34) (Edw. Macarthur to James Macarthur, 15 May 1843, ML A2915).

29 Mrs. Macarthur to Edw. Macarthur, 28 Aug. 1842 (second letter), and see also 19 Nov. 1843, ML A2907.

30 Mrs. Macarthur to Edw. Macarthur, 29 Nov. 1843, ibid. The wedding took place on 21 Nov. 1843.

31 The best example is 12 July 1842, when Macarthur accused Gipps of partiality as president of the council (Sydney Herald, 13 July 1842).

The old reform movement, fired by Wentworth, mended by Jamison and polished, in an intellectual way, by William Bland, had reached its state of final perfection as the Patriotic Association, and had since crumbled. No revival had followed the disappointment of 1837-8, when Glenelg decided to postpone reform, because the postponement was afterwards continued from year to year, and there was always an idea that change might come during the next parliamentary session. No new movement began until July 1841, when a number of southern landowners met at Goulburn, the county town of Argyle, and adopted a petition to the house of commons praying for an elected legislature.  

The Argyle settlers hoped that other counties would quickly follow their example, but the next flicker of life appeared in Sydney, six months later. On 27 and 31 January a small number of gentlemen met there privately under the chairmanship of George Macleay. There were apparently 28 altogether. They were mainly professional men from Sydney, but they included a number of settlers from remote parts, especially the south country. One representative figure was Capt. Maurice O'Connell,

33 Sydney Herald, 7 August 1841. The meeting was on 18 July.
34 Australian, 1, 3 Feb. 1842.
35 Signatures to a requisition to the sheriff, 4 Feb. 1842, asking him to call a public meeting (ibid., 8 Feb. 1842). The Herald, 8 Feb. 1842, has the same list, less accurately spelt, but with one name (Archibald Walker) omitted by the Australian. This makes a total of 28. Of these only one had belonged to the Patriotic Association, 12 had been among the Herald petitioners of 1836 (see chapter 4 above), and 15 were current members of the select Australian Club (see minutes of the committee of the Australian Club, 24 May 1838 - 24 Dec. 1841, ML 1836/3).
a native of the colony, and son and secretary to the commander of the forces. At 30 years of age, O'Connell was a rising man. He had presided at the Australia Day dinner on 26 January, and was called the most perfect orator the colony had produced. His popularity arose partly from a growing sense of political awareness and solidarity among the educated men of his generation, a movement bound together by a type of sober, law-abiding patriotism. It was something quite distinct from the enthusiasm of Wentworth's old following, which the young men identified with a selfish love of money.

The group of 28 drafted petitions to the queen and both houses of parliament, and also organised a public meeting for 16 February. They decided to ask James Macarthur - who was not one of them - to open the meeting with a resolution declaring the need for petitions. As it turned out the occasion looked like an effort of the native-born. Macarthur

36 Capt. Maurice Charles O'Connell was born in Sydney in 1812. His father was a kinsman of Daniel O'Connell, Ireland's Liberator, and his mother was a daughter of Govr. Bligh. For his life, see ADB V.

37 Australian, 27 Jan. 1842.

38 Sydney Herald, 8 Jan., 5 Feb., 1842, 2 Mar. 1842.

39 See, for example, 'A Citizen' to the electors of the colony, SMH, 12 June 1843; and J. Normington-Rawling, Charles Harpur, an Australian, Sydney 1962, pp. 66, 107-8. There are some similarities between this phenomenon and the contemporary Young England and Young Ireland movements.

40 Australian, 8 Feb. 1842.

made a special appeal to his 'countrymen', meaning the natives, urging their co-operation. In moving the second resolution O'Connell said that he hoped the meeting would show 'how the minor shades of party and opinion had sunk in virtuous and high-minded consideration of what was due from us towards our country'. He was seconded by Charles Campbell, also a native and son of Campbell of Duntroon. 42

O'Connell's hopes were destroyed by Henry Macdermott, a Sydney tradesman and an earnest radical. 43 Macdermott was in favour of reform, but he did not like the way the petition concentrated on the colony's wealth and size. He claimed political franchise merely 'as an Englishman'. 44 He added that the present effort had the same origin as the double-election plan of 1838, namely Macarthur and the magnates of the colony. Macarthur came to his feet at once to deny that he had been the author of the 1838 plan. 45 Great uproar and confusion followed, which rose to a pitch when the meeting was asked to decide between O'Connell's petition and another proposed by Macdermott. The chairman's voice was soon lost in the mêlée and the meeting was abandoned. 46

Within a few days O'Connell, Campbell and some others organised a new meeting, taking care beforehand to give their campaign a broader

42 Australian, 17 Feb. 1842.
43 For Macdermott's life, see ADB II.
44 He apparently meant a householder, a citizen of good repute with a settled place in the national community (H. Macdermott to the editors, 8 Mar. 1842, Sydney Herald, 8 Mar. 1842).
45 See appendix 3, below.
46 Sydney Herald, 18 Feb. 1842.
appeal. Macarthur lent his aid. One of the resolutions to be moved was that certain gentlemen should form a committee to manage the petitions and to decide on the details of the new constitution. Macarthur suggested to O'Connell and Campbell that the names of Wentworth and Bland be added to the list, and this was done. No doubt they were left out in the first place because both had more or less retired from public life.

Manning Clark and others have argued that Macarthur's effort to bring in Wentworth was meant to forge a coalition of the employing classes against a new radical feeling represented by Macdermott. The timing of Macarthur's appeal does make this theory plausible, and given the traditional view of Macarthur, as a narrow conservative, the alliance certainly looks forced. Even contemporaries thought it 'not a little singular to find Messrs. Bland and Wentworth sailing in the same craft with the great Lion of the Tory party.'

But contemporary ideas about Macarthur were seldom right, and the view taken by historians also needs correction. It has already been pointed out that Macarthur joined easily enough with Wentworth in the campaign against the Ripon regulations, and that he tried to bring in the radical E.S. Hall as well. In 1833 he attempted to find a way

---

47 O'Connell and Campbell head the list of 43 signatories to a requisition to the sheriff, 19 Feb. 1842, asking him to call a public meeting (Sydney Herald, 22 Feb. 1842).
48 Macarthur's speech at a public meeting, 26 Feb. 1842, ibid., 28 Feb. 1842. The Australian's account of the speech (1 Mar. 1842) is not clear on this point.
49 Australian, 18 Jan. 1842: 'Mr. Wentworth ... was an influential man. His day has gone by.'
51 Sydney Gazette, 14 Apr. 1832.
52 Macarthur's speech at a public meeting, 18 Jan. 1832, Sydney Gazette, 21 Jan. 1832. See chapter 2, above.
of working with Wentworth and Jamison for constitutional reform. He
did his best in 1836 to see that the Herald petition was not a mere product
of 'factious motives'. He apparently also suggested to Glenelg in
1838 that Wentworth and Bland be appointed to the legislative council,
so that it might 'include men of all parties'. He had hoped too that
the council might then become a constituent assembly. It was mentioned
in the last chapter that in 1841 he suggested a conference on reform
where all points of view would be welcome. This new invitation, of 1842,
was therefore perfectly consistent with his past principles, and with his
great ideal, corporate self-government. What Macarthur wanted on each
occasion was the means of bringing together all major interests in the
colony, in the hope of reaching a formal consensus, which, he thought,
was the only way to make public opinion a worthy and effective force.

Nevertheless, Macdermott did represent a threat to Macarthur's
aims. These aims assumed a type of independence in the community as a
whole, arising from its social and economic unity. According to this view
the corporate interests of the people were to be managed by those who
took the lead in its everyday life. Macdermott was more concerned with
the independence of each citizen, his political power, which must be

53 Macarthur's speech, Report of the Proceedings of the General Meeting
of the Supporters of the Petitions to His Majesty and the House of
Commons, held at the Committee Rooms, May 30, 1836, Sydney 1836,

54 Ibid., p. 12. See chapter 3, above.

55 Macarthur's speech at an election meeting at Parramatta, 27 June 1843,
Australian, 28 June 1843; Macarthur to Glenelg, 10 Apr. 1838,
CO 201/282, f. 305. See chapter 5, above.

56 Macarthur's notes on the draft bill of 1838, ML D185, f. 62.
incidental to the community he happened to live in. Unfortunately for Macdermott, this independence had no basis in the law of the time. Macarthur's ideas, on the other hand, had a solid foundation in law and fact. The colony was already a legal entity, and it was easy to point out its common interests and to expect that they would be recognised by parliament. Also, the rights of property and of social pre-eminence were integral to any British type of constitution.

The second reform meeting, held on 26 February, was treated as a continuation of the first, so that the text of the petitions was the first thing to be considered. Some of the wording - but not the general argument - had already been altered, after consultation with Macdermott, and met with little opposition. Wentworth then moved for the appointment of a committee. It had been planned to read out a list of 25 names, which were to be approved as a whole. This list included Wentworth, Bland, Hall, Macarthur and Macdermott. But Macarthur had told the organisers that he would not sit in committee with Macdermott, and this raised a particular point for debate. The names were therefore approved seriatim, until Wentworth reached Macdermott's.57

After some angry discussion Macarthur rose to his feet. He explained that Macdermott's ideas could never carry any weight at home because of his denial that all civil rights were defined and limited by explicit law. More profoundly, Macdermott was opposed to 'the high

57 Australian, 1 Mar. 1842.
and holy principles of constitutional freedom', which meant that no understanding with him could be of any use. His ideas contradicted the whole basis of discussion.

I tell him that the doctrine he puts forth is the doctrine of deceit and dissimulation: that the claim to free institutions on the doctrine of the abstract rights of man is hollow and unsound. That man has his abstract rights I am not one to deny, but in the economy which governs our social system according to the British Constitution, those rights are limited and restrained by certain qualifications, and until these are attained, those rights remain (as the lawyers say) in abeyance.58

Macdermott had in fact never made any claims on the basis of 'the abstract rights of man'.59 But the logic of his ideas was alarming, and at the earlier meeting he had certainly shown that violent lack of respect which was the cloven hoof of the Jacobin. Macarthur now carried the day, and Macdermott's name was rejected by a good majority.60

The committee afterwards met five times to consider a detailed scheme of reform.61 Macarthur turned up only twice, but his ideas were the main basis for discussion and it was he who made final agreement possible. The first question was whether the legislature should have one

---

58 According to the Herald, 2 Mar. 1842, 'He spoke plainly, boldly, vehemently, eloquently. His countenance glowed with the intensity of his zeal for the honour of his native land; his eyes flashed fire at the Jacobin attempts to sully that honour; he waved his arms, and stamped his feet, and flung all the energies of body and soul into his noble cause'. Having been a windmill in February, he was to be a Quixote in July (ibid., 12 July 1842; see chapter 5, above).

59 See Macdermott to the editors, 8 Mar. 1842, ibid., 8 Mar. 1842.

60 The vote was 476 to 340 (Australian, 1 Mar. 1842).

61 They also had two preliminary meetings, on 10 and 22 March, and some later ones on 15 and 29 April, to receive reports about the petitions (Sydney Herald, 21, 24 Mar., 16, 30 Apr. 1842). See also ibid., 20, 22 June 1842.
or two chambers. This was not a vital point, because it was agreed that even in a bicameral system they should not keep too closely to the Westminster pattern. In particular the lower house, or assembly, should have some nominated members, so that government officials might sit with the representatives of the people. Macarthur argued that some officials might be elected, but neither he nor Wentworth thought of the possibility that members might be appointed to official posts after election.

Some committeemen, including Macarthur, thought that there should be a small upper house or council, half nominated and half elected by the assembly. They argued that it was normal for colonies to have two houses, and that such a system would 'tend to prevent collision between the Legislative [sic] and Executive Government'. But they were overruled, and it was decided to ask for a single mixed chamber, with 10 nominated members and 30 elected.

The next question was the franchise. On 28 March Macarthur submitted a plan in which he proposed that country voters should own freehold, leasehold or squatting licences worth £20 per annum, and that town voters should own freehold worth £20 per annum, or occupy a dwelling with a yearly rental value of £30. It was objected that this would be too exclusive. Macarthur eventually agreed that in the country £10 would be high enough, and that the town occupancy rate should be £25.

---

62 Macarthur afterwards seems to have thought that the troubles of the later 1840s were due to the absence of an upper chamber between the executive and the popular house (Macarthur to C. Throsby, 27 Dec. 1844, Australian, 7 Jan. 1845; his speech at a public meeting, 7 Feb. 1848, SMH, 9 Feb. 1848).
63 Report of meeting on 28 March, Australian, 29 Mar. 1842.
in Sydney and Melbourne, and £10 elsewhere. Some committee members thought
that there should be some personal as well as real property franchise.
But Macarthur and others pointed out that this would mean votes for
salaried employees, who would have to be protected by the secret ballot.
Everyone agreed that this would be undesirable.\footnote{64}

The final point, and the most hotly contested, was the distribution
of electorates. Macarthur recommended that, of the 30 elected members,
21 should represent counties and nine should represent towns. This was
afterwards changed to a strict two-to-one division.\footnote{65} The main question
was the relative weight to be given to Sydney and the county of
Cumberland, which together accounted for nearly half the population of
the colony.\footnote{66} The details of the question were discussed in Macarthur's
absence. Committee members with property in remote parts thought that
Cumberland, including Sydney, should have no more than a sixth of the
elected members, while others argued that even Macarthur's plan, which had
given the county 11 members out of 30 (including four for Sydney), did
not go far enough.\footnote{67} The debate had reached an impasse when a message
was brought in from Macarthur, including a new plan which, however, repeated
his original ideas for Cumberland and Sydney. The committee was thus
brought back to a compromise, which they felt obliged to accept.\footnote{68}

\footnote{64} Ibid.
\footnote{65} Report of meeting on 1 April, ibid., 2 Apr. 1842.
\footnote{66} See appendix 1, below.
\footnote{67} Those against a high representation for Cumberland were led by
Henry O'Brien of Yass and Charles Nicholson, a Sydney physician with
property at Port Phillip. Those on the other side were Wentworth
and Bland. All are listed in \textit{ADB} I and II.
\footnote{68} Reports of meetings on 8 and 12 April, \textit{Australian}, 9, 14 Apr. 1842.
These debates are a notable example of an early constitution-making, and have been sadly ignored by historians of the period. They are also interesting in so far as they show that Macarthur was now held in unique respect: the comments in committee prove that all acknowledged the fairness of his point of view. But the effort was wasted. At the end of June news reached Sydney that a bill had already been drawn up at the colonial office giving New South Wales an elective legislature. The bill had in fact been introduced into the commons by Stanley on 26 May, and it was given the royal assent on 30 July. The suggestions of the petition committee apparently did not reach England until October.

But the new act was not radically different from the committee's plan. There was to be a single chamber with 36 members, 12 nominated and 24 elected. The constituencies were not defined, but it was enacted that the city of Sydney should have only two members, while Port Phillip was to have six. The main difference otherwise was that the act provided for no rural leasehold or squatting franchise. All electors were either to own freehold worth £200, or occupy a house worth £20 per annum. Other details were left to the present council.

69 They are not mentioned in Melbourne, op. cit., the classic account of the colonial constitutions. They are mentioned in passing by Roe, op. cit., pp. 45, 83 and by C.M.H. Clark, op. cit., III (an inaccurate account), pp. 189-90.

70 The first source of information was a letter to James Macarthur, received at the end of June, presumably from Edward (Macarthur's speech in council, 28 June 1842, Sydney Herald, 29 June 1842). Edward had been consulted on the drafting of the bill during February (index to miscellaneous in-letters, colonial office, 1842, CO 201/330, f.575, referring to a letter from Edw. Macarthur, 25 Feb. 1842, in a separate volume, now lost; see appendix 3, below).

71 PD third series, LXIII c.880, LXV c.871. This was the New South Wales Constitution Act, 1842.

72 Gladstone to James Macarthur, 25 Oct. 1842, ML A2922. In this letter Gladstone acknowledged a letter from Macarthur (now lost) dated 14 Apr. 1842. A report of the petition committee, dated 2 April, had also been sent to him, and to Buller, P.M. Stewart, M.P., and Edw. Macarthur (Australian, 7 Apr. 1842).

73 Melbourne, op. cit., pp. 269-76; Stanley to Gipps, 5 Sept. 1842, HRA i, XXII pp. 238-43.
The council met for its last session on 24 January 1843, when a bill was introduced defining constituencies, allotting members, and laying down electoral procedure. 74 The committal of the bill took place on 7 February. But on the same day Macarthur presented an alternative plan for the representation of the counties, and gave notice that on 14th he would move its adoption. 75 He afterwards explained that he did this only 'to delay the consideration' of the bill. 76 He probably wanted to consult opinion outside. Later in the week his cousin Hannibal laid on the table another more detailed set of proposals, which he said had been 'assented to by his honorable relative Mr. James Macarthur'. Macarthur agreed that he liked this plan better than his earlier one. 77 It may be that he was the author of both, and that in the second case Hannibal was brought forward for deliberate political reasons, as a man of honesty and common sense and one of the mere gentlemen of the colony. 78 Thus Macarthur appeared to give up his own plan in favour of one which was better considered and more widely acceptable. This was one of his typical habits and a part he loved to play, because it seemed to show off the essence of cool unselfish patriotism. It meant sacrificing personal kudos for the general good, and in the process attaining that 'Moral Freedom, which alone makes a man his own master'.

74 SMH, 25 Jan. 1843.
75 Ibid., 9 Feb. 1843.
76 Macarthur's speech in council, 10 Feb. 1843, ibid., 11 Feb. 1843.
77 Debate on 10 Feb. 1843, ibid.
78 James had used Hannibal at his mouthpiece before. See, for example, his method of suggesting amendments to the Sydney corporation bill of 1842, chapter 5, above.
The last plan was approved without dissent, and almost without
discussion, on 14th, the bill passed on 23rd, and council then adjourned
sine die.\textsuperscript{79} It was generally thought that their successors would meet
about July.

\* \* \* \*

The plan approved by council gave only two members to the county
electorate of Cumberland, with two to Sydney, one to Parramatta, and one
to the smaller towns in the county, the 'Cumberland boroughs', as a
single constituency.\textsuperscript{80} The imperial act allowed such narrow latitude
for the distribution of members that this was more or less inevitable.
In fact, within a fortnight of 7 December - when the act first reached
the colony - the two members for the county had been more or less agreed
on.\textsuperscript{81} Formal requisitions were signed at the end of the month.\textsuperscript{82}

No one seems to have thought that there was any special advantage
in giving the voters a choice. The ideal seems to have been that there
should be no contest, so that each elected member might represent all his
constituents to an equal extent. Moreover, parties and sectional interests
had not yet learned to organise themselves, and all but a few settlers

\textsuperscript{79} \textit{SMH}, 24 Feb. 1843.  \textit{This was the electoral act, 1843.}

\textsuperscript{80} This meant that in the county (as in the electorate of Sydney) every
elector had two votes, and it was open to him to distribute them,
or else to 'plump', to use one only.

\textsuperscript{81} According to Macarthur, he was first asked to stand for Cumberland
'after the publication of Mr. Hustler's first address to the electors
of Sydney' (for which, see \textit{SMH}, 9 Dec. 1842) and before 10 December
(his election speech at Camden, 6 Feb. 1843, \textit{Australian}, 8 Feb. 1843).

\textsuperscript{82} \textit{SMH}, 31 Dec. 1842. Macarthur's answer to the requisition is dated
7 December, but this is clearly a mistake for 7 January (\textit{Australian},
9 Jan. 1843).
were untried as politicians. Candidates were therefore expected to have little more than local influence, and a general knowledge of affairs. In some cases this meant that the head of an eminent local family might be the only possible representative of his area, his politics being irrelevant. As the Herald said in one instance, such a man might claim the votes of his neighbours 'almost as a prescriptive right'.

The two men chosen by the electors of Cumberland during December were James Macarthur and William Lawson, of Veteran Hall near Prospect. Lawson's claims were clear. He had lived in the heart of the county for 30 years, and was a very wealthy man. He had been linked with Wentworth and his reform movement since 1825, so that he had a settled political reputation. On the other hand he had never been a very prominent politician, he was a fumbling orator, and he was nearly 70 years of age.

Macarthur's qualifications were different, because his home and most of his property were in the county of Camden, on the other side of the Nepean. If he had any natural right to stand with Lawson it was because Cumberland was the metropolitan county, the original centre of New South Wales, and thus a suitable pedestal for a man whose eminence related to the whole colony. In England the members of the house of commons took an informal precedence from their electorates, which made it a high

83 This partly explains the very vague statements of policy by candidates (compare A.W. Powell, 'The Political Career of Charles Cowper 1843-1870', Ph.D. thesis, La Trobe University 1974, p. 23).
84 SMH, 3 Feb. 1843. This was said of James Macarthur and the county of Camden.
85 For Lawson's life, see ADB II. See also the journal of George Allen, 18 June 1850, ML uncat. MSS 477: 'he [Lawson] was by no means a man of education nor was he very polished in his manners'.

honour to sit for the great counties. Like Cumberland, these were the stronghold of the landed interest, the magnates and ancient families of the country. It would have been fitting then if the senior member for Cumberland in the new council had been a man of Macarthur's background and authority. He himself explained that he stood for Cumberland 'because he thought that in the proud position of representative of the Metropolitan County ... he should be of more service to his country'.

The candidature of Macarthur and Lawson seems to have been arranged partly by John Blaxland, the real patriarch of the county, and like Lawson an old reformer. The co-operation of these three looks like an alliance of great men working together for a single end, all sinking their own views for the general good. The situation and the idea are reminiscent of the programme of 'broad bottom', inspired by the tory Bolingbroke in the time of George II and briefly effected in 1744 by Henry Pelham. With such a scheme partial views must be trimmed to fit a single pattern, and far-sighted policies would meet with general support because 'the reign of virtue precluded the necessity of ... Opposition'.

---

86 His speech at an election meeting at Sydney, 30 June 1843, Australian, 1 July 1843. Roe (op. cit., p. 45) suggests that Macarthur stood for Cumberland because he wanted to be a 'true leader of the people, including Roman Catholics and moderate liberals'; but he had agreed to stand before being involved with Therry, his Catholic candidate in Camden.

87 Blaxland's name is at the head of the list of requisitionists to Macarthur and Lawson (ibid., 9 Jan. 1843).


89 Ibid., p. 150.
As in England a hundred years before, events in New South Wales made it seem wrong to encourage the rise of parties. It was a time of economic crisis, but more important, they were laying the foundations of a popular legislative system. For the time being the constitution was a delicate machine, and not a battle ground. Tolerance — what Macarthur called charity — and self-restraint were therefore vital. As Macarthur himself said,

he was anxious to see men of intelligence and experience, — of various shades of opinion in the Council, in order that by the discussion of conflicting opinions, the truth might in the end be elicited.90

During December Wentworth and Bland had offered themselves as allied candidates for Sydney, and Macarthur clearly hoped that these two, with himself and Lawson, would provide a rallying point for sober and high-minded patriots in the new council. Thus he made an effort to have Wentworth appear with himself and Lawson during their first canvass of Cumberland. Unfortunately Wentworth was not forthcoming.91

Parties pretending to 'broad bottom' must be not only popular, but also loyal to the interests of the sovereign. Macarthur thought it would be wise to avoid if possible any clear division in the new council between elected and nominated members, as the agents respectively of the people and the crown.

90 Macarthur's speech at the declaration of the poll for Cumberland, 6 July 1843, Australian, 10 July 1843. Compare the confidence of his teacher, Dr. Lindsay, in free discussion, which 'must eventually elicit and confirm the truth, on what ever side it may be found' (A Sermon on the Advances in Knowledge, Freedom and Morals, from the Reformation to the Present Times, London 1818, p. 33).

91 Macarthur's speech at an election meeting at Parramatta, 11 Jan. 1843, SMH, 12 Jan. 1843. See also his letter to the editors, 13 Jan. 1843, ibid., 16 Jan. 1843. Powell (op. cit., p. 27) argues that there was a secret compact between Macarthur and Wentworth from the beginning of the campaign, but the evidence he cites is completely silent on this point.
This danger would be most likely to be lessened [he argued], if not altogether avoided, by the election of a few Government officers of known moderation, experience, and ability. The Government would then feel that there was a sufficient degree of confidence between them and the colonists to enable them to select more independent men as Nominees of the Crown than they might otherwise. In this way, the separative properties of the different component parts, would be weakened, and the Council would become blended and amalgamated together as one body, exercising its conjoint energies for the general good.92

These ideas seem eccentric compared with recent trends at Westminster, which had led to a profound distrust of crown placemen in politics. The Reform Act of 1832 and the bed-chamber crisis of 1839 both partly reflected this feeling.93 But such trends could have little effect on Macarthur. He was open to the sort of new ideas which looked forward to social harmony, but for him these must concentrate on the refinement of motives rather than aims, and must therefore be tightly interwoven with present circumstance. In 1843 he put his faith absolutely in the 'known moderation, experience, and ability' of 'a few Government officers', and the public spirit of Gipps himself. The distrust and hints of corruption which might disturb the British parliament could have nothing whatever to do with the good work to be done here.

92 Footnote to Macarthur's speech, The Speeches of James Macarthur and Roger Therry, Esquires, with a report of the proceedings at a meeting of the electors of Camden, held at Camden, February 6, 1843, Sydney 1843, pp. 25-6. The footnote was composed within a fortnight of the meeting (Macarthur's speech at the declaration of the poll for Cumberland, 6 July 1843, Australian, 10 July 1843).

But Macarthur's aims were also out of place in New South Wales. He did not reckon on the strength of local prejudice. Colonial whiggery, in particular, took the ancient and vigorous form lately defined by Newman, the future cardinal:

opposition for its own sake, striving against the truth, because it happens to be commanded us; as if wisdom were less wise because it is powerful.94

Governor Gipps was not the truth incarnate, but he did represent a pervasive authority, and this local opposition was its counterpart. In England the prevailing distrust of crown patronage was something more modern: it was the result of an inchoate feeling that party conflict was proper, but that the sovereign should be above it. In New South Wales, it was still of the old-fashioned type. That is to say, the authority of the crown was still pitted against that of the people, the people's cause being managed by an amorphous set of gentlemen, aspiring politicians whose resentment was determined, though slightly confused.

In his attempts to soften this encounter Macarthur was aiming at a system where the executive would be totally identified with local interests. But this was not a very realistic ambition as long as the governor remained active in politics, and was clearly the agent of Whitehall. Moreover, the times were hard, the governor had already been called upon to make several unpopular decisions, and Gipps's manner tended to encourage bitterness.

In his effort to see some officials elected Macarthur looked to his own home county of Camden. Camden had been given one member and

Macarthur had some right to say who that member should be, since he himself, 'the hereditary father of his county',[^95] was standing elsewhere. The county was roughly divided into two. The western part, containing the villages of Camden, Picton and Berrima, was inhabited mainly by large well-established landowners, with some small farming around Camden village. The eastern part, the district of Illawarra, was dominated by a class of small and middling farmers, with interests of their own. This area was also unusual in having a good number of Catholics qualified to vote.[^96]

At about the time that Macarthur was first considered for Cumberland, some of the electors of Illawarra approached the acting attorney-general, Roger Therry, the colony's leading Catholic layman, and asked him to stand as their representative.[^97] Therry was at first unwilling, realising, no doubt, that whatever his strength in the east he would still have the more populous part of the county to contend with. But at the end of December Macarthur called on him to say that he had heard of the suggestion that he should stand, and that if he did so he would have the whole support of the Macarthur family interest. This gave Therry a good foothold in both east and west. On 2 January he made up his mind to come forward.[^98]

[^95]: SMH, 3 Feb. 1843.
[^97]: Therry himself had property at Illawarra, at Keira Vale, near Wollongong.
[^98]: Therry's speech at an election meeting at Wollongong, 14 Jan. 1843, SMH, 17 Jan. 1843; Macarthur's speech at an election meeting at Camden, 6 Feb. 1843, Australian, 8 Feb. 1843.
Macarthur's decision to support Therry was, and is, the most controversial aspect of the 1843 elections. It was not a sudden decision. He and his brother William had already spoken to several possible candidates, among them Charles Cowper, a young grazier who lived near Camden, and whom they thought a promising man. But for the time being no-one would move. It was not until the last week of December that James Macarthur, then in Sydney, heard that Therry had been asked to stand. He had already spoken of the attorney-general as one of those officials who might expect to be elected. He now wrote to William describing him as a 'very fit' candidate, and, he said, 'the opportunity would be a good one to show the Roman Catholics that moderate Protestants had no desire to exclude them from the representation.'

On 28 December William Macarthur had another talk with Charles Cowper. According to his own account he, William, asked Cowper whether he was still unwilling to come forward, and if so whether he would join in support for Therry. Cowper's reply was vague. He told William that, as for the first question,

---


101 Statement by W. Macarthur, 6 Feb. 1843, read at an election meeting at Camden on that day, ibid., 8 Feb. 1843.
to succeed would require much exertion on the part of himself and his friends - that he did not feel himself in a position to make that exertion - [and] that he had no expectation that others would make the necessary stir in his favour.

With regard to Therry, Cowper said,

in the event of his being so influential at Illawarra as you suppose, I think he would be (or perhaps he would be) the best man to support; but I should like to consider the matter over; and I will give you an answer in a day or two.\textsuperscript{102}

Cowper's biographer says that at this stage Cowper was making an indirect appeal to the Macarthurs for support.\textsuperscript{103} In other words, he wanted an explicit request that he should put himself forward before he did so. The alternative would have seemed too much like asking permission, and might have seriously jeopardised his independence in council. His later career shows how careful Cowper was with such details.

Macarthur, no doubt, was too keenly aware of his own good intentions to see the difficulty of Cowper's position. His family thought of themselves not as partial leaders, but as the patrons and arbiters of the county, aiming at the representation of all interests. This was a constant aspect of Macarthur's career. He was often too proud to run with the hares, as a politician committed to a party view. But, in spite of

\textsuperscript{102} Ibid. This account, given some time after the event, is confirmed by a letter written by William to James within hours of the conversation, and before there was any controversy about it (ML A2934). In this letter William added that Cowper thought of supporting Therry in the hope of 'obtaining the influence of his [Therry's] friends ... for some other place'. Cowper himself alleged that during this conversation William made him an explicit offer of support at Camden, leaving him time to accept (his speech at an election meeting at Berrima, 21 June 1843, SMH, 1 July 1843), but this was clearly untrue, and in fact contradicts another speech by Cowper, at Picton, 24 Jan. 1843 (ibid., 28 Jan. 1843).

\textsuperscript{103} Powell, op. cit., p. 29. This is as far as Powell's argument goes.
his pride, he did not always have the authority to hunt with the hounds, uniting a host of sectional interests. On the one hand his family so much dominated the western part of the electorate that their neighbours naturally waited for them to take the lead. They themselves, on the other hand, wanted to be detached, and looked out for a man who already had some public support. Thus the electors of western Camden, and Cowper, waited for a sign from Camden Park, while Camden Park waited for someone to claim their patronage. Meanwhile the electors of Illawarra made their own arrangements with Therry.

Immediately after his conversation with Cowper, William Macarthur reported to his brother. He wrote that Cowper would probably not come forward, but that he, Cowper, did not believe that Therry would be acceptable to the county as a whole; 'and [he] agrees with me that it wd. be premature to commit yourself by any pledge to him as yet'.\(^{104}\) However, three days after writing this letter William heard from James that the die was cast, that he had given Therry his word, and that he was only waiting for an answer.

It was never explained why Macarthur decided to go ahead in spite of his brother's advice. But it was soon clear that, in his 'extreme eagerness' for good causes, he had made a bad blunder.\(^{105}\) Therry was by no means acceptable to many of the pastoralists in western Camden. He was obnoxious to them as a Catholic, as a former protegé of Sir Richard

---

104 W. Macarthur to James Macarthur, 28 Dec. 1843, ML A2934.
105 G. Cox to W. Macarthur, 1 July 1843, ML A2936.
Bourke, and as an official whose political independence must be doubtful.\footnote{106}

Within a few days of Macarthur's decision a reaction had set in among some of the leading men of the district, led by Major Henry Antill of Jarvisfield, near Picton. As a contemporary songster put it:

\begin{quote}
Uprose, at a word, like an Anthill that's stirr'd,
The Cowpastures, and all county Camden!\footnote{107}
\end{quote}

During the first week of January canvassing began for Cowper,\footnote{108} but he himself made no announcement to the press until 11th.\footnote{109}

It was apparently Cowper's hope at this stage that Macarthur would realise his mistake and withdraw support from Therry. Before issuing his statement to the newspapers he, Cowper, had joined in a supplementary requisition pledging support for Macarthur in Cumberland.\footnote{110}

As late as 3 February the Herald, which was partly owned and edited by Cowper's close friend, Charles Kemp, carried a leader supporting Macarthur's campaign and, in apologetic terms, denying that 'Mr. Cowper [would] ever have dreamt of seeking' the Camden seat, 'had not his friend abandoned it'.

\footnote{106}{This is to be gathered from Cowper's election meetings at Wollongong, 14 Jan., Picton, 24 Jan., Berrima, 30 Jan. and 8 May, and Dapto, 23 Mar. 1843, SMH, 20, 28 Jan., 7 Feb., 28 Mar., 15 May 1843. See also the diary of Thomas Callaghan, 20 June 1843. Fears about Therry's independence seem to have been confirmed by his voting in council because in every division where the government members voted as a body he voted with them (see the division lists 1843, 1844, V&P).}

\footnote{107}{'Snug little Camden', a ballad, SMH, 13 Feb. 1843. For the details of this event, see 'A member of Mr. Therry's committee' to the editor, Australian, 15 Feb. 1843.}

\footnote{108}{Macarthur's speech at an election meeting at Camden, 6 Feb. 1843, ibid., 8 Feb. 1843.}

\footnote{109}{SMH, 14 Jan. 1843.}

\footnote{110}{Australian, 13 Jan. 1843. This requisition is undated, but it must have been signed before Cowper went to Wollongong, where he issued his press announcement on 11th.}
But now Macarthur was committed to Therry. He afterwards explained that, since Cowper had questioned the need for perfect religious equality, it had become his own clear duty to see that Therry won. 111 It probably would have meant little to him had he known that some leading Catholics rather resented his patronage and Therry's 'subserviency'. 112 Believing at this stage that all the elections would be held at the same time, Macarthur decided that on polling day he would keep, 'at his own cost, relays of horses on the road, to establish a communication between Cumberland and Camden, in order to give Mr. Therry more effectual success'. 113

* * *

Macarthur's own campaign began well, and he spent the first weeks of 1843 in a glare of splendid popularity. For the time being no-one else came forward for the Cumberland seat. He and Lawson met with little open opposition and, as the Herald said, 'the only objection raised against Mr. Macarthur has been, his unfortunate coalition with Mr Therry'. 114 On 7 January a notice was issued from the headquarters he shared with Lawson at Parramatta, announcing that they would meet their

111 His speech at the declaration of the poll for Cumberland, 6 July 1843, ibid., 10 July 1843.
112 Chronicle, 14 Jan. 1843; diary of Thomas Callaghan, 12 Feb. 1843. Callaghan thought Therry's subserviency was only in 'his manner'.
113 His speech at an election meeting at Parramatta, 27 June 1843, Australian, 28 June 1843.
electors at seven places in the western part of the county during the next fortnight. Their progress through the district began at Parramatta on 11th, Macarthur being greeted there with 'loud and universal cheers'. At Windsor he quite satisfied those who 'were disposed at first to disagree with him'. The campaign then became a triumphal procession for them both. On the afternoon of 12th their carriages entered Richmond among 'a large and gay cavalcade', with 'about fifty gentlemen on horseback' and followed by

Carriages of well-dressed ladies, and vehicles of almost every description ... all animated it appeared, with the most anxious desire to shew how warm they could make their welcome to their respected candidates.

A 'brilliant and unanimous' meeting followed in the market place.

There were later similar receptions at Penrith, Liverpool, Campbelltown and Narellan.

The point of beginning so early was no doubt to stake a firm claim to the electorate, and to discourage intruders. If so Macarthur and Lawson were not completely successful. Like Camden, the Cumberland electorate was divided into distinct parts. The western area, extending from Windsor to Campbelltown, consisted mainly of small-farming communities among large estates. This was also true of the north shore of Port

115 SMH, 10 Jan. 1843.
116 Australian, 13 Jan. 1843.
117 Ibid., 16 Jan. 1843. The success of the campaign is confirmed by the Herald (17 Jan. 1843), a more impartial source.
118 Australian, 16, 18 Jan. 1843.
Jackson. But the villages south of the harbour - Newtown, Balmain, Surry Hills and Botany - were more closely linked with Sydney, and were almost suburbs. What is more, the voters of this district made up more than a third of the total electorate.  

It was mid-February before Macarthur and Lawson visited the eastern parts of Cumberland. Meanwhile a third candidate, George Robert Nichols, came forward for the county. Nichols, the son of a convict, had been educated in England and had practised as an attorney in Sydney since 1833. As a young man he had been an avid supporter of Wentworth and reform, but he had lately grown critical of the old cause. He was a complex idealist, humane and slightly eccentric. He now canvassed for himself and Macarthur, who, he said, 'had pledged himself to support the principle of equal laws for all men'. They appeared together with Therry at Camden on 6 February, but there was never any mutual agreement because Macarthur made it clear that he was committed to Lawson. The situation

119 In the final poll a total of 1,731 votes were cast in the electorate, including 655 (37.8%) in this area (ibid., 5 July 1843).
120 Nichols led the opposition to Wentworth during the debate in Sydney in 1842, about the need for incorporation (Sydney Herald, 31 May, 7 June 1842). For his life, see ADB V.
121 He was a strong opponent of capital punishment, and was also keenly interested in the welfare of the aborigines (see, for example his speech in the legislative council, 29 Aug. 1849, 30 Sept. 1850, SMI, 30 Aug. 1849, 4 Oct. 1850).
122 Nichols's speech at an election meeting at Newtown, 8 Mar. 1843, Australian, 10 Mar. 1843.
123 Ibid. See also The Speeches of James Macarthur and Roger Therry, Esquires ..., p. 53. For some idea of the relationship between Nichols and Macarthur, see Macarthur to Nichols, 4 July 1843, and Nichols to Macarthur, 5 July 1843, Australian, 12 July 1843.
in Cumberland was further complicated a week later by the announcement of a fourth candidate, John Ryan Brenan, a junior police magistrate at Sydney who, like Nichols, put himself forward as an alternative to Lawson. Brenan's influence did not extend much beyond the city and north shore.

On 16 February Macarthur and Lawson began a tour of the remaining part of their electorate. They met with troublesome opposition at Balmain and Newtown, mainly from Brenan and his supporters. The meeting at Newtown was unusually violent, and in the end they had to suffer the humiliation of being formally rejected, by an audience which they themselves had called together.

By this time a profoundly important issue had emerged in the central electorates, although it may be that only the leading antagonists—Wentworth and Macarthur—clearly understood what was at stake. On the one hand, there was the idealistic scheme of 'broad bottom', a movement aiming at the co-operation of all interests for the general good. On the other, there was a deep-seated resentment of government officers as such, linked with sectarianism both economic and religious,

---

124 For his life, see ADB I. For his attitude to Macarthur and Lawson, see report of an election meeting at Kissing Point, 6 Mar. 1843, Australian, 8 Mar. 1843.
125 See the final voting figures, ibid., 5 July 1843.
126 For their itinerary, see SMH, 17, 22 Feb., 2 Mar. 1843. For the reports of meetings, see ibid., 17 Feb. (Balmain, 16 Feb.), 20 Feb. 1843 (Lane Cove, 18 Feb.), Australian, 8 Mar. (Kissing Point, 6 Mar.), and 10 Mar. 1843 (Newtown, 8 Mar.).
127 At this meeting a duel was arranged between Lawson and Brenan, at sunrise next morning, but both withdrew (ibid.).
128 See, for example, Macarthur's speech at the declaration of the poll for Cumberland, 6 July 1843, ibid., 10 July 1843. Compare the following account with Irving (op. cit., p. 284).
and with the idea that politics must be seen in terms of conflict and competition. It is safe to say that the mass of voters understood the second point much better than the first, which met the imagery of battle with tedious talk about compromise, harmony and peace.

At Sydney there were five candidates, the three foremost being Wentworth, Bland and O'Connell. Wentworth and Bland were in firm alliance. They had been associated in politics for many years, during a time of official tyranny, according to Wentworth, when 'no man could form an adequate conception of the danger which every man had in fighting the battles of the country'.\textsuperscript{129} Wentworth foresaw more battles in the new council, particularly over the civil list and the administration of squatting districts. Therefore, he said, they must have a good majority of anti-government members, and no 'doubtful men', 'lukewarm and half-and-half fellows', who would 'deliver the country, bound hand and foot, to the Governor and his minions.'\textsuperscript{130}

Wentworth described O'Connell as one such doubtful man, because he was a paid officer of the government. O'Connell himself said he was certainly 'not prepared to run a muck against all the measures which Government may propose'. He thought of the local administration as one engaged in working out 'a great principle in the science of civilization', a science which involved the careful patronage of various interests.\textsuperscript{131}

\textsuperscript{129} His speech at an election meeting at Sydney, 13 June 1843, \textit{SMH}, 14 June 1843.
\textsuperscript{130} His speech at an election meeting at Bathurst, 3 Apr. 1843, \textit{SMH}, 11 Apr. 1843.
\textsuperscript{131} His speech at an election meeting at Sydney, 13 June 1843, ibid., 14 June 1843. See also the report in the \textit{Australian}, same date.
O'Connell's 'lukewarm and half-and-half' attitude was confirmed by the fact that his chief supporter was Roger Therry. This connection also made O'Connell suspect on religious grounds. It was well known that he was related to the great Daniel O'Connell, and it was rumoured that he was secretly a Catholic himself.\textsuperscript{132} Wentworth and Bland took no notice of this rumour, but their supporters used it to advantage.\textsuperscript{133}

In Camden Therry was opposed on both essential points, as a government officer and as a Catholic. In fact Cowper made some attempts to link his own cause with that of Wentworth and the anti-government party, 'whose interests' he told his supporters, 'are identical with ours'.\textsuperscript{134} The last days of the campaign were to show that this was an astute move.

The polarisation of issues wrecked Macarthur's patriotic scheme, and it also strained the alliance between himself and Lawson. Macarthur was definitely a 'science of civilization' and 'broad-bottom' man, whereas Lawson's politics were narrow and immediate. The future of their alliance depended on the evolving strategy of Wentworth, Lawson's old

\textsuperscript{132} Reports of meetings at Sydney, 9, 13 June 1843, ibid., 10, 14 June 1843. See also the diary of Thomas Callaghan, 20 June 1843. Therry was himself a relation and friend of Daniel O'Connell (his Reminiscences of Thirty Years' Residence in New South Wales and Victoria, London 1863, p. 434).

\textsuperscript{133} SMH, 15, 16 June 1843.

\textsuperscript{134} His speech at an election meeting at Berrima, 8 May 1843, ibid., 15 May 1843.
mentor and principal, who had already regained much of the influence he had enjoyed 10 years earlier. The new regime seems to have brought out all his political skill: he had quickly gathered the main flood of public opinion behind him, conjuring great forces out of nothing. Meanwhile Macarthur, in spite of recent triumphs, was left high and dry. Brenan, who was now opposed to both Macarthur and Lawson, made an effort about the beginning of May to link his own cause with Wentworth's, but it was soon clear that Wentworth had other ideas.  

At the end of May the polling days were announced, most of them being in the last part of June. The electors of Camden voted on Saturday 24 June. The results were published in Sydney on the following Monday, when it appeared that Therry had won the seat, with a margin of 10 out of a total of 282 votes cast. Most of his support came from Wollongong, but he also had a majority at the Macarthur's village of Camden.

The next day, Tuesday 27th, was nomination day for Cumberland, polling day being 3 July. Meanwhile the unlikely rumour reached Sydney that Charles Cowper, having lost Camden, would stand for Cumberland instead. On the Tuesday morning this story was confirmed by the Herald, and some hours later Cowper appeared with his proposer and seconder.

---

135 At an election meeting at Windsor on 22 April, Brenan spoke of 'the interests of the squatters requiring additional laws for their protection' (Australian, 28 Apr. 1843). He was also at least partly responsible for organising a public meeting at Sydney on 8 May, to discuss the state of the colony, and for bringing in Wentworth as the main speaker (SMH, 9 May 1843).

136 Ibid., 30 May 1843.

137 See appendix 7, below.

138 Australian, 26 June 1843.
on the hustings at Parramatta. For Macarthur this day must have been
full of bitterness and consternation. It was clear that Cowper's party
had worked very quickly, and that they had already managed to spread through-
out the electorate 'the disgust they felt at the conduct of Mr. James
Macarthur in Camden'. Cowper's seconder was Richard Sadleir, who
had been one of Macarthur's leading supporters, and who now informed
the meeting that 'a great portion of the poor who had signed the
requisition for Mr. Macarthur' had already moved to Cowper's camp.

Macarthur was suddenly surrounded by those who aimed at his defeat.
Wentworth, lately elected for Sydney, was also on the platform, as Lawson's
proposer, and it must have been clear that he had come to end the
alliance. In his speech he suggested, ominously, that it was up to
Macarthur to explain how far he had abandoned the exclusive and
authoritarian ideas for which he was well known, in favour of Lawson's
liberal principles. Macarthur was now in a position where precise
explanation was useless. Forced onto the defensive, with an excited
audience before him, his 'broad bottom' ideas became sheer sophisticated

---

139 SMH, 27 June 1843. For the impact of this 'disgust' at Windsor,
see ibid., 5 July 1843. Two letters which together give a good
account of the conscientious opposition Macarthur had to meet with
are G. Cox to W. Macarthur, 1 July 1843, ML A2936, and C. Tompson
to the editors, 10 July 1843, SMH, 18 July 1843.

140 Australian, 28 July 1843. Sadleir had proposed Macarthur's candidature
at Liverpool on 14 January, and had even then expressed reservations
about Therry (ibid., 16 Jan. 1843).

141 According to Macarthur, Wentworth came out against him because
he, Wentworth, hoped to be elected speaker in the new council and
feared Macarthur's opposition (Macarthur's speech at the declaration
of the poll for Cumberland, 6 July 1843, ibid., 10 July 1843).
On the question of Wentworth and the speakership, see Melbourne,
op. cit., p. 290.
cant. He could only say that he was not a high tory as Wentworth had suggested:

he had always been and still was a moderate Conservative. And he defied Mr. Wentworth to state any fact that he could not explain, wherein he could prove contrarily ... He had been accused of inconsistency. But in what was he inconsistent?

He had always wanted a constitution, he said, in which all parties would be equally represented, and had even tried to have Wentworth and Bland appointed to the old council. But all this only made his politics more tangled. The crowd managed some loud cheers, but the show of hands at the end of the day favoured Lawson and Nichols.

The rest of the week was full of panic. Next morning the papers carried Cowper's new requisition and answer, which showed his close involvement with William Bland. 142 Macarthur, who stayed in town during the whole period, realised that Lawson's 'most powerful supporters at Sydney' were now actively against him. 143 Even Lawson himself apparently intended 'not only to vote, but to use all his influence for Mr. Cowper.' 144 On the Thursday Macarthur tried to communicate with Lawson in order to clarify the situation. But meanwhile he received a note from Wentworth which was meant to be the last blow to the alliance.

142 SMH, 28 June 1843. The list of signatures to the requisition was omitted, but the answer was addressed to Bland and the mayor of Sydney, as the most important signatories.
143 Macarthur to Lawson, 1 July 1843, Australian, 12 July 1843.
144 Macarthur to Wentworth, 29 June 1843, ibid., 1 July 1843. See also Emily Macarthur to James Macarthur, 29 June 1843, ML A4344. Lawson and Cowper were apparently allied to the extent of having a joint election committee (notice to 'the friends and supporters of Mr. Cowper and Mr. Lawson', signed 'Geo. Crawley, Hon. Sec.', SMH, 5 July 1843).
Wentworth had apparently been going through the reports of Macarthur's election speeches, and had found one which seemed to him to imply that, as he said, 'you would not give your vote to Mr. Lawson'. Macarthur answered that such an interpretation was nonsense, as he had no vote in Cumberland. But this did not satisfy Wentworth, who was now, in his own opinion, free to work for Macarthur's defeat. 145

It was now a week since Therry's triumph, and a bare two days before the electors of Cumberland were to go to the polls. Macarthur made a last strenuous effort to save himself. He seems to have thought that he was mainly threatened in the Sydney district, the centre of Wentworth's power. He therefore called two meetings, at Sydney and at Woolloomooloo, in order to make a final appeal to the good sense of the electorate. He again explained his link with Therry, and he also dealt, as far as possible, with a charge that he had used undue influence at Camden village to secure Therry's return. 146 At the same time he seems to have clung to the old alliance with Lawson. According to his own story, on polling day 'no less than twenty-five of his Parramatta friends' split their votes between Lawson and himself. 147

But a far more serious threat came from his other flank. Cowper had appealed to Anglican piety, and had called into action a type of

---

145 Wentworth to Macarthur, 29, 30 June 1843, Macarthur to Wentworth, 29, 30 June 1843, Australian, 1 July 1843.
146 Ibid., 1, 3 July 1843. The Australian Dictionary of Biography (II, p. 152) assumes that he did use such influence, but there is no evidence for it. See appendix 7, below.
147 His speech at the declaration of the poll for Cumberland, 6 July 1843, Australian, 10 July 1843.
sectarian feeling which was normally concealed and which Macarthur had no doubt underestimated. In March Dr. Folding had landed in Sydney as the colony's first Catholic archbishop, a title overshadowing that of the Anglican Bishop Broughton. This had caused a considerable stir. Therry's election in Camden was therefore seen by some as another step in a sudden attempt at papal domination, such as every Protestant was bound to guard against. 148 Apparently 'many of the simple voters, some of them new to the colony', even believed that Macarthur himself was a Catholic. 149 The strength of sectarian feeling is perhaps indicated by the fact that on election day, Monday 3 July, Cowper, a man quite new to politics, received 30 per cent of the votes, and easily topped the poll.

The support for Cowper varied a good deal throughout the electorate. In Parramatta, the headquarters of the Macarthur family, he polled less than 10 per cent and, other things being equal, old connections in that district would have been enough to ensure Macarthur's election as overall runner up. But Parramatta was also the home town of the Lawson family. This fact, plus strong support in Penrith, gave Lawson a margin of 11 votes over Macarthur, who thus came in

148 Powell, op. cit., p. 38. See also Cowper's speech at an election dinner at Wollongong, 13 March 1843, SMH, 28 March 1843.
149 Mrs. Macarthur to Edw. Macarthur, 15 - 20 August 1843, ML A2907.
third.  

The declaration of the poll for the county took place at Parramatta on 6 July. Macarthur spoke at length, driven by a type of nervous anger which was unusual in him and which might have been more characteristic of his father. But his speech was a very powerful one, with better imagery and fewer platitudes than usual. He made a special point of denouncing the Anglican clergy who, he said, had worked actively for his defeat:

when the day for the contest for the County arrived, when the dogs of war were let slip, and all was strife and contention, who were to be seen foremost inciting and cheering on their chosen battalions of angry and deluded voters to the charge? who but the black band that thronged the Hustings, whose duty should rather have been to have set an example of quiet and peace.

He warned his listeners that the cause of treachery and selfishness could never have any permanence. 'He did not fear to throw himself on

---

150 Ibid., 5 July 1843 (These were provisional figures but they were no doubt very close to the final count):

<table>
<thead>
<tr>
<th></th>
<th>Sydney</th>
<th>St Leonards</th>
<th>P'matta</th>
<th>Campbell't'n</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cowper</td>
<td>215(33%)</td>
<td>50(39%)</td>
<td>35(10%)</td>
<td>53(31%)</td>
</tr>
<tr>
<td>Lawson</td>
<td>103(16%)</td>
<td>12( 9%)</td>
<td>148(41%)</td>
<td>9( 5%)</td>
</tr>
<tr>
<td>Macarthur</td>
<td>125(19%)</td>
<td>23(18%)</td>
<td>122(34%)</td>
<td>66(38%)</td>
</tr>
<tr>
<td>Nichols</td>
<td>144(22%)</td>
<td>26(20%)</td>
<td>39(11%)</td>
<td>34(20%)</td>
</tr>
<tr>
<td>Brennan</td>
<td>68(10%)</td>
<td>16(13%)</td>
<td>14( 4%)</td>
<td>11( 6%)</td>
</tr>
<tr>
<td>Liverpool</td>
<td>18(27%)</td>
<td>72(33%)</td>
<td>60(46%)</td>
<td>503(29%)</td>
</tr>
<tr>
<td>Windsor</td>
<td>10(15%)</td>
<td>42(19%)</td>
<td>57(43%)</td>
<td>381(22%)</td>
</tr>
<tr>
<td>Penrith</td>
<td>18(27%)</td>
<td>12( 6%)</td>
<td>5( 4%)</td>
<td>371(21%)</td>
</tr>
<tr>
<td>Total</td>
<td>3( 5%)</td>
<td>24(11%)</td>
<td>1( 1%)</td>
<td>137( 8%)</td>
</tr>
</tbody>
</table>

Final totals were Cowper 504 (30%), Lawson 383 (22%), Macarthur 372 (22%), Nichols 334 (19%) and Brennan 134 (8%) (Ibid., 10 July 1843). For the situation in Penrith, see 'Nepean' to the editors, 28 June 1843, SMH, 28 June 1843; and Ibid., 4 July 1843.

151 Even three weeks later his mother expressed a hope that he would soon 'quiet himself down' (Mrs. Macarthur to Edw. Macarthur, 30 July 1843, ML A2907).

152 It is possible that the Australian's report of his speech was corrected by Macarthur, as it was not published for several days after the event.
the good sense of the people; [for] the battle of Conservatism and true Constitutional principles was yet to be fought'. He explained those principles, contrasting them with the shabby slogans of the opposition, and finished with some scornful remarks about 'the deep and well planned plot which had been played off against him'. Its authors he now left 'to their inward thoughts'.

There were many faithful Macarthurites in the crowd, and as the candidates stepped from the hustings the shouts of these topped all others.

A large party of Mr. Macarthur's friends took the horses out of his carriage, and dragged him triumphantly through the town, and thus ended the declaration of the Poll.153

* * *

The rest of this chapter is devoted to the most important of Macarthur's political activities during the lifetime of the first elected council, 1843 to 1848. In these years the Australian was his voice in the wilderness, but since the wilderness was remote - either Camden or Argyle - it was impossible for him to control the paper's editorial policy in detail, and he did not try to do so.154

---

153 Australian, 10 July 1843. For a less polished, but occasionally more detailed, account, see SMH, 7 July 1843.

154 For example, Macarthur agreed with some aspects of the local government system set up by the imperial act of 1842, while the Australian argued strongly against it, continuing to do so even after Macarthur had expressed his disappointment at the line the paper had taken (Australian, 2, 27 July, 14 Aug. 1844; Macarthur to Statham & Forster, 9 Aug. 1844, and St atham & Forster to Macarthur, 13 Aug. 1844, ML A2927). See also Australian, 10 June 1845.
During the late 1830s the Australian had been owned and officially edited by G.R. Nichols. But from about October 1839 the real editor was W.M. Hesketh, who, in July 1841, bought the whole concern in partnership with its printer George Moss. The purchase was apparently financed by Macarthur, but the details are obscure. It was certainly during the second half of 1841 that the paper began to show interest in Macarthur as a public figure, and at least by December it seems to have been common knowledge that there was some financial connection.

By early 1843, at the latest, Macarthur held a mortgage on the paper to the extent of £1,500. Its columns had already been of some use to him politically, but by the middle of the year he was preparing to foreclose. He was only prevented from doing so by the interference of a young lawyer, Joseph Compton Pott, who had lately arrived from England with letters of introduction from Emily's friends. Pott wanted to try to rescue the paper, so Macarthur lent him enough money to buy Moss's share, and Hesketh's was taken over by trustees. Pott then became manager of the office. This arrangement was effective from the week after the Cumberland election, but it had been decided on beforehand.

155 For the change in ownership, compare Australian, 10 and 13 July 1841. For Hesketh's career as editor, see ibid., 17 May 1843.

156 Ibid., 2 Sept. 1841.

157 Monitor, 20 Dec. 1841; Sydney Herald, 23 Dec. 1841

158 Macarthur to Charles Pott, 18 Mar. 1844, ML A2927.

159 Australian, 4, 13 Jan., 22 Feb., 5 Apr. 1842, 13 Jan., 20 Feb., 30 June 1843, etc.

160 Macarthur to Charles Pott, 18 Mar. 1844, ML A2927.

161 J.C. Pott to Macarthur, 28 June 1843, ibid. The transfer of ownership, between 10-12 July 1843 (see Australian of those dates), took effect exactly 2 years after the purchase by Hesketh and Moss, which suggests that this was also the term of Macarthur's mortgage.
It soon became clear that Pott's honesty and finances were both suspect, and in September Macarthur persuaded him to leave the country.\textsuperscript{162} The management was then taken over by E.H. Statham, a friend of the Macarthur family. From 1 January 1844 Statham and one Thomas Forster, who had replaced Moss as printer, were the joint proprietors, but they were completely dependent on Macarthur's backing.\textsuperscript{163}

The next few months were relatively prosperous. On 1 March the paper changed from a thrice-weekly to a daily, and soon afterwards adopted a new type face.\textsuperscript{164} The proprietors then began to publish a broad-sheet with commercial news, as a weekly supplement.\textsuperscript{165} But apparently there was no room in the colony for two dailies, and the \textit{Herald} was so well established as the paper of the educated and conservative classes that the \textit{Australian} made slow progress. During 1844 its circulation crept up from about 750 to about 1,000,\textsuperscript{166} but such figures fell far short of the \textit{Herald's} secure 3,000.\textsuperscript{167} On 1 February 1845 it went back to being a

\textsuperscript{162} Macarthur to J.R. Holden, 13 Sept. 1843, Pott to Holden, 19 Sept. 1843, ML A2927.

\textsuperscript{163} The partnership lasted until Feb. 1847, when Statham retired (\textit{Australian}, 25, 27 Feb. 1847).

\textsuperscript{164} Ibid., 1, 7 Mar. 1844.

\textsuperscript{165} Ibid., 1 Apr. 1844.

\textsuperscript{166} On 1 Feb. 1845 the paper announced that its subscription had increased by 33\% since 1 Mar. 1844, and in a letter dated 30 Dec. 1844 (ML A2927) Statham and Forster informed Macarthur that new subscriptions during the whole of 1844 totalled 244.

\textsuperscript{167} In 1843 the \textit{Herald's} circulation was more than 3,000 (ibid., 2 Jan. 1843), and by the end of 1853 it was nearly 6,000 (ibid., 2 Jan. 1854). See also A Century of Journalism: The Sydney Morning Herald, and its Record of Australian life 1831-1931, Sydney 1931, p. 717.
thrice-weekly. At length new economic troubles in the colony, beginning late in 1847, forced it to cut publication first to twice, and finally to once a week.\footnote{168} No issues appeared after 28 September 1848, and the establishment was broken up and sold early in 1850.\footnote{169} During its last year of publication the paper seems to have been partly supported by the great entrepreneur Benjamin Boyd, but Macarthur was always the chief creditor.\footnote{170}

On 14 August 1843, following the takeover by Macarthur and Pott, the paper published a statement of the political line it meant to follow. It seems likely that this was written by Macarthur, and it certainly must have been approved by him.\footnote{171} It explained that in general the paper would support the principles of true Conservatism, or in other words those of the Peel and Stanley Administration, so far as they are applicable in this Colony.

This, according to the notice, meant the advocacy of 'equal laws and equal rights to all', particularly in religious matters. It meant a concentration on the needs of agriculture, as the country's main source

\footnote{168}{The twice-weekly began on 20 Aug. 1847, and the weekly on 1 Jan. 1848.}\footnote{169}{Forster to Macarthur, 12 Apr. 1850, ML A2927.}\footnote{170}{Boyd seems to have made his first financial contribution to the paper in October 1847 (Australian, 29 Oct., 2 Nov. 1847), and afterwards its columns were largely devoted to his interests. But see Forster to Macarthur, 21 Mar. 1848 ('It will be for you to dictate the terms upon which I should sell'), and 2 Aug. 1849, ML A2927.}\footnote{171}{At this stage the paper was still edited by Hesketh, so that new guidelines must have come from either Macarthur or Pott, and Pott scarcely had the necessary authority.}
of food and employment, but it also meant that the general good would be kept strictly in view. In fiscal matters the paper would argue that public revenue should be derived as far as possible from import duties, but these must be adjusted so as not to strain the economic fabric of society, nor 'to infringe upon the just rights of any class'. In other words the state was to find a balance between all established interests, social, religious and economic. Except for the idea of perfect religious equality, these were very roughly the principles of Sir Robert Peel's administration, then in power. In both cases there was a concentration on the corporate unity of the state, and the harmonising of various bodies of opinion.

The editorial policy was generally in line with Macarthur's 'true Constitutional principles', which he had mentioned at the declaration of the poll for Cumberland. He thought of these as following directly from the social habits and 'the good sense of the people'. They were founded on kindliness in all senses of the word, on compromise and self-restraint, and so on 'that first ingredient of Christianity, perfect charity ... the spirit which would do unto others as it would they should do unto it'. He believed that this was the true basis of 'the happy and

172 Macarthur was always strongly opposed to the income tax as a source of revenue (see, for example, his speech in council, 27 July 1854, SMH, 28 July 1854).


174 Macarthur's speech at the declaration of the poll for Cumberland, 6 July 1843, Australian, 10 July 1843. See also his speech, [30 August 1853], in E.K. Silvester (ed.), The Speeches, in the Legislative Council of New South Wales, on the second reading of the Bill for framing a New Constitution for the Colony, Sydney 1853, p. 143.
glorious constitution under which they lived', and that all acts of state should approximate to it.  

The first intentions of the Australian were more or less vindicated. The leading articles sometimes show touches of Protestant bigotry, but in its consideration of state aid for schools the paper certainly insisted on impartiality, even to Jews.  

It also approved of equal rights for masters and employees, arguing that both were entitled to combine in order to enforce legal demands, or to see that agreements were carried out. 

Macarthur's attitude to labour relations was roughly the same. For example, he had been responsible for a clause in the hired servants act, a local statute of 1840, which made masters and servants equally liable to imprisonment if they broke the contract of employment. 

It was not so easy for the editor to concentrate on the needs of the agricultural class. In order to increase circulation it was also necessary to appeal to the city merchants, but at least to begin with the paper gave a good deal of space to the farmers. During 1844 it argued against any thorough system of free trade, and local grain in particular it thought should be protected. This was not exactly Macarthur's

175 Macarthur's speech at an election meeting, 14 Jan. 1843, ibid., 16 Jan. 1843.
176 Ibid., 28 Oct. 1845.
177 Ibid., 25 Aug. 1846.
178 Debate in council, 29 Sept. 1840, Chronicle, 1 Oct. 1840. See also Macarthur's speech at an election meeting, 16 Jan. 1843, Australian, 18 Jan. 1843. This was the masters and servants act, 1840.
179 Statham & Forster to Macarthur, 1 Nov. 1844, ML A2927.
180 Australian, 2, 6 Apr. 1844, and see the numerous letters to the editor from 'Robin Goodfellow' about this time. For a discussion of the local corn law controversy, see Irving, op. cit., pp. 66-73.
opinion, because he wanted - if possible - 'a system of free intercourse with all the ports of the world' 181 As for grain duties, he thought that they were certainly not needed in a new country, where the farmers had not yet done all they could 'in turning the advantages of the soil to the best account'. 182

In 1846 the British conservatives, whose principles the Australian had promised to follow, split in two over the repeal of the corn laws. Early in the same year the leading articles of the paper were entrusted to E.S. Hall, late of the Monitor, and still a clear and energetic writer at 60 years of age. 183 Without him the Australian might have had some difficulty choosing between Peel and Stanley, who resigned as colonial secretary when Peel decided to lift all protective duties on the import of grain. Hall, who had been a disciple of William Cobbett in his youth, was sure that the decision was right and that landowners needed no

181 Macarthur's speech at an election meeting, 8 Mar. 1843, Australian, 10 Mar. 1843.
182 Macarthur's speech in council 31 Aug. 1841, Sydney Herald, 1 Sept. 1841.
183 The paper published a long article by Hall on the claims of the squatters, 8-25 Mar. 1845, and his name appeared as editor 2 Apr. 1846 - 29 June 1847. Two other radicals of the same kind, James McEachern and W.A. Duncan, had already been considered as editors, (Statham to Macarthur, 13 Oct. 1843, and Macarthur to Statham & Forster, 9 Aug. 1844 (draft, afterwards altered), ML A2927). See Barrie Dyster, 'The Fate of Colonial Conservatism on the Eve of Gold-Rush', JRAHS 54, 1968, and his suggestion (p.339) that responsible conservatives and responsible radicals might be more akin in temper each to each than they were to other elements in the population.
protection. Repeal would do them good, he wrote. They would now spend more time at home, making the most of their land, and carrying out their natural duties as masters and magistrates. 184

Macarthur, who always liked the idea of natural duty, no doubt agreed. Perhaps he also felt some sympathy with Peel, who had wrecked his career on this issue. Macarthur was certainly proud of comparing his own defeat in 1843 with Peel's loss of Oxford University in 1829, both campaigns having turned on the question of equal rights for Catholics. 185 Their politics and their personalities were very much alike. As with Peel among the tories, Macarthur was a commanding intellect in Sydney - 'the eagle of his tribe' - an austere politician with his own unique horizons. Like Peel, he was 'pre-eminently a man of his own counsels', who never saw the value of slogans and was shy of parties founded on doctrine. 186 Both found it hard to keep in touch with their followers, who tended to accuse them of perversity, and even treachery. Both believed that in the last resort civic freedom depended not on the working out of theories but on the wise use of authority from day to day.

184 Australian, 5 Nov. 1846.
185 Macarthur's speech at the declaration of the poll for Cumberland, 6 July 1843, ibid., 10 July 1843. See also his admiring account of the way Peel had arrived at his decision to repeal the corn laws: 'little by little, step by step, inch by inch, he was led on ... by the honest convictions of his heart' (Macarthur's speech in council, 19 July 1855, SMH, 20 July 1855).
and on the maintenance of certain impartial rules. These were Macarthur's 'true Constitutional principles', which gave every man and every group of men a certain sphere of action, and which were to be mirrored in the complex integrity of national leaders. The ideal was not sheer pragmatism. For Macarthur at least it depended on a romantic and rather old-fashioned faith in honest, unselfish motives, as the sole and fundamental source of good in human affairs.

Macarthur usually called himself 'a moderate Conservative', adding on one occasion that 'his principles verged upon those of a Whig'. This was supposed to explain not only his approach to particular questions, but also his attitude to the executive. It accounts for his slight divergencies from Peelite conservatism, whose chief aim was to strengthen the executive, irrespective of its party basis. The touch of Whig meant that Macarthur did not see his duty in such extreme terms. No doubt it was hard for him to do so when the authority of the government usually did not depend on local opinion. 'He would support the Government as far as he could do so honestly and conscientiously,' he said in 1843, 'but not one whit further'. This attitude was very clear during the political troubles of the mid-1840s, which centred on the squatters, their influence as landholders, and their relationship with the crown.

* * *

---

188 Macarthur's speech at an election meeting, 6 Mar. 1843, Australian, 8 Mar. 1843.
190 Macarthur's speech at an election meeting, 6 Mar. 1843, Australian, 8 Mar. 1843.
At this time the area in which it was possible to own land freehold was still limited to the surveyed territory about 100 miles around Sydney, the 20 settled counties. Beyond the line stock might be kept by licence, on squatting runs, and under the supervision of crown commissioners. This arrangement was meant to be temporary, but by the middle of the decade it accounted for 55 per cent of the sheep in the colony, and 60 per cent of the cattle, not counting those at Port Phillip.\textsuperscript{191} For the year 1843-44 the number of licences issued was 618, each of which, in theory, covered a separate run. Every licence cost £10, no account being taken of the area used by the licensee.

The question of squatters' tenure had been discussed in the old legislative council in September 1842. Bishop Broughton had then proposed a scheme whereby squatters might become freeholders by the purchase of their runs on extended credit. Each run, he said, might be limited to a certain area, and the land should be offered at a certain minimum price per acre. Macarthur had pointed out that the principle was the same as that urged in 1831, as an alternative to the Ripon regulations. In both cases the purchaser was to be left with as much capital as possible for the improvement of his land. Unfortunately in 1842 a system of deferred payments would have infringed the Australian Land Sales Act, passed by parliament earlier that year.\textsuperscript{193}

\textsuperscript{191} On the last day of 1844 the number of sheep within the limits was 1,714,285 and outside 2,029,447, and the number of cattle within was 372,847 and outside 589,712 (both excluding Port Phillip) (\textit{V&P} 1845, p. 401).

\textsuperscript{192} \textit{Government Gazette}, 27 Oct. 1843.

\textsuperscript{193} Debate in council, 8, 9 Sept. 1842, \textit{SMH}, 9, 10 Sept. 1842.
In autumn 1844, however, Gipps devised a scheme with the same advantages as the bishop's proposal. Every squatting run was to be limited to 20 square miles, and was to be cut up into sections measuring 320 acres each. The squatter was to purchase these sections one by one, at intervals of eight years, and at a minimum price of £1 per acre. His title to the whole run was to remain undisturbed as long as he continued to purchase. Gipps hoped that this system might become effective in July 1845, and meanwhile he sent an account of it to the secretary of state for approval. 194

On 2 April, when the scheme was not yet fully worked out, the governor issued a public notice announcing his intention to limit the size of squatting runs. 195 For the time being nothing more of his plan was published. This was a very serious blunder, because the settlers assumed that the whole aim was to force the squatters to take out more licences, as a means of increasing revenue. 196 As one historian says, the outcry was 'immediate, general and vociferous', because colonists of all sorts were concerned with the welfare of the squatters. The reform seemed particularly unwise because the depression had left many squatters still heavily in debt. 197

194 Gipps to Stanley, 16 Apr., 1, 17 May 1844, HRA i, XXIII pp. 545-9, 558-9, 602-4.
195 Government Gazette, 2 Apr. 1844.
196 This assumption was true as far as it went (see Gipps to C.J. La Trobe, 13 Apr. 1844, Gipps-La Trobe correspondence: 'the chief object of the recent notice was to make squatters pay for crown land in proportion to what they occupy."
197 Barrie Dyster, 'Support for the Squatters, 1844', JRAHS 51, 1965, pp. 41-3. See also the comments of George Allen, an intelligent and impartial witness, in his journal, 10, 11 Apr. 1844, ML uncat. MSS 477.
Several public meetings were held in protest, the most important being in Sydney on 9 April, when Wentworth spoke in strong terms about the tyranny of arbitrary taxation. Macarthur, who was in Argyle at the time, joined in the clamour. At a meeting at Goulburn on 24 April he said that the proposals were 'ill-timed, impolitic, and of most injurious tendency'. It would have been better, he added, if they had been like the bishop's scheme of 1842. At Camden village, a fortnight later, he spoke with more restraint, but he still insisted that the plan was 'arbitrary in the extreme'. He was mainly offended by the fact that the governor had not bothered to consult local opinion, or even the legislature, before making his intentions known.

The other parts of the governor's plan had now been finalised, and Gipps arranged for their publication on 11 May. This made some difference to public opinion. Taken altogether, the plan was very suitable for those squatters who wanted small and permanent estates. But the additions did nothing to reconcile the big squatters, such as Wentworth and Benjamin Boyd. For such men, investment solely in land would have been far too expensive and long-term. For the present, however, the

198 SMH, 10 Apr. 1844.
199 Ibid., 1 May 1844.
200 Report of a public meeting, 7 May 1844, Australian, 9 May 1844.
201 G.W. Rusden (History of Australia, Melbourne 1897, II pp.252-3) says that this was the general attitude. K. Buckley ('Gipps and the Graziers of New South Wales, 1841-1846', Historical Studies: Selected Articles first series, Melbourne 1967, passim) argues that the protests arose from a general dislike of the system of land administration. These interpretations complement that of Dyster, given above, which nevertheless seems the most convincing. See also Peter Burroughs, Britain and Australia 1831-1855, Oxford 1967, pp.307-12.
202 Australian, 13 May 1844.
203 Buckley, op. cit., pp. 90-4.
issue was confused, and it was some time before it was fully understood that the small squatter had nothing to complain about.

Council was in recess, but it met late in May. Cowper, who had been a leading protester, immediately moved for an inquiry into 'crown land grievances', and a committee sat during the following weeks. Macarthur was interviewed on 3 July, and his answers show that he, like most moderate men, was now better satisfied. He thought that Gipps's plan was in general a good one, but, he said, the minimum price of £1 an acre was 'absurdly' high, and there were other details which seemed to make the purchase of crown land altogether too difficult.

Macarthur suggested that the crown lands should be managed so as to ensure a true balance between all the authorities. He had argued earlier that the governor should not have the power to draw up land regulations on his own initiative. He explained to the select committee that 'The imperial and local legislatures should lay down certain general rules, on which the Executive should act'. In day to day matters the governor should be responsible, but the general rules should be founded on expert opinion and careful public debate.

204 Compare Australian, 14 May 1844 with E.S. Hall to the editor, ibid., 8 Mar. 1845, and Statham & Forster to Macarthur 27 Jan. 1846, ML A2927.
205 SMII, 31 May 1844; Powell, op. cit., pp. 87-8.
206 Macarthur's evidence before the select committee on crown land grievances, V&PP 1844, II pp. 205, 209.
207 Ibid., pp. 205-6.
Discussion was not very careful at the time, and council itself was the centre of the storm. Gipps had never been a very popular ruler and since 1843 the opposition members, led by Wentworth, had gone 'from rudeness to rudeness'. The report of Cowper's committee shows how violent and personal the conflict had become. It was an uncompromising attack of official policy, and even inferred dishonesty on the part of the authorities here and at home. It was nevertheless approved by council by 13 votes to 7.

Macarthur now made a brief sally into public life. He immediately drew up an address to the governor, condemning the language of the report and especially those parts which accuse Glenelg, the late secretary of state, of 'disingenuousness', and which cast doubt on 'the honor and intentions' of Gipps himself. He managed to find 210 settlers willing to sign this document: a significant show of public opinion, though it hardly matched the strength of the squatters.

In January 1845 Therry resigned his seat for the county of Camden, following his appointment as a judge at Port Phillip. This gave Macarthur an even better chance of showing how much he disapproved of the behaviour of the opposition in council. After the strife of 1843 the leading men of west Camden hesitated about asking him to stand at the by-election. They first called on William, and only when he declined did they

---

209 V&P 1844, II pp.121-38.
210 Debate of 17 Sept. 1844, SMH, 18 Sept. 1844.
211 HRAi, XXIV pp.116-7; SMH, 27, 30 Sept. 1844.
212 Ibid., 3 Dec. 1844.
suggest that his brother should come forward. James also refused. He had no wish, he said,

to subject to the certainty of defeat and contumely in the Council Chamber, those plain, practical, and monarchical - not republican and oligarchical - principles which I have been taught to revere as the principles of English liberty.

He would not seek to represent the people until they disowned the selfish and disloyal policies which, he said, seemed to inform debates at present. As it turned out, the people were not ready to comply: in February they elected John Wild, a close friend of Cowper's, as member for the county.

Macarthur made another brief assertion of principle in the winter of 1846, when the long reign of Governor Gipps came to an end. An address of farewell was got up by some of the people of Sydney, praising the governor's energy and wisdom, and a memorial was also planned. Macarthur subscribed to neither. Instead he and small number of others drew up their own farewell address, in which they recorded their honest dissent from much of Gipp's policy, their respect for the governor himself, and their regret that he had been so violently abused.

---

215 James Macarthur to Throsby, 27 Dec. 1844, ibid.
216 Ibid., 4 Mar. 1845. Wild contested the seat with Alick Osborne, of Illawarra, to whom Macarthur had publicly given his support (Macarthur to Osborne, 21 Feb. 1845, ibid., 25 Feb. 1845). See appendix 7, below.
217 Ibid., 2, 11 July 1846.
218 Macarthur to Rev. H.G. Gregory, 29 June 1846, ML A4342; Macarthur to J. Bowman, 2 July 1846, ML A4252; Mrs. Macarthur to Edw. Macarthur, 30 July 1846, ML A2907.
219 Australian, 14 July 1846.
The *Australian* backed up Macarthur during the period 1845 to 1847. The editor could be critical of the governor, but he also wrote at length against 'our bullying Land Squatocracy [sic]' He once suggested that the day might come when 'the humbler classes of this community' might look to the executive, here and at home, 'as the aegis of their liberty', and as their sole defence against 'a selfish and overbearing Oligarchy'. Michael Roe has called the *Australian* 'a shadow of the *Herald* in this period, but he is wrong. Except for the *Weekly Register*, which ceased publication in December 1845, the *Australian* was the only paper to oppose the big squatters, and it argued with vigour.

Macarthur not only disliked the methods of the leading squatters; he also disapproved of their aims. He thought that they were entitled to secure tenure of whatever pasture they really needed, but that they should have no permanent right to the vast runs they now occupied. The government should see that the squatters were no more than pioneers in the more fertile parts of the territory. Others must come after them, he said, who would enrich the colony by the more thorough cultivation of its soil. For the time being New South Wales was best suited to grazing, but 'he denied, in the most emphatic manner, the assertion so

---

220 Ibid., 14 May 1844, 2 July 1846.
221 Ibid., 22 Feb. 1845.
222 Ibid., 3 Feb. 1845.
223 Roe, op. cit., p. 33.
224 Macarthur's evidence before the select committee on immigration (legislative council), *V&P* 1847, pp. 313-4, 315 (7 July 1847).
frequently made, that it could never be made an agricultural country!"  

He therefore disagreed with the home government's solution of the squatting question, as embodied in the Australian Lands Act, 1846, and a subsequent order-in-council. This was an almost total victory for the squatters, and was to have a crucial affect on the settlement of the inland. The order allowed for 14 year leases in the greater part of the squatting districts. The land was to be available for purchase at the termination of each lease, at a minimum cost of £1 an acre, but the tenant was to have right of pre-emption. The cost of each lease was to depend on the carrying capacity of the run. 

Macarthur believed that this system would seriously hinder the purchase and improvement of freehold estates. It would perhaps 
raise up on the ruin of the proprietary class, another class, 
whose chief object will be, that their flocks and herds should roam over vast tracts of country, to the exclusion of all permanent improvement, with no other object than personal advantage and aggrandizement, careless of the injurious consequences to the community at large.

Once more he seems to have blamed Wakefieldism, partly on the assumption that Wakefield had argued for a high minimum price, which was in fact untrue.

225 Macarthur's speech at a public dinner, 2 July 1844, Australian, 4 July 1844.
227 Macarthur's evidence before the select committee on immigration (legislative council), V&P 1847, p. 315 (7 July 1847).
228 Therry to Macarthur, [25 Mar. 1862], ML A2930. This letter refers to Macarthur's idea 'that the democratic influence in Australia is traceable to the mischievous theories of Wakefield'. Compare his earlier belief that the squatting districts, without any settled 'proprietary class', would eventually become strongholds of democracy and republicanism (James Macarthur to W. Macarthur, 18 Sept. 1855, ML A2932). See also Therry, op. cit., p. 253.
But according to Macarthur's lights the arrangement certainly had that glib, facile and absolute character which pervaded all Wakefield's schemes. It was a mere deed of conveyance, he said, 'as if the question involved no interests but of the selfish and pecuniary kind'. Once again a solution had been imposed on the colony which took no account of its 'moral and social character', which largely ignored local opinion, and which was therefore not founded on 'the good sense of the people'.

---

229 Macarthur's evidence before the select committee on immigration (legislative council), V&O 1847, p. 315.
Chapter 8
Loosening the Screws ¹ 1848-1853

During the term of the first elected council, from 1843 to 1848, some
distinct groups had emerged among the members. The six officers of the
executive - who were all nominees - were of course the clearest and most
permanent. They voted together on all matters touching imperial policy,
and the prerogative of the local government. Their leading men were
still the colonial secretary, Edward Deas Thomson, who was the governor's
chief spokesman, and the attorney-general, Hubert Plunkett. The six other
nominees, all private gentlemen, varied in their loyalty, though they
tended to favour the government. During the whole period there was
also an active squadron of opposition members, usually led by Wentworth,
and totalling 12 in its heyday.

The heyday of the opposition was Gipps's time, when the unpopularity
of the governor meant that even moderate members would join the out-and-
out party during crucial divisions. When feeling was most bitter, late
in 1844, and 25 members, or more, were turning up to debates, the government
could usually muster no more than 11 votes. But at length Gipps was
glad to retire from the field. In July 1846 he was succeeded by Sir
Charles FitzRoy, a much more tactful, urbane and unobtrusive ruler. At
the same time the original squatting question, so far the main bone of
contention, was replaced by issues which tended to divide the opposition,

¹ Empire, 28 May 1851: 'The screws of society are loosened' (a reference
to the first rush for gold).
and to draw pressure away from what Wentworth called 'the treasury benches'.

These new issues are the background for the events of 1848 to 1853, the years covered by this chapter. They also illustrate the rise of a new political party, or massing of opinion, partly liberal and partly radical, which aimed at a thorough change in the old system of power. For the time being the chief liberals were Charles Cowper and Robert Lowe. The only radical to become very influential during these years was John Dunmore Lang, who was a member of council during the first part of the period.

James Macarthur, who entered council once again in 1848, tended at first to vote with the liberals. He agreed with them on several important matters, and socially he had more in common with Cowper, who was his neighbour and brother magistrate at Camden, than he had with most other members. Among themselves the Macarths called Cowper 'candid Charley' and heartily despised 'the littleness of his nature', but a superficial friendliness was kept up.

---

2 See appendix 8, below.

3 In 1848 Macarthur acted as Cowper's second in a contretemps with Benjamin Boyd, refusing however to have any part in a duel (Australian, 17 Aug. 1848). In 1855 he was one of the main speakers at the wedding of Cowper's son (A.W. Powell, 'The Political Career of Charles Cowper 1843-1870', Ph.D. thesis, La Trobe University 1974, p. 187). See also Emily Macarthur's diary, 21 Apr., 16 May, 8 July 1851, ML A4351-2/6; and Macarthur to his wife, [12 Nov. 1857], ML A4343.

4 Macarthur to his wife, [Dec. 1851, 18 Aug. 1857], ibid. See also Macarthur's comment on Cowper in 1856, 'He is a useful man, if he can only be kept straight' (James Macarthur to W. Macarthur, 5 Jan. 1856, ML A2932). For an excellent example of Macarthur's politeness in the midst of political conflict, see his letter to Cowper on the case of Plunkett's dismissal from the national schools board, Friday [9 July 1858], NSWSA 4/7176.1.
Macarthur was less cordial with Wentworth, whom he did not see very much in society. In 1846 they were 'on civil terms of intercourse on those public matters in which we are brought together', but nothing more. Nevertheless there was a more profound respect between them than either could muster for Cowper. Moreover, as the liberals became more popular and extreme there was a tendency for non-liberals of various kinds to unite against them, which meant that by 1853 Wentworth had become Macarthur's chief ally.

One important matter which divided opinion at the end of the first council followed directly from the settlement of the squatting question in 1846-47. It led to the co-operation of those members who thought (as Macarthur did) that the secretary of state had conceded too much to the squatters. It now appeared that the future of the great squatting leaseholds depended at least partly on the price at which land was to be made available to purchasers, and with the present minimum price fixed by law at £1 an acre the squatters were safe for years to come. In this period Macarthur rarely lost an opportunity to denounce the 'absurdity' of such a figure.

5 Macarthur to his wife, [1 Feb. 1846?], ML A4342. See also ibid., 3 Sept. 1846.
6 Peter Burroughs, Britain and Australia 1831-1855, Oxford 1967, pp. 325-7; W. Macarthur to W. Campbell, 19 Oct. 1847, ML A2933/B.
7 See, for example, the address presented by Macarthur and others to Gipps, 11 July 1846, SMH, 14 July 1846; and Macarthur's evidence before the select committee on immigration (legislative council), V&P 1847, pp. 313-5 (7 July 1847).
The liberals in council were equally persistent. During the three sessions 1846 to 1848 Lowe and a small group of supporters tried to secure the passage of resolutions condemning the high price. The other members of the group were Cowper, Richard Windeyer, Terence Murray, W.H. Sutor and John Lamb, the last a nominee. The party on the other side of the question consisted of Wentworth and three or four other elected members whose chief interest was squatting. Hannibal Macarthur, member for Parramatta, usually voted with them when he was present, which was not often. There were also two nominees who supported the high price, one being Henry Watson Parker, James Macarthur's brother-in-law, now a settler with freehold property. Government members usually stayed away from these debates, except for Thomson, who voted with the liberals.

Two other issues helped to define parties during this period. One was the question of the revival of transportation, which had been mooted by the colonial office in April 1846. The liberal and anti-transportation

---

8 The most consistent members of this group were Wentworth, J.P. Robinson, J.F.L. Foster and Henry Dangar.
9 Parker's motives for voting this way are not clear. The other such nominee was J.B. Darvall, a lawyer with various financial interests.
10 W. Macarthur to W. Campbell, 19 Oct. 1847, ML A2933/B: 'No man can be more strongly opposed to this system [of the big squatting runs] than the colonial secretary'. The main divisions on this question occurred on 25 Sept. 1846, 21 June 1847, 28 Apr. and 12 May 1848 (V&P for those dates). See also Ruth Knight, Liberal Liberal, Melbourne 1966, pp. 176-7.
11 W.E. Gladstone to FitzRoy, 30 Apr. 1846, HRA i, XXV, pp. 34-7.
movement was led by Cowper, backed by Lamb, Murray and George Allen, a nominee. In this issue Parker voted on the liberal side. Those in favour of revival included Wentworth and several others, mainly squatters. The transportation question is central to this chapter, and will be dealt with more fully below.

The third point of division was the reform of elementary schools. This adds another dimension to the idea of colonial liberalism. It was government policy under both Gipps and FitzRoy to introduce the Irish national system as soon as public opinion was ready for it, in order to supplement the work of the denominational schools. During the 1840s the matter was periodically raised in council, when it appeared that Thomson, Plunkett and the leading squatters, including Wentworth, were in favour of reform. At first a certain number of the liberal members stood in the way, but by 1847 opposition was limited to Cowper and a few backbenchers, and as a result FitzRoy decided that he would be justified in asking council to vote the necessary funds. Macarthur seems to have taken an active part in promoting this reform.

Most of the liberals in council, and particularly Cowper, Sutton, Murray and William Bowman, were wealthy men living on freehold estates

---

12 The divisions on this question occurred on 23 Oct. 1846 and 14 Sept. 1847 (V&P for those dates).

13 The main divisions on this question occurred on 10 Oct. 1844, 17 Dec. 1844 and 9 Oct. 1846 (V&P for those dates). See also Powell, op. cit., pp. 69-75.


within the 20 counties. But the movement found its numbers and its
day-to-day organisers among the urban middle classes. The immigration
of the last 15 years had filled Sydney with a mass of middle-class people,
shopkeepers, artisans and teachers, who had no personal connection with
the ancient magnates of the colony, but did know something of liberal
and radical politics in England. These men were very different from the
old reformers of Sydney, Wentworth's followers of the 1820s and '30s,
whose outlook was comparatively parochial, personal and short-term. The
new reformers moved on a more abstract plane. They argued more broadly,
they were more confident of their own private virtue, and their ideals were
much more ambitious. 16

In particular, as T.H. Irving says, by 1848

there was a tentative, growing awareness that reform of the land
system was the key to the establishment of middle class standards
in the colony's future development.17

William Macarthur agreed (in 1847) that 'Opinion is now settling in most
strongly against the squatters, or rather the system', meaning the
political system on which the power of the squatters depended. 18 But
William did not think of this simply as a middle-class phenomenon and
the support given by his own family and other large freeholders confirms
his point of view. 19 Irving's 'land system' in fact had two aspects, which

16 T.H. Irving, 'The Development of Liberal Politics in New South
Wales, 1843-1855', Ph.D thesis, University of Sydney 1967, pp.320-5,
367; Powell, op. cit., pp. 140-3.
17 Irving, op. cit., p.145.
18 W. Macarthur to W. Campbell, 19 Oct. 1847, NL A2933/B.
19 See, in particular, the report of a dinner for landowners at Goulburn,
25 July 1848, after the election of Nicholson as a member for
Argyle, when Wentworth was given three groans because of his
attitude to transportation, while Lowe and Cowper were toasted
(Goulburn Herald, 29 July, 5 Aug. 1848).
he does not distinguish very clearly: first the squatting system which William referred to, and secondly, a more secure and pervasive system, the social structure of the colony, which the Macarthur's still took for granted and which gave them their own power, as landowners and country gentlemen. In 1848 only the squatting system was threatened, and the controversy centred on the price of crown land. At first the transportation issue was of the same kind: the great squatting stations could only be run with cheap labour. But by 1850 this debate had been worked up into an attack on the 'land system' as a whole.

The debate on education reform shows that the liberals stood not only for new ideals but also for new political methods. The liberal members of council worked mainly as the champions of popular feeling, and most saw themselves, unconsciously at least, as delegates from the people rather than their trusted free agents. Here, especially, several of the leaders in council parted company with men like Macarthur. Some, such as Cowper, sincerely shared the antipathy for non-demoninational 'godless' schools, which was at that time an important element in liberal thinking. But in the final analysis most liberal policy, including ideas on education, came from below. Liberal leaders could even justify new ideals, as Cowper apparently did, with the apology, 'when I found my constituency did not agree with me, was it not time for me to change my opinions?'

---

20 Compare Lang's speech in council ('they were assembled at present ... to ascertain whether the colonists generally would consent to have transportation resumed on any terms or under any form') with that of James Martin ('They were sent to that House not as the ambassadors - the delegates - the agents of their constituents; but as their representatives. It was not their duty to collect the opinions of the constituencies'), debate of 27 Sept. 1850, SMH, 3 Oct. 1850.

21 Quoted in Rusden, op. cit., II p. 467.
At first sight this was not very different from Macarthur's practice of working for almost any school system which seemed to meet 'the opinions and even the prejudices' of the people. But unlike Cowper, Macarthur did not change his own views for political reasons. The prejudices of the majority were still prejudices to him, although he thought they should be treated with respect. Macarthur's attitude was that of a man who was perfectly sure of his own social and moral position, a settled aristocrat, conscientious, benign and detached. He was the epitome of that class which the radicals and extreme liberals aimed to banish from the political life of the country.

* * *

During the years 1843 to 1848 there were at least three occasions on which Macarthur might have become a member of council, had he wished to do so. First, within a few days of his defeat in 1843 Gipps offered him a nominated seat. Macarthur immediately turned it down: since he had been barred from the council by popular vote, he did not think he could sit as a nominee 'either with advantage to the public, or satisfaction to myself.' No doubt he might have been easily returned for Camden in 1845, and he probably might have gone in at a by-election in 1846 as member for the county of Argyle.

22 Macarthur to H. Oxley, 20 Oct. 1856, ML A2920.
23 Macarthur's speech in council 28 Sept. 1850, SMH, 3 Oct. 1850: 'The unthinking multitude might misunderstand him; he would not call them a mob or a rabble; God forbid that any honorable member should deliberately term them so'.
24 Gipps to Macarthur, 5 July 1843, Australian, 7 July 1843.
25 Macarthur to Gipps, 5 July 1843, ibid.
26 Some of the electors of Argyle tried to bring William Macarthur forward as a candidate at the by-election, so that presumably James could have offered himself had he wanted to do so (W. Macarthur to F.N. Rossi, 9 June 1846, ML A2933/B).
He stood back each time, apparently because he was waiting to enter council in a way which would make his views effective. His programme in 1843 had obviously been too ambitious, but the alternatives offered to him afterwards would have ruined his credit altogether. Macarthur was always ready to take a long-term view of politics. A mere nominated seat was unthinkable after his great campaign. An elective one in 1845-46, when most members were fully committed, would have given him no real influence in council. Either way the loss of dignity, besides being galling, would have done him permanent damage.  

The term of the first council expired in July 1848, and in the new general elections Macarthur tried to enter council as one of a squadron to be reckoned with. From circumstantial evidence it seems that he tried to gather about him a small number of gentlemen like himself, moderates who would act, not as a narrow pressure group, but as the council's conscience. In particular, they were to encourage the house to 'lay by all feelings of distrust or prejudice against either the local Executive or the home Government'. But they were to be independent of both government and opposition. They were to defend the authorities from unreasonable abuse out of regard for the general good. As Macarthur said in another context, no man could honestly 'separate the interest of the Government from the interests of the people', because it was impossible for 'a good Government to have interests alien to those of the community'.

---

27 Macarthur to C. Throsby, 27 Dec. 1844, Australian, 7 Jan. 1845.
28 Macarthur's speech at the opening of the debates on the estimates, 1 Aug. 1849, SMH, 3 Aug. 1849. See also appendix 9, below.
29 E. Hamilton to Macarthur, 5 Apr. 1849, ML A2923.
30 Macarthur's evidence before the select committee on crown land grievances (legislative council), V&F 1844, II p. 205 (3 July 1844).
The main principles of the group seem to have been rather like Macarthur's broad-bottom ideas of 1843, but now, apparently, he hoped to comprehend no more than a fraction of the council, a mere five or six among a total of 36 members. His mother, writing to Edward Macarthur in the following year, explained that it was only necessary 'for some admixture of well informed country gentlemen to aid, and direct some of their measures'. The group was informal and ill-defined, but it may be that Macarthur meant it to be so.

Macarthur made sure of his own election by standing for the county of Camden. The former member, John Wild, gave up the seat without a murmur and Macarthur was returned unopposed. There is no record of any election meetings, but the candidate did spend several days visiting the main villages in his constituency and talking to the more important electors.

Unfortunately Macarthur could not hope for support in the approaching council from his oldest ally, his cousin, because in June 1848 Hannibal Macarthur suddenly went bankrupt. His mansion at Parramatta was sold, together with the accumulated finery of 30 years, and he retired to his son-in-law's house near Braidwood. William Macarthur was quickly brought forward as the new member for Parramatta, in time for the general elections. However, the electors were not inclined to let the borough

31 Mrs. Macarthur to Edw. Macarthur, 1 Aug. 1849, ML A2907.
32 SMH, 6 July 1848; Macarthur to his wife, 11, 15 July 1848 (written from Wollongong), ML A4342; Macarthur's speech at the nomination meeting at Berrima, 25 July 1848, SMH, 28 July 1848.
33 Mrs. Macarthur to Edw. Macarthur, 3 July, 2 Sept. 1848, ML A2907.
34 W. Macarthur to M. Anderson, 28 June 1848, ML A2936; SMH, 20 July 1848.
be 'a sort of heir-loom in the family of the Macarthurs', and after an angry contest the seat was won by George Oakes, a local man and later an important liberal. 35 William then sought election as one of the five members for Port Phillip. He failed at first, but was brought in at a by-election in March 1849. He was therefore present at the opening of the new council in May. 36

Edward Hamilton, whose home was in the upper Hunter valley, made up a third member of the Macarthurite cluster. Hamilton was a grandson of Sir Walter Farquhar, John Macarthur's old friend and patron, and was therefore almost a member of the Camden family. 37 He sat as a nominee from 1843 to 1846 and was reappointed in 1848. He had been a loyal supporter of Sir George Gipps, particularly during 1844, when he had argued against the extreme claims of the big squatters. 38 In March 1849 Macarthur wrote to Hamilton explaining in some detail his plans for the new council. 39 Hamilton answered that he was ready to help if possible:

35 Oakes's speech at the nomination meeting at Parramatta, 25 July 1848, ibid., 26 July 1848. See also Macarthur to his wife, [28 July 1848], ML A4342, pp. 259-63: 'The great majority on Oakes's side was caused by drunkenness and by the cowardice of the more respectable portion of the inhabitants who would not vote at all'.

36 According to George Allen, William Macarthur 'though a perfect gentleman seldom took any part in the business of the council and was by no means punctual in his attendance' (Allen's diary, 2 Jan. 1854, ML uncat. MSS 477). However he sat on a large number of select committees.

37 C. Hamilton to W. Macarthur, 28 Sept. 1839, ML A2936; E. Hamilton to Emily Macarthur, 7 Aug. 1844, ML A4346. Hamilton was one of the very small number of men outside the Macarthur and King families who called James and William by their Christian names.

38 Hamilton to the editors, 15 Apr. 1844, SMH, 23 Apr. 1844; Hamilton to Macarthur, 5 Apr. 1849, ML A2923.

39 This letter, clearly a very important one, has been lost, but it was dated 29 Mar. 1849 (Hamilton to Macarthur, 1 May 1849, ibid.).
It will give me great pleasure to cooperate with you and William in the council. My intention is not to identify myself with the government at all, and my hope is to give them on most occasions an honest and cordial support, and if this can be done in concert with the moderate party of the representative members, all the better.

But he added that he would be bound by no general pledge to anyone, and that he must be allowed to follow 'the path which my own sense of honesty and expediency for the general weal points out'.

Probably Macarthur expected no more.

In spite of Hamilton's reference to a 'party among the representative members' the only elected member of the group, apart from the Macarthurs, seems to have been Charles Nicholson. Nicholson had been a member for Port Phillip since 1843, and speaker of the council since 1846. He was well known for his work with the Sydney Mechanics Institute, and was one of the most cultivated men in the colony. He had supported the squatting party in Gipps's time, but like the liberals and Macarthur he had since come out against the high minimum price of crown land. In 1848 Macarthur took part in Nicholson's campaign for the county of Argyle, where he was returned unopposed. They had been on good terms for some time, and afterwards became very close friends.

40 Hamilton to Macarthur, 5 Apr. 1849, ML A2923.
41 See his comment on party alliances, in his speech in council, 18 August 1852, SMH, 19 August 1852.
43 Nicholson's speech at his nomination meeting at Goulburn, 22 July 1848, SMH, 26 July 1848.
44 Report of the nomination meeting, ibid.
45 Macarthur to his wife, [11 July 1846], ML A4342, pp. 67-70; Nicholson to Sir W. Macarthur, 24 June 1867, ML A2928, on James's death: 'I assure you I loved your brother. No one I believe beyond yourself, and his very nearest relations, had a more sincere affection for him than I had'.
We do not know what other members Macarthur consulted before the opening of the new council. He no doubt hoped for some co-operation from Parker, his brother-in-law, who was to continue in council as a nominee. But they were never very intimate, and they seem to have disagreed in their attitude to the squatters. Another possible member of the group was Thomas Icely, a Bathurst landowner and a nominee, whom Hamilton once described as 'the best gentleman of the old settlers ... a good citizen in the highest sense'. Icely's views on the squatting 'system' seem to have been the same as Macarthur's.

Central to Macarthur's ambitions was his belief that the key posts in the management of the council should be held by men who shared his idea of political propriety. In fact it was easy enough for him to control the choice of the two most important officers, the speaker and the chairman of committees of the whole house.

No-one was sure for some months after the general election whether Nicholson would be speaker again in the new council. The squatting party were not happy with him, presumably because of his liberal sympathies, and because he had begun to show a bias towards the government. They apparently believed that they could hope for more from Macarthur himself.

---

46 Hamilton to E. Deas Thomson, 10 Mar. 1851, ML A1531-3.
47 The views of Parker and Icely on squatting are deduced from their votes in council, 25 Sept. 1846, 21 June 1847 and 12 May 1848 (see V&P for those dates, and for Icely see also ADB II, p.1). On 22 May 1849 Icely seconded Macarthur's motion in the debate on transportation, one of the council's first important debates (SMH, 23 May 1849).
48 Nicholson had originally been nominated in 1846, by Cowper and Murray (ibid., 20 May 1846); ibid., 2 Oct. 1851; Wentworth's speech in council, 14 Oct. 1851, ibid., 15 Oct. 1851.
It is not clear where this idea originated, but soon after the last polling day Wentworth promised to help with his influence if Macarthur should stand. After some hesitation Macarthur declined, mainly for financial reasons, the speaker being expected to live in town and entertain with some magnificence. Apparently Wentworth was anxious to narrow the gap between Macarthur and himself, because he had already come out in support of William Macarthur at Parramatta.

Macarthur also blocked an effort to make Hamilton speaker. Instead, he worked for Nicholson's re-election, in union with both the government and the bulk of the liberals. At the last moment the squatters proposed one of their own number, but they were easily defeated, by 18 votes to 7.

There was no trouble at first with the chairmanship of committees, because Parker, who had held the post since 1846, was re-elected without a division. But later in the year he was sick and out of action.

Macarthur, after consultation with Thomson and Cowper, proposed as chairman Robert John Foster, from Port Phillip. Wentworth and the squatters again came out against the nomination, but they could muster only 11 votes against Macarthur's 15.

49 Macarthur to his wife, 24 Aug. 1848, ML A4342.
51 Requisition to W. Macarthur from the electors of Parramatta (including Wentworth, who had property there), 6 July 1848, SMH, 10 July 1848.
52 Macarthur to Hamilton, 7 May 1849, ML A2920.
53 Ibid.; Hamilton to Macarthur, 5 Apr. 1849, ML A2923; Macarthur's speech at the election of the speaker, 15 May 1849, SMH, 16 May 1849. Nicholson's proposer and seconder were Suttar and Bowman, both liberals. The only liberal to vote on the other side was Lowe.
55 Debate of 8 Aug. 1849, ibid., 9 Aug. 1849. Foster was afterwards colonial secretary of Victoria.
Such issues are revealing in so far as they prove that Macarthur did not reckon his permanent influence according to the number of votes he could demand. The chairman of committees had no vote while the house was in committee, except when it was equally divided, and with a similar exception, the speaker had no vote at any time. It seems that Macarthur was more concerned with the general procedure of the house than with the outcome of particular issues. In other words he wanted to see that those who controlled its day-to-day business did so according to the ideas of his group, giving the government all the support they could while maintaining the certain rights of the council. In Nicholson's case a 'leaning to Government' was only too obvious, and altogether it is not surprising that Macarthur's strategy should have been supported by the officials, and opposed by the squatters, who had no wish to strengthen the government's hand. The co-operation of the liberals can be explained by the fact that they were usually more anxious to counter the influence of the squatters than that of the government members.

Other divisions on similar matters during this session seem to confirm that the government, Macarthur's and liberals saw themselves as having a common long-term cause opposed to that of the squatting party. The only exception took place over the membership of the court for disputed returns. The liberals and the squatters both argued that only elective members should be appointed, because the government should have nothing to do, even indirectly, with electoral matters. In a rather thin

---

56 SMH, 2 Oct. 1851.
57 See the division on the status of committees of the whole house, 30 May, and the division in James Martin's case, 31 May 1849, (ibid., 31 May, 1 June 1849).
house Macarthur and his brother were the only elected members to vote with the officials and other nominees.⁵⁸

The debates on the estimates are also interesting from this point of view, in so far as they were a ritual in which members might form themselves into an automatic opposition. During 1849 the liberals and squatters invariably worked together in a time-honoured campaign to cut down official salaries and perquisites, slashing at items which ranged from six police magistrates to the daily ration of the governor’s private secretary’s horse. Here the Macarthurs followed no consistent line, voting sometimes for and sometimes against the government.⁵⁹

During the following session there were no outstanding occasions on which different groups can be seen manoeuvring for power, or affirming their influence, as groups, within the council itself.⁶⁰ The debates on the estimates during 1850 also went off with very few divisions at all.⁶¹ It was the same during the first session of 1851, before the general election of that year. The squatters and some of the liberals combined only once to defend the privileges of the house against the executive, much as they had done in earlier days. One of the squatting party accused the governor of withholding information from council, but he was overruled by a combined vote of the nominees (except for Lamb),

---

⁵⁸ Debate of 17 May 1849, ibid., 18 May 1849.
⁵⁹ See the 28 divisions between 1 Aug. and 13 Sept. 1849, ibid., 2 Aug. - 14 Sept. 1849; appendix 9, below.
⁶⁰ A possible exception was Alderman Thurlow’s case, where the squatters voted alone, 30 July 1850, ibid., 1 Aug. 1850.
⁶¹ The SMH recorded only four divisions on the estimates, ibid., 19 July, 1, 8 Aug. 1850. See also Macarthur to his wife, [19 June 1850], ML A4342, written from the council chamber: ‘The govr’s financial minute is being read wh. gives promise of a short session. Jubilate!!’
the Macarthurs and several new unattached members. 62

One vital aspect of this council was the way in which members began to pay less attention to such small matters as these: to manouvres within the chamber, to assertions of privilege and to wrangles over finance. As Irving points out, 'The political conflicts of the early 'fifties differed from those of the 'forties by being much more concerned with perspectives of colonial development.' 63 Not only did the council begin to take a greater initiative in such matters. Members were now forced to look beyond their whitewashed pilasters, and to take account of radical and liberal pressure groups which were being organised outside, almost in spite of them. 64 The formation of these groups brought into existence a new class of political middle-men, each committed to a certain nostrum and a certain body of citizens, and thus able to initiate constant political action outside the chamber. The phenomenon was not absolutely new, but it was now far more important than before.

This had a significant effect on the business of the house. Among other things, members who had always been willing to work in harness with 'the people' now began to believe that 'the people' were taking the whip hand. Many feared the ending of a mutual respect which was fundamental to public life as they knew it. Before the council opened

62 Debates of 16, 29 Apr. 1851, SMH, 17, 30 Apr. 1851. The estimates of this year were dealt with after the general election.
63 Irving, op. cit., p. 367.
64 For example, the Constitutional Association, founded in 1848, the Association for Preventing the Revival of Transportation, founded in 1850, and the Constitution Committee of 1853. See P. Loveday, "Democracy" in New South Wales: The Constitution Committee of 1853', JRAHS 42, 1956-7, pp. 194-6 and passim.
Hamilton made the point in one of his letters to Macarthur:

The expediency of political changes depends so much on the spirit in which they are introduced that my vote will in some measure depend on the temper, tone and strength of the radical party.65

Later events show that Macarthur's attitude was the same.

* * *

This point of view is very obvious in the controversy over the return to transportation. The home government proposal of 1846 had led to a council committee report later in the same year, which agreed that convicts should once more be sent to the colony. The committee was dominated by squatters, and chaired by Wentworth, who clearly hoped to ease the demand for labour in the country districts. A majority of the council later condemned the report, but early in 1848 they decided in favour of a new proposal from Whitehall. Earl Grey, who had succeeded Gladstone as secretary of state, suggested that, instead of convicts, the British government might send out 'exiles', prisoners who had served part of their term, and who were to live in the colony as free men on probation. In its verdict on this scheme the council insisted that equal numbers of free immigrants should be sent with the exiles. As it turned out Grey found he could not fulfil this condition, but he decided to send out the exiles notwithstanding.66

Meanwhile local feeling had increased against receiving prisoners of any sort, and the question had been one of the main issues of the 1848

---

65 Hamilton to Macarthur, 5 Apr. 1849, ML A2923.
elections. In his nomination speech at Berrima Macarthur had 'expressed his determined opposition' to the system, including apparently the compromise which had just been approved by council. He went out of his way to compare 'the present [healthy] condition of the colony ... with the state it was in whilst transportation ... was in force'.

As usual, there is no good reason to doubt Macarthur's sincerity: in this case, being unopposed on the hustings, he had no need to give his opinion at all. On the other hand, it is clear that he did not pledge himself to oppose transportation in any circumstances. He thought it wrong for a politician to commit himself on any mere hypothetical issue. He later explained that in a debate like this the feelings of the people should have 'due weight';

But the very importance of the question rendered it more imperative on him to decide upon it according to his own conviction and his own judgement.

He therefore referred to the matter as it stood at present, and he made no promise as to how he would act in any future crisis.

67 Irving, op. cit., p. 291.
68 In 1850 Macarthur said that he would have opposed the 1848 offer had he been in council at the time, as being less than the colony was entitled to expect from Whitehall (his speech in council, 28 Sept. 1850, SMH, 3 Oct. 1850).
69 Ibid., 28 July 1848.
70 As early as 1846 William Macarthur had noticed a very great improvement in the habits of the working people through immigration, and since the ending of transportation (W. Macarthur [to K. von Hugel?], 10 Apr. 1846, ML A2933/A).
71 Macarthur's speech in council, 28 Sept. 1850, SMH, 3 Oct. 1850.
72 Macarthur's position on transportation had always been slightly ambiguous. In 1843, for example, he regretted that it had been stopped so suddenly, with no reference whatever to the needs of the colony, but he was optimistic in the long term about the advantages which would ensue (his speech at a public dinner, 19 July 1843, Australian, 21 July 1843).
Earl Grey's latest intentions were published in Sydney in February 1849, and the first shipload of exiles arrived five months later. As a result the early months of the year saw a number of public meetings, in the capital and throughout the country, at which the new transportation was denounced as an act of tyranny and a breach of faith. The gatherings in Sydney were organised by well known liberals, such as Cowper and Lowe, but some radicals, such as Lang, also took a leading part. So did G.R. Nichols, now a member of council, who called himself 'a party of his own'.

The new council met on 16 May, and members soon became involved in the controversy. On 22nd Cowper moved that no exiles meant for Port Phillip should be sent on from there, and that those landed in Sydney should be kept in the city under close supervision. He intended to follow this in a few days, as he said, with a motion rejecting Grey's proposal altogether. Macarthur made the main speech in answer, condemning the present debate on the grounds that it would split the council in such a way to prejudge the more important question. He would only commit himself at present so far as to say that he preferred Cowper's point of view to Wentworth's. Several other members apparently agreed with his logic, and in the end the motion was lost.

---

74 The ship was the Hashemy (SMH, 12 June 1849).
75 Ibid., 2, 7, 10, 15 Mar., 12, 19 June 1849; Nichols's speech at an election meeting, 21 Mar. 1849, ibid., 23 Mar. 1849.
76 Debate of 22 May 1849, ibid., 23 May 1849. The division was on Macarthur's movement of the previous question. Thomson's speech confirms the above interpretation of the result.
Cowper afterwards gave notice that on 29 May he would move for the appointment of a select committee, 'to prepare resolutions deprecating the revival of transportation to this colony upon any terms or conditions whatever'. However, on the day appointed he replaced this motion with another. The council was now to vote for the immediate rejection of Grey's proposal, to protest 'strongly ... against the adoption of any measure by which the Colony would be degraded into a Penal Settlement', and to ask for the annulment of the privy council order which authorised transportation to the territory. The new motion was put down for 1 June, when it passed without any opposition at all.

The motion was unopposed apparently because its final wording was a compromise, more businesslike, a little less emotional, and so, perhaps, a little less rigid in tone than the one it replaced. Some pressure had clearly been applied behind the scenes. Wentworth's explanation, later in the month, is that of an observer:

The origin of the alteration ... was, he believed, to be traced to the expression of opinion of a number of honorable members who had called on ... [Cowper], and who had persuaded him of the propriety of the amendment they proposed.

---

77 Debate of 23 May 1849, ibid., 24 May 1849. This motion replaced one for a committee which was simply 'to prepare resolutions on the proposed resumption of transportation'.

78 Ibid., 30 May 1849.

79 Ibid., 2 June 1849.

80 Wentworth's speech in council, 12 June 1849, ibid., 13 June 1849.
Just before the motion came on for debate Wentworth himself had asked for a more thorough change. He thought they should reject Grey's offer, but leave the main question open. But Cowper refused to go so far, and in view of the result it was clearly unnecessary for him to do so.

The responsibility for the successful amendment probably lies with Macarthur. He had already expressed some agreement with Cowper's position, while his influence and the fact that he was not firmly committed to either side must have made it easy for him to act as a bridge between the two extremes. What is more, the final settlement was exactly typical of his ideal. The wording of the original motion would have only encouraged division. Had a committee been appointed under the terms proposed its report would probably have included remarks offensive to the home government, and unacceptable to most of the council. The only outcome would have been added bitterness, within the chamber and outside. The new motion, on the other hand, made it possible for all members to combine, giving up extreme positions for the sake of unanimity: a distinct and practical result in which no-one, ostensibly at least, gave way to pressure from outside the house. The actual opinion on which they agreed was also important, and in line with Macarthur's thinking, but no doubt it was less vital than the way in which agreement was reached.

In spite of the amendment, the final wording of Cowper's motion was so explicit that this should have been the end of the question. But the council had changed its mind before, and Grey was prepared to believe

---

81 Lowe's speech in council, ibid.
82 Compare Powell's explanation of these events (op. cit., pp. 147-8), in which he fails to distinguish between the two efforts to change Cowper's motion.
that it might do so again. He put a stop to the transportation of
exiles, but he allowed the enabling order to stand for the time being,
until the council should affirm, 'as its final conclusion, a determination
that no more convicts ought, under any conditions, to be sent to any part
of the colony'.  

The council proceeded to do this in August 1850,
having received Grey's answer in early June.  
The delay was no doubt
partly due to the fact that since 1849 both Lowe and Cowper, the most
powerful and active enemies of transportation, had given up their seats
in the chamber. Lowe had gone home to England, and Cowper was apparently
in financial trouble.  

This left the other liberal members in disarray,
but eventually Lamb and Allen, both nominees, brought forward a resolution
rejecting transportation 'under any conditions', and asking once again
for the repeal of the order-in-council.  

The resolution was moved on 30 August. Wentworth immediately asked
for a month's adjournment. He was supported not only by the other
squatters, but also by all the non-liberals who were generally opposed
to transportation, such as Nichols and the two Macarths.  

The matter
was therefore postponed, or, as Macarthur put it, 'the rabid anti-transport-
ionists' were 'staved off for a month'. Nichols hoped that in the
interval there would be an uncompromising expression of public opinion.
Macarthur on the other hand, wanted time to find a formula which might

---

83 Grey to FitzRoy, 16 Nov. 1849, SMH, 12 June 1850.
84 Ibid., 30 August 1850.
85 Powell, op. cit., p.149.
87 Ibid., 31 Aug. 1850: 'In my opinion this was a mere scheme of the
protransportationists to gain time to see if they could either gain
over some of the members or in hope that some of their opponents
might not then be in attendance.'
88 SMH, 31 Aug. 1850.
89 Macarthur to his wife, [30 Aug. 1850], ML A4342.
90 Nichols's speech in council, 30 Sept. 1850, SMH, 4 Oct. 1850
lead to a vote like that of 1849, one which called on the sober patriotism of each member. During September he began a series of intricate moves in preparation for the adjourned debate, on 27th.

Since 1849 the question had been complicated by the fact that a number of settlers at Moreton Bay had asked for convicts to ease their shortage of labour. The demand had been strong enough to make Sydney people think that if the council should reject transportation out of hand Lord Grey might well set up an independent penal settlement in the north. 91 Some settlers felt that the future of the colony must be affected by such a loss, but others, including several members of council, were much more intent on the old and immediate battle, and thought only of the way transportation would endanger the society they knew. 92 The part taken by Macarthur shows that for him the Moreton Bay problem was itself a moral issue, and one of paramount importance, because it called for a combination of local loyalty with political detachment, the ability to prefer the colony's long-term interests to any passing emergency. 93

The ideal of political detachment was to be the pivot on which this controversy turned. By now the violent character of the debate had begun to influence even those, like Macarthur, who prided themselves on their cool and self-contained logic. The prospect of convicts in

New South Wales conjured up for the mass of the people, in Sydney at least, a vision of feudal estates, slavery, and a society controlled by a selfish aristocracy. The radical arguments seem to have reflected a genuine fear among the working classes that the exile scheme was meant to lower wages, which was at least partly true. But most of the anti-transportation speeches seem to have been aimed at middle or lower middle-class audiences, and dwelt on moral rather than economic issues. This led to some high-flown rhetoric, and common sense often went by the board. One radical paper, for example, described those who showed any leaning towards convicts as 'the enemies of freedom', who wanted 'to enforce their claims for slave labour on the attention of the home government'. In fact, there was no chance of convicts being employed as bondsmen on private estates, as in former years. Grey's exiles were to be, in effect, free men.

There was also exaggeration in the argument that exiles would lower the general moral standards of the colony. But such statements did help to focus on the selfishness of those who seemed to think solely of their own need for labour, ignoring the clear verdict of the people. There is even a hint in some of the speeches that all settlers who, as big employers, might have hankered after convicts, should straightaway clear themselves before the bar of public opinion.

94 People's Advocate, 5 Oct. 1850.
95 See, for example, Lang's speech in council, 30 Sept. 1850, SMH, 7 Oct. 1850: 'The letting in of these exiles at the present time would be like the removal of a flood-gate - the tide of vice and immorality would, like the water, overflow the land and spread contamination among the rising families of its immigrant population.' This was the effect a few shiploads were to have on a population of nearly 200,000.
In other words, the transportation debate had become, partly at least, a trial of strength between the established political system, the system of the country gentleman, and the new popular idealism. Lamb showed this very clearly when he declared at the height of the debate that the colony was in more danger from the aristocratic element within it than from the democratic. The arrogance of the first had become intolerable: their utter selfishness and disregard of the interests of all others had disgusted the middle and lower orders.

The gentlemen of New South Wales, he said, had ceased to understand progress: 'on the contrary, during the last five years, a spirit of subserviency had been gaining ground more and more amongst them.'

His speech is remarkable for its silent assumption that the ancient rulers of the territory should justify their existence to the rest of the people, who now set the vital standards of usefulness and virtue. It was especially alarming that Lamb spoke at the crisis of a great debate, and at the moment of his own victory.

This is the background to Macarthur's negotiations during September 1850. His main aim was to find a way of working in unison with the liberals, showing that on such important occasions the council was prepared to act more or less as a single body, loyal to local interests, but above any popular tumult, and on cordial terms with Whitehall. The liberal members were anxious to have his support, but without Cowper

---

96 Lamb's speech in council, 1 Oct. 1850, ibid.
97 Macarthur understood the importance of the question before the debate, describing Lamb and his friends, privately, as 'this mad-brained set who are driving us into the vortex of socialism and general disorganisation' (Macarthur to his wife, [31 Aug. 1850], ML A4342).
they found it hard to arrange an alliance. Cowper in fact called on Macarthur to discuss the matter, but he could speak only as the leader of the movement outside the chamber. This was not good enough for Macarthur:

upon consulting with his friends, they considered that under all the circumstances, it would not be advisable to open negotiations on such a footing.

Lamb seems to have been less willing to approach Macarthur 'cap in hand', as he called it. Matters were even more tangled after 16 September, when a monster anti-transportation meeting was held near Circular Quay. The liberal members took a more determined stand following this great pageant of opinion. Macarthur had expected, or so he said, that the liberals would do their best to counter the 'tyrannical and overbearing spirit' which was growing up outside the chamber. Instead he found that they now 'seemed to think all concessions were to be in their favour.'

There was thus no coalition between Macarthur and the liberals. In itself this was not a serious setback, because it was still possible for Macarthur to move supplementary resolutions after Lamb had moved his, adding detail to the bald demand for the ending of transportation. As long as the supplementary motion did not contradict Lamb's, both might receive that solid majority vote which Macarthur wanted as a final expression.

---

98 This is emphasised in the corrected version of Macarthur's speech (Speeches of James Macarthur and W.C. Wentworth, Esquires, in the Legislative Council of New South Wales, September 28th and 30th, 1850, on the question of the Resumption of Transportation, Sydney 1850, p. 13). At this stage Lamb and Cowper were not on good terms (Powell, op. cit., pp. 163, 174).

99 Macarthur's speech in council, 28 Sept. 1850, SMH, 3 Oct. 1850.

100 Lamb's speech in council, 1 Oct. 1850, ibid., 7 Oct. 1850.

of the council's point of view.

On Tuesday 24 September Macarthur placed on the notice paper three new resolutions which were to be added to those which Lamb had proposed. These stated that although the council was against any revival of transportation, they would also protest against any move to detach Moreton Bay from the Sydney government with a view to making it a penal settlement. Unfortunately, by Thursday it had become clear that Lamb's party would not accept this addition, which they apparently thought would weaken their own motion. Macarthur therefore decided to give up all hope of uniting the council on any detailed expression of opinion. He apparently took it for granted that members would vote solidly for Lamb's resolutions, and on this assumption he and his allies arranged for two sets of supplementary resolutions which, instead of uniting opinion, would allow for diversity on everything but the main point. Thus the debate was to proceed 'upon the broad ground of truth' with every member going into the camp which suited him best.

Macarthur's underlying motive seems to have been a wish to save members from being marshalled into two contending bodies. Unanimity was the ideal, but failing this an honest variety of opinion was to be second-best. At the same time he and his friends were planning that the whole debate should be published, by authority of the house. In other

102 Macarthur to his wife, [25 Sept. 1850], ML A4342; SMH, 26 Sept. 1850.
103 Macarthur to his wife, [26 Sept. 1850], ML A4342; Lamb's speech in council, 1 Oct. 1850, SMH, 7 Oct. 1850.
104 Macarthur's speech in council, 28 Sept. 1850, ibid., 3 Oct. 1850.
105 James & W. Macarthur to Emily Macarthur, [30 Sept. 1850], ML A4342; Macarthur's speech in council, 1 Oct. 1850, SMH, 7 Oct. 1850; Martin's comment in council, 1 Oct. 1850, ibid., 2 Oct. 1850, referring to the plan as 'an arrangement already come to in the House'.
words the council's position was to be recorded not only by the final vote in favour of Lamb's motion, but by the various incidental statements of different members.

Macarthur's group was itself divided on points of detail, and they now brought this division into the open. The resolutions which Macarthur had proposed were taken over by Parker, his brother-in-law, who changed the wording and put them down in his own name. 106 Macarthur himself drew up a new motion altogether, which he moved on Saturday, the second day of the debate. He now proposed that the council should agree to receive exiles. But he demanded very strict and rather extraordinary terms from Lord Grey. The British government was to pay for all special police provisions, they were to send out and maintain another regiment in the colony, and they were to finance the passage of three free immigrants for every exile who arrived here. All exiles were to be men. Also, parliament was to transfer the control of crown lands from the governor to the legislative council. 107

The motion was proposed as a supplement to Lamb's, although it was inconsistent with Lamb's request for the revoking of the order-in-council. Macarthur saw the fault but, with a characteristic disregard for his public, he made no attempt to explain it. 108 He also realised that the terms he proposed were much more rigorous than those which Grey had already failed to meet. But it hardly matters that his motion lacked logic

106 Ibid., 27 Sept. 1850. However Macarthur's motion was not withdrawn, so that he kept his position, before Parker, in the debate, his last resolutions being brought forward without notice as a 'technical alteration' to his first ones (his comment in council, 27 Sept. 1850, ibid., 28 Sept. 1850).
108 In private he referred to his new resolutions as 'a direct amendment on ... [those moved by] Lamb' (Macarthur to his wife, [26 Sept. 1850], ML A4342).
and practicability, because he knew equally well that it had no chance
of passing. It was brought forward simply so that he might state his
own conscientious opinion and, in doing so, urge upon the council 'a
broad statesmanlike imperial view', which would balance the demands of
Whitehall with those of Circular Quay. All the same, this is one
of those times when Macarthur's high-mindedness seems even more eccentric
than usual, when his ideals seem less noble than peculiar. His motion
was strongly supported by Wentworth, but it was not pressed to a division,
and was declared lost on Monday night.

Parker's motion, which repeated Macarthur's protest about Moreton
Bay, received a better hearing. But Macarthur had been right in thinking
that Lamb's friends were against any addition at all. Also the fury
of the debate, now four days old, had alienated several members who would
otherwise have supported the protest. It was rejected late on
Tuesday, and the original motion was passed forthwith. Afterwards a
remnant of exhausted members vetoed Macarthur's plan to publish the whole
debate. He and Wentworth later made their own arrangements for a
pamphlet, but their public spirit did not extend to the inclusion of any
speeches besides their own.

* * *

111 Ibid., Macarthur's motion was seconded by Wentworth, which is evidence
of prior consultation, and in fact part of the motion (the demand
for free immigrants) is foreshadowed by Wentworth's speech on
27 September (ibid., 3 Oct. 1850).
112 Sutor, Bowman and Donaldson would have voted for Macarthur's original
motion but nevertheless voted against Parker's (see their speeches,
28, 30 Sept. 1850, ibid., 4, 7 Oct. 1850). See also Lamb's speech,
113 Debate of 1 Oct. 1850, ibid., 2 Oct. 1850.
The transportation debate of 1850 was an important milestone in the road towards government by parties in New South Wales. Generally speaking there were now four centres of initiative in the council, namely the executive, Macarthur, Wentworth and the liberals, the last usually represented by Cowper. Each stood for a certain political attitude, if not a certain set of policies. Each seems to have been the focus of a small group, four to six gentlemen who were in the habit of talking over important matters, appealing together for the votes of unattached members, and coalescing where possible with other groups. Each might be called a faction.

During the period 1848 to 1853 Macarthur and his friends worked as closely as possible with the government. In the first part of it they were usually able to co-operate as well with the liberals. Thus Macarthur found himself voting with a solid majority on the more important questions, and he was sometimes responsible for bringing that majority together. This had an important effect on the government of the country, in so far as FitzRoy had allowed the council to take a good deal of the initiative in policy making.\footnote{See SMH, 13 July 1855: '[Fitzroy] followed the feeling of the House, and rarely initiated a measure ... From this circumstance the members of the House acquired an idea of authority which it would be difficult to abate.'}

The failure of this strategy in September 1850 had been partly due to Cowper's absence from the council: Lamb, his deputy, had less authority in the house and less friendship for Macarthur.\footnote{For a good illustration of Lamb's intense dislike for Macarthur, see his speech in council, 19 Aug. 1852, ibid., 20 August 1852. Macarthur never seems to have made any similar counter-attack.} But no
doubt more important was the growth of the liberal movement outside the chamber, which had not only raised the sights of the liberal members, but also reduced their power to compromise with other groups. Thus the liberals took the place of the squatters as the most isolated group in the house. But while the squatting members were the remnant of a lost hegemony, the liberals were the embryo of a new one. 117

The period following the great debate saw the evolution of new habits, in so far as the leading non-liberals, Thomson, Macarthur and Wentworth, tended to act together in spite of the liberal members. The radicals and more extreme liberals always argued as if these three had formed a standing alliance, and were frightened men acting in self-defence. 118 But independent evidence tells a different story. In fact, the liberals were beginning to adopt political methods which the other members often found strange and impracticable. They ceased to be a self-contained group capable of co-operating with other groups. Instead they began to devote themselves to causes which seemed popular rather than practical, and to make commitments which left no room for compromise. Not only their policies, but their manner now made it hard for Thomson and Macarthur to co-operate with them as before. Instead, the government majorities began to depend on Wentworth, who thus regained some of the political weight he had enjoyed during Gipps's last years.

The process is illustrated very well by the next important matter to confront the house, namely the electoral bill of 1851, which was to

118 See below. See also Connolly, op.cit., p.10.
clear the way for the detachment of Port Phillip from the Sydney government, in July that year. In March the council met for a short session to arrange for the election of new legislatures in both colonies. At the same time it was decided to add to the number of members who were to sit in future in New South Wales. Among other changes, the squatting districts were now to be represented for the first time.

All the details were worked out by Deas Thomson, who was already referred to, unofficially, as the 'head of the cabinet'.\textsuperscript{119} Thomson drew up a bill which increased the elected members from 18 to 32,\textsuperscript{120} with eight new squatting electorates and four new groups of country towns, all returning one member each. Sydney's representation was increased from two to three. As a result, the urban and village electorates, which had formerly returned five members, were now to have 10, a relative as well as an absolute increase. The counties were to have 14, an addition of only one.\textsuperscript{121}

The bill met with a mixed reception. The liberals were unhappy that the squatting districts were to have so many members - eight for a population of 30,000 - compared with Sydney's three for 44,000. Many said that the new council would be dominated by the squatters and their friends, who might reverse the recent vote on transportation.\textsuperscript{122} It was

\textsuperscript{119} speeches in council by J. Dickson, 11 Apr., and Plunkett, 16 Apr. 1851, \textit{SMH}, 12, 18 Apr. 1851.

\textsuperscript{120} The council had formerly numbered 36, of whom 12 were nominees and 6 were returned from Port Phillip. The imperial act of 1850 continued the provision of 1842 that one-third of the council were to be nominees, whatever the overall membership (Melbourne, op. cit., pp. 270, 376).

\textsuperscript{121} 'Proposed Electoral Districts', \textit{SMH}, 17 Apr. 1851.

\textsuperscript{122} See, for example, the speeches in council by Lamb and J. Dickson, 11 Apr. 1851, ibid., 12 Apr. 1851.
even put about that Thomson was conspiring with the squatters 'to bolster up one particular interest, as opposed to all others'.  

In fact, given that the squatting districts had to be represented somehow, Thomson's bill had a distinct tendency to strengthen the forces opposed to the rural magnates.  

The debates on the bill show that the liberals were now very badly led. The most urgent question for them was the representation of Sydney, but they failed to unite behind any amendment to Thomson's scheme. 

Their so-called enemies did much better. Soon after the committal of the bill Macarthur announced a series of amendments, which were to make the total elected membership 36 instead of 32. He had already secured Wentworth's co-operation, and the government also supported him during the debate. This gave him a solid bloc of 15 members, when the division lists numbered 29 or less.

123 Lang's speech in council, 15 Apr. 1851, ibid., 17 Apr. 1851.

124 The system of forming a number of scattered towns into single electorates meant that new seats, mostly voting liberal, were created in the midst of conservative county electorates, instead of being merged with them and swamped ('Proposed Electoral Districts', ibid., 17 Apr. 1851; Irving op. cit., p. 387). In particular Thomson's plan (abandoned in committee) to make Camden village one of the 'Midland Boroughs' would have severely reduced Macarthur's influence in his county electorate, while providing a complete counterpoise to his authority in the village (see appendix 7). Compare P. Loveday, 'The Development of Parliamentary Government in New South Wales, 1856-1870', Ph.D. thesis, Sydney University 1962, pp.21-7.

125 Nichols, not strictly a liberal, wanted 4 members for Sydney and Lang wanted 6 (debate of 17 Apr. 1851, SMH, 18 Apr. 1851). See also Lamb's speech, ibid.

126 This is clear from the debate, which also shows a previous arrangement with James Martin, member for Cook and Westmorland, who moved several of the amendments following from Macarthur's scheme (ibid.).
Macarthur's most important changes gave an extra member to the county of Durham, divided the county of Camden into two, east and west, and formed a new electorate out of the villages at Moreton Bay. The last amendment was no doubt meant to provide a foil to the Moreton Bay squatters, who were thought to want transportation and, if necessary, a government of their own. Altogether Macarthur's scheme increased, though slightly, the political weight of the small farmers and country townspeople. Except for the Camden electorate these tended to vote liberal. But Macarthur apparently thought that rural liberalism was a better type than that of Sydney, which fed on class and religious bitterness. Certainly his friend Nicholson hoped that from now on the liberal members of council would concentrate on bringing down the price of crown land, forgetting such exciting issues as transportation.

127 Ibid. Other amendments detached some of the smallest villages from Thomson's county borough groups.
128 It meant dividing the closely settled part of Moreton Bay into two small electorates, namely Stanley county and boroughs (total population 4000), while the squatting district had only one member. See James Macarthur to Sir W. Macarthur, 25 Sept. 1856, ML A2932, which shows his continuing anxiety that the majority at Moreton Bay, whom he thought were against separation, were to be overruled by 'a few selfish people'.
130 Durham had hitherto been represented by R. Windeyer (1843-7), a liberal, and S.A. Donaldson (1847-51), who called himself a liberal conservative (ADB II, pp.616-7, IV p.85). The new members for Durham were Donaldson and Cowper (who resigned). J. Richardson and R. Jones both liberals, were returned for Stanley county and boroughs (SMH, 5 June 1851; Irving, op. cit., p.392). See also ibid., pp.387, 391.
131 Macarthur's speech at an election meeting, 19 Sept. 1851, SMH, 22 Sept. 1851. He was pleased with the subsequent election results (R. Therry to Macarthur, 26 Sept. 1851, ML A2930), although they increased the number of liberal members representing country electorates.
132 Nicholson's speech at an election meeting, 15 Sept. 1851, SMH, 19 Sept. 1851.
Elections were held for the reformed council during September. Macarthur was returned for West Camden, and his brother for the squatting district of Lachlan and Lower Darling. Both Cowper and Lamb were also elected, and they brought with them a considerable group of supporters. In crises the liberals could now muster nine, which equalled the government's voting power, there being nine officials in the new house. But the liberals were still a long way from having control of the chamber, because the combined prestige of Thomson, Macarthur and Wentworth still gave them an overwhelming authority. During the following three sessions, 1851 to 1853, the success or failure of the government always depended on the last two, who together seem to have swayed the loyalty of the unattached members.

* * *

The rest of this chapter deals mainly with three important measures which highlight political attitudes in council during the period 1849 to 1853. These were the Sydney University act of 1850, and the tariff act and the goldfields administration act of 1852. They were all reforms of consequence, and they show very clearly the conservative ideals which Macarthur and a few others hoped to see realised in New South Wales. Altogether it seems that these years of Thomson's 'premiership' were the Indian summer of the old constitution, when a more or less conservative government made a generous - and sadly forgotten - impact on the country. The reform of the constitution, the most urgent matter of all, will be dealt with in the next chapter.

133 James Macarthur defeated W. Sherwin, a Sydney liberal, who received 29% of the votes (see appendix 7, below). William was unopposed.
134 The chief members of the liberal group were Cowper, Lamb, Oakes, T.W. Smart, E. Flood and R. Campbell (see appendix 9 below).
135 Ibid.
Another point which emerges below is that conservatism and liberalism are not to be seen as clearly distinct bodies of opinion. In fact the only liberal policies which Macarthur opposed were those, which according to his lights, were really sectarian and selfish. As the next chapter shows, these included measures which he thought must pave the way for the unthinking, heartless rule of 'unrestrained democracy'.

The division lists throughout the period show that all three non-liberal leaders agreed on the vital duty of the state to promote education. Unlike Cowper and a section of the liberals, who favoured church schools, their efforts were normally directed towards the elementary national structure. They also co-operated in the founding of a university 'conforming as far as possible to the national system'. The idea was first discussed in council in September 1849, when Wentworth moved for a committee to draw up a plan. His aim was that the university should have no divinity school, and impose no religious tests: 'it should be open to all, though influenced by none'. Cowper and Lamb both argued for the teaching of divinity, as at Oxford and Cambridge, but the motion itself was unopposed. Macarthur remarked during the debate that their best model would be the new University of London, a non-sectarian body linked with denominational colleges. During a later discussion he pointed out that such an institution must promote charity among Christian

136 See, for example, the debates of 27 Nov., 2 Dec. 1851, SMH, 29 Nov., 4 Dec. 1851; Macarthur to his wife, [13], 27 Nov., [? Dec.] 1851, ML A4343.
137 Parker's speech in council, 11 Sept. 1850, SMH, 12 Sept. 1850.
sects, and thus spread 'the highest and best principles of religion throughout the community.'

The debate in September suggests very clearly that Wentworth and Macarthur, and possibly Nichols, had already talked over the main points of the scheme. The select committee included these three, and also Thomson, who was a vital link with the government. Their report was presented a mere fortnight later, and a university bill was immediately drawn up. However, the bill quickly perished in committee, mainly because of disputes about the composition of the senate. The idea was therefore abandoned until the following session. Meanwhile there was some agitation among churchmen, especially Anglicans, who thought that

139 His speech in council, 4 Oct. 1849, ibid., 5 Oct. 1849.
140 The Methodist lawyer George Allen, a nominee, was also no doubt involved, because he seconded Wentworth's motion for a committee (ibid., 7 Sept. 1849). See also F.L.S. Merewether, 'University of Sydney: Reminiscences of an original Fellow of the Senate, subsequently Vice-Chancellor, Acting Chancellor and Chancellor', printed for private distribution, Sydney 1896, pp. 1-2.
141 See Wentworth's comment in council, on the help which the committee had received from Thomson, 26 Sept. 1849, SMH, 27 Sept. 1849. The other members of the committee were Cowper, Lowe, Nicholson and Plunkett.
142 The report was presented on 21 September, and the bill was laid on the table on 28 September (ibid., 22, 29 Sept. 1849).
143 Debates of 10, 11 Oct. 1849, ibid., 11, 12 Oct. 1849. The bill named the original fellows, and among them Wentworth's friend William Bland. Robert Lowe refused to accept a seat himself if Bland, an ex-convict, were chosen. Macarthur supported Lowe (see the corrected report of his speech, 10 Oct. 1849, ibid., 12 Oct. 1849). The 1850 bill left the nominations to the government.
the university should have a divinity school. There were also complaints about so much money being spent on an academy for the local elite: even lavish scholarships could not prevent the university from being anything else. In the end both Anglican churchmen and leading liberals played a conspicuously small part in the foundation. But there was little argument in council over the second bill, and it passed without difficulty in September 1850. Hamilton was chosen provost of the university and Nicholson vice-provost. Thomson, Plunkett, Wentworth and Macarthur were all original members of the senate.

The tariff bill of 1852 produced a different set of alliances. Hitherto a protective system of tariffs had prevailed throughout the empire, involving ad valorem duties on all non-British imports, but the Australian Colonies Government Act, which had made Port Phillip independent, had also given the six governments power to legislate for tariff reform.

---

144 H.E. Barff, A Short Historical Account of the University of Sydney, Sydney 1902, pp. 8-9.
148 The most active members of the senate during its first two years were the Methodist and Catholic clergymen (W.B. Boyce and Bishop Davis), Donaldson, Merewether and Nicholson. Macarthur took very little initiative in the university's early organisation. See senate minute books, 1851-2.
149 J.A. La Nauze, 'Australian Tariffs and Imperial Control', Economic Record 24, 1948, passim.
Dear Thomson was anxious to see a more thorough system of free trade, and he had the support of the Sydney merchant community. He first aimed merely to end restrictions between the Australian colonies, while imposing a 5 per cent duty on imports from outside. But this did not go far enough to meet local merchant opinion. Lamb, who was president of the Sydney chamber of commerce, induced him instead to adopt a scheme lately devised by the Melbourne chamber and approved by the new Victorian government. In July 1852 Thomson laid before the legislative council a bill which imposed customs duties on only eight articles, of which the most controversial were beer, spirits, tea, sugar and tobacco.

During the debates on the bill only two members, Wentworth and James Martin, called themselves protectionists rather than free-traders. But the speeches show that the schools of opinion were not so clearly defined, and that the labels hide a more important distinction. On the one hand there were the extreme free-traders, who saw tariffs as nothing more or less than a source of revenue. This was Thomson's view. He had made the measure as simple as possible and, he said, his only other concern had been to find 'the best means of equalising the payments of all classes to the expenses of the Government'. To attempt to do more would be to impose on the rights of private property, and to hinder the exercise of rational self-interest. It would be counter-productive and

151 SMH, 8 July 1852. The other articles were coffee, chocolate and cocoa, dried fruits and wine.
152 Alexander Berry was also a protectionist, but he did not speak during the debates (Michael Roe, Quest for Authority in Eastern Australia 1835-1851, Melbourne 1965, p. 49).
and little different from robbery. This was exactly Lamb's position. It was also shared by most of the other merchants in council, and on the whole by Cowper. But this was not the sort of popular issue on which the liberals tended to unite against all comers. Most of the liberals were enthusiastic, but mainly because they were also ardent free-traders.

On the other hand there were those who saw tariffs as a means of affecting the form of society. Most have usually been called conservatives, but they were conservatives of a paternalistic type, and were not merely reactionary. Martin stood at the extreme. He believed that economic measures should aim at protection, so as to ensure 'the proper distribution of the wealth of a country'. Free trade, on the contrary, must force down the wages of working men. He argued that if these new principles took root here wages would soon sink to the European level. Wentworth and Macarthur both occupied the middle ground. Wentworth argued for protection in principle: 'a system which afforded employment to the residents of a country was no system of robbery'. But he thought it


154 Lamb's speech in council, 7 July 1852, SMH, 8 July 1852.

155 Two of Lamb's strongest supporters were the liberal conservative Donaldson, a squatter and merchant, and M.H. Marsh, member for New England, a squatter (division lists during debates in committee on the tariff bill, 28 July 1852, V&Q 1852, I pp. 389-95).

156 Martin's speech in council, 21 July 1852, SMH, 22 July 1852.
unnecessary here. Macarthur called himself a free-trader, but by free trade he meant free intercourse in all things, as far as was consistent with the general interest of the community at large.

Protection of industry was futile but, if possible, tariffs should be arranged with a positive tendency to 'protect the morals and health of the public'. They must also, he said, try to safeguard the interests of their neighbours, 'the other colonies which would hereafter compose the great Australian Commonwealth.'

During the committee stages of the bill Macarthur and Lamb represented the two main points of view. Macarthur did his best to secure lighter duties on tea and sugar, which he thought were wholesome and common necessities for the people, but he was in a clear minority, most of the free-traders supporting the government. They apparently thought these a fair source of revenue. On the other hand Macarthur voted for the proposed duties on beer and spirits, against the efforts of the more extreme free-traders to bring them down. Alcohol, as he later explained, was the cause of much crime and domestic happiness in the colony. The majority were with him in preventing any reduction in the rate for whisky and rum, and also in raising the duty on wine.

---

157 Wentworth's speech in council, ibid.
158 Macarthur's speech in council, ibid. This was perhaps the first use of the word 'Commonwealth' to apply to the group of colonies (see J.A. La Nauze, 'The Name of the Commonwealth of Australia', Historical Studies 15, 1971-73, p. 64).
159 In fact he seconded a motion by Wentworth to raise the proposed duty on beer, but the motion failed (debate of 28 July 1852, ibid., 29 July 1852).
160 His speech in council, 19 July 1855, ibid., 20 July 1855.
161 Division lists during debates in committee on the tariff bill, 28 July 1852, V&P 1852, I pp. 389-95.
Much the same conflict occurred during an attempt in 1854 (when Thomson was on leave in Europe) to limit the interest charged by pawnbrokers, a reform which was meant to undercut the 'cold-blooded calculations of the advocates of free-trade'.\(^{162}\) Macarthur lent his support, because he thought that the 'protecting shield of the law' ought to be available to those ruined through sickness or misfortune.\(^{163}\) But other members were apathetic, or unwilling, as they had been on the tariff question, to 'set up as "uncle" for the people'.\(^{164}\) The project breathed its last in the hands of a select committee.

Members were more willing to set up as uncle in the field of public health. In 1852 and 1853, for example, private members' bills were introduced, regulating the sale of opium and poisonous drugs in one case, and making small-pox vaccination compulsory in another. Both passed with the support of the government and Macarthur, and in spite of the opposition or apathy of most of the liberals.\(^{165}\)

The discovery of gold near Bathurst in May 1851 led to another instance of policy making in which laissez-faire ideas reigned supreme. As with the tariff bill, Thomson's thinking on the question was at odds with that of Wentworth and Macarthur. The minerals of the territory were

\(^{162}\) Darvall's speech in council, 12 July 1854, SMH, 15 July 1854. The instigator of the move, A.T. Holroyd, had joined Macarthur on the tea and sugar tariff question, and it was opposed mainly by M.H. Marsh, Lamb's keenest supporter.

\(^{163}\) Macarthur's speech in council, ibid.

\(^{164}\) M.H. Marsh's speech in council, ibid.

\(^{165}\) The drugs bill was introduced by Nichols. It was supported by all the leading conservatives, and opposed by all the liberals except Lamb and Darvall (debate of 20 July 1852, ibid., 21 July 1852). The vaccination bill was introduced by Douglass, a medical practitioner and leading conservative. The conservatives divided on it, and no prominent liberals voted (debate of 21 Sept. 1853, ibid., 22 Sept. 1853).
the property of the crown, and the government therefore took sole responsibility for the goldfields, without reference to the legislative council. However this did not prevent members from offering advice. Within a fortnight of the discovery Macarthur wrote to Thomson urging more direct control of the mining, for otherwise, he thought, they could expect the total disintegration of 'our social system'. He wanted to see all digging stopped, by martial law if necessary, until the regulations could be put on a less haphazard basis. 166

Macarthur had clear ideas of his own, which he later discovered were in line with Wentworth's. 167 In particular he disliked Thomson's system of issuing licences to individual miners. This, he said, must encourage the worst aspects of gold-digging,

its gambling and utterly selfish spirit, its breaking down of all proper distinctions and right motives, and occasioning the abandonment of the duties of life.

He wanted to see licences given to parties of men, who would work in co-operative groups. 168 In June he submitted a plan to the governor whereby every digging party was to have a recognised head, who might be commissioned as a constable. The members were also to be 'mutually responsible for each other' in matters of law and order, but it is not clear what the responsibility would have amounted to. 169

166 Macarthur to Thomson, 29 May, 1851, ML A1531-3.
167 Macarthur to his wife, [18 June 1851], ML A4343.
168 Macarthur to Thomson, 29 May 1851, ML A1531-3.
169 Macarthur to FitzRoy, 27 June 1851, and his 'Suggestions for the regulation of the issue of licences to work for gold ore on the crown lands of Australia' (draft of a paper which was apparently to have been enclosed with the letter), ML A2920, pp.102-8, 178-88.
These ideas made no impression on the government. Thomson answered that he certainly meant to control the worst excesses of the gold rush, but he thought that it would be foolish to try to stop it. He also thought, as a matter of principle, that the government had no right to make the regulations which Macarthur had suggested. As he explained to FitzRoy, he was
decidedly opposed to any interference with the manner in which the masses of the people may choose to employ their industry.

And in this case he thought that 'the government should do nothing until put in motion by the parties interested'.

It soon became clear that the gold rush was causing much less trouble than had been feared. It was not until September 1852 that a select committee of council was formed to inquire into the administration of the goldfields. Most of the committee work was done by Macarthur as chairman, and by Wentworth who acted for part of the time as his deputy. The council as a whole was not much interested.

170 Thomson to Macarthur, 30 May 1851, ibid.
172 See, for example, Macarthur to G.W. Norman, 6 Mar. 1852, Norman MSS C182.
173 The committee was appointed, on Macarthur's motion, on 7 Sept. 1852, SMH, 8 Sept. 1852.
174 On 9 November Macarthur fell from his horse, fracturing his wrist (SMH, 12 Nov. 1852). Wentworth acted as chairman of the committee from 10 to 26 November, after which Macarthur resumed the chair (V&G 1852, II pp. 673-812). See also Macarthur to Wentworth, [9 Nov. 1852], ML A2920.
175 See, for example, debate of 2 Dec. 1851, SMH, 4 Dec. 1851.
himself could see no point in the inquiry, but he accepted a place on
the committee and attended most of the meetings. As it turned out the
committee was very useful, because a few days after its appointment
FitzRoy received orders from the secretary of state to hand over to the
council all responsibility for the goldfields. 176 The committee therefore
gave most of its attention to a bill which was to give Thomson's mining
regulations the force of law. 177

The purpose of the bill, as Thomson saw it, was 'to enable the
Government to exact certain license fees'. As far as he was concerned
the income from the licences was simply to cover the cost of administering
the goldfields. 178 Macarthur was far more ambitious. He thought of the
fees as an important new source of general revenue, which should be used
as 'the incentive to the rapid population and civilisation of this country,
and the neighbouring islands of the Pacific'. 179 The discovery would
thus be 'the means of establishing this colony as a magnificent nation'.
It followed that the new bill should make the licence fee as high as
possible, and provide stringent measures for its collection. 180

176 Sir J. Pakington to FitzRoy, 2 June 1852, with enclosure, V&Q 1852,
I pp. 541–4; SMH, 11 Sept. 1852.

177 The committee presented 3 progress reports, 14, 17 and 22 Dec. 1852.
The most significant was the second, recommending the bill (V&Q 1852,
II p. 665). The first dealt with the office of chief goldfields
commissioner, and the third consisted only of the evidence taken.


179 Macarthur to G.W. Norman, 6 Mar. 1852, Norman MSS C182.

180 Macarthur's speech in council, 7 Sept. 1852, SMH, 8 Sept. 1852;
Macarthur to Wentworth, [9 Nov. 1852], ML A2920.
He also thought of the bill as a means of replacing the morality of 'the mere gold-grabber' with something more worthy. He now admitted that the system of individual licences had 'worked infinitely less mischief ... than anyone could have anticipated'. But he was still concerned at the number of foreigners on the goldfields, many of them old hands from California, who had brought with them an alien love of violence. He especially wanted to outlaw the carrying of the bowie knife, an 'odious and abominable practice ... subversive of all order and morality ... [and] repugnant to all British feeling'.

Wherever the bill varied from the old regulations Macarthur's concern for 'proper distinctions and right motives' can be seen at work. In an effort to increase revenue, and to give the authorities more complete control on the goldfields, all men living there, whether diggers or not, were now required to take out licences. Macarthur had hoped to have a clause inserted requiring that very detailed information be given by every licensee as to his previous home and employment, but this idea came to nothing. Nor was he able to have the licence fee raised. In fact it was reduced from 30s. to 10s. a month, a measure forced on the committee by the adoption of 10s. in Victoria, 'and from no other cause'. However the final bill did make it necessary for foreigners

181 Macarthur's speech in council, 7 Sept. 1852, SMH, 8 Sept. 1852.
182 Macarthur to G.W. Norman, 6 Mar. 1852, Norman MSS C182.
183 Macarthur's speech in council, 7 Sept. 1852, SMH, 8 Sept. 1852.
184 Clause 4 of the act; compare Macarthur to Wentworth, [9 Nov. 1852], ML A2920.
185 Ibid.
187 Clause 8 of the act; Thomson's comments in council, 22 Dec. 1852, SMH, 23 Dec. 1852.
to pay twice this sum. Thomson thought several of Macarthur's suggestions could never work in practice, and he especially disliked such discrimination. 187 The very small number of liberals who came to the debates on the bill were also against it. 188 But the clause was passed by council. The bill said nothing about bowie knives, the committee having been persuaded that they were part of the digger's tools of trade, used for getting gold out of cracks. 189

The bill became law before council broke up in December 1852, and quickly became very unpopular. It was commonly thought that it was meant to keep digging to a minimum, and to discourage men from leaving their employment, especially on the squatting runs. 190 Rumour had it that Wentworth, Macarthur and Thomson had 'concocted' the reform 'to benefit the squatters at the expense of the golddiggers'. 191 Its unpopularity and its thoroughness made it very difficult to work, as Thomson had predicted. In 1853, no doubt much to his relief, the council approved an amendment bill repealing most of those parts of the act which had been Macarthur's special contribution. 192

This brief outline of the council's work in 1849-53 suggests that to some extent the government held the balance between liberal and conservative opinion in the chamber. Thomson can be called a conservative in so far as he thought social and economic reform was possible without any thorough change in the political status quo. But he would have nothing

188 Division lists during the debate in committee on the goldfields administration bill, 22 Dec. 1852 (V&P 1852, I p. 414).
189 See the evidence of J.R. Hardy and H. Harpur before the select committee, V&P 1852, II pp. 682, 703.
190 SMH, 5, 9 Mar. 1853. This was probably true of Wentworth at least (see his comments in council, 22 Dec. 1852, ibid., 23 Dec. 1852).
191 Article by 'Observer', ibid., 2 Apr. 1853.
to do with the positive paternalistic schemes of Macarthur, which jarred with his ideals of free trade and laissez-faire administration. Fortunately for the government few members approached Macarthur's 'radical' conservatism, and when he was persistent - which was seldom - Thomson could always appeal to the laissez-faire ardour of the liberals. During famous issues, when the liberal members became the agents for popular feeling, Thomson and Macarthur tended to join in a defensive alliance with Wentworth. Perhaps in doing so they both betrayed a failure of nerve or imagination. But if so, and in spite of ruptures now and then, they also shared a diligent idealism which can only be admired.
'I cannot conceive a good government to have interests alien to those of the community', said Macarthur once, summing up his reasons for giving great power to the state, 'I cannot separate the general interest of the Government from the interests of the people.'\(^1\)

But the unity of interest depended on two preconditions. First, the government must be made up of men who understood the limits of their authority, or else there had to be some means of enforcing those limits. Macarthur's plan for the goldfields shows that even he was not very clear on this point. Secondly, the government must govern a single people. Macarthur never seems to have come to terms with the difficulty of ruling an empire, where the authorities had to meet the needs of various communities, most of them remote. His ideal, from 1829 onwards, was that Whitehall should lay down broad principles to be followed up in detail by local legislators.\(^2\) But when the principles were unworkable the system failed, and in fact this happened often.

From 1846 to 1852 the secretary of state for the colonies was the third Earl Grey. Grey was an energetic minister, and among his ambitions

---

1 His evidence before the select committee on crown land grievances (legislative council), V&F 1844, II p. 205 (3 July 1844).

2 See his 'Suggestions relative to the appropriation of crown lands in Australia', n.d. (enclosed with Macarthur to H. Twiss, 10 Jan. 1829), CO 201/297, f.212.
was the reform of the New South Wales constitution. Within a year of
taking office he had worked out a complex federal scheme which would have
set up a single assembly for all the Australian colonies, although each
was to have its own law-making body as well. The local legislatures
were to be bicameral. The upper house was to be nominated by the crown
and the lower elected by district councils, which were to be established
throughout the whole territory and which were themselves to be chosen by
the people.  

Grey's proposal was received with consternation in New South Wales,
and especially his plan for the election of the lower house. 4 There
was only one view, that this 'gross piece of political quackery', this
'political Holloway's pill', 5 would enfeeble the electorate by ending
all contact between the voter and his representative in Sydney. A
great meeting was held in the capital, and there were several elsewhere.
Macarthur spoke at Sydney, Parramatta and Camden against 'this abominable
system of double election'. 6 'It filled him with indignation', he said,
'to see an attempt at speculative legislation ... attempted to be
foisted on this colony'. 7 Numerous petitions were drawn up denouncing
the idea, and Grey quickly abandoned it. After some uncertainty he
decided to give each colony the power to establish its own bicameral
system, and to go no further for the time being. As far as New South
Wales was concerned, this, and the separation of Port Phillip, were the

3 Grey to FitzRoy, 31 July 1847, HRA i, XXV pp.698.
4 John M. Ward, Earl Grey and the Australian Colonies 1846-1857,
5 A. Michie's speech at a public meeting, 19 Jan. 1848, SMH, 21 Jan.
1848.
6 Macarthur's speech at the Camden meeting, 7 Feb. 1848, ibid., 9
Feb. 1848.
7 His speech at the Sydney meeting, 19 Jan. 1848, ibid., 21 Jan.
1848. See also his speech at the Parramatta meeting, 29 Jan. 1848,
ibid., 31 Jan. 1848.
main provisions of the Australian Colonies Government Act, passed by parliament in August 1850. 8

Meanwhile, the colonists had made some effort to define their own needs. They had several long-standing grievances, but the most urgent involved the control of their local revenue. They, or at least the elected members of council, thought it wrong that the proceeds from crown lands should belong to the imperial treasury, even though the money was normally applied by the governor to local purposes. They also objected to the schedules of the Constitution Act of 1842, which placed beyond their control a certain amount of the ordinary revenue to be used for the most vital parts of the administration. Most of the government's expenses were charged to the estimates which the council voted each year, but the land revenue and the schedules made the executive independent in the last resort. 9

The control of the revenue had been one of the main issues on which the council, led by Wentworth, had clashed with Sir George Gipps. Soon after the opening of the new council in 1849 Macarthur made it clear that he was prepared to join the patriotic side of the question:

Till they possessed this power [he said] they were not really a representative institution, but ... to a very considerable extent ... a debating club.10

Early in 1850 Macarthur and J.B. Darvall, member for Cumberland, drew up a memorial to the secretary of state asking that all revenue 'be placed

---

8 Ward, op. cit., pp. 107-16.
10 His speech in council at the beginning of the debates on estimates, 1 Aug. 1849, SMH, 3 Aug. 1849.
under the control of the Colonial Legislature, which in return should make provision for a reasonable civil list." Council was in recess, but other members were consulted, and the paper was signed by 'a large number' of settlers.

The memorial included a plan for the reform of the constitution on a bicameral basis. There should be a 'House of Assembly' elected by the people and a nominated upper house or council, three quarters of the councillors being appointed for life and the rest holding their seats ex-officio. No doubt the ex-officio councillors were to include those members of the 'cabinet' who sat as nominees under the present regime, because there was no suggestion that the governor should choose his ministers from among the members of the assembly. Nevertheless, the memorial also 'strongly urged' that all government offices be filled up 'as far as conveniently may be ... from amongst the inhabitants of the colony.'

Macarthur had always liked the idea of an upper house. The history of the empire proved to him that these bodies did much for stability, by modifying the claims of the people's chamber and the executive. He

11 Ibid., 21 Feb. 1850. For the authorship of the memorial, see ibid., 15 Aug. 1853; Macarthur's speech, [30 Aug. 1835], in E.K. Silvester (ed.), The Speeches, in the Legislative Council of New South Wales, on the second reading of the Bill for Framing a New Constitution for the Colony, Sydney 1853, p.113. The signatures of Macarthur, his brother and Darvall are at the head of the list on the original paper (CO 201/428, f.170).
12 Bell's Life of Sydney, 9 Feb. 1850; SMH, 22 Feb. 1850.
13 FitzRoy to Grey, 12 Apr. 1850, CO 201/428, f.156. FitzRoy explained that the memorial was a response to Grey's despatch of 18 Aug. 1849, announcing his intentions for the Australian Colonies Government Act, 1850, (see Ward, op. cit., p.114).
14 Herman Merivale, permanent under-secretary in the colonial office, assumed that this was Macarthur's idea, but it is not clear why (his minute, 10 Sept. 1850, on FitzRoy to Grey, 12 Apr. 1850, CO 201/428, f.169).
15 SMH, 21 Feb. 1850.
normally assumed that the members would be nominees for life, which would
make them politically independent, and which, he always thought, was
'the nearest approach' they could look for to the system in England.17
Since 1848 he had been convinced that members could be found for such a
body, a conviction which shows in the 1850 memorial.18 At the same time
he seems to have been willing to consider some method of election to the
upper house, although he felt sure that it must, 'in the first instance,
at all events, ... be partly composed of Nominees, so as to admit the
appointment of official members.'19

These ideas differed significantly from those of Wentworth, who
was the central figure during all debates on constitutional reform.
Wentworth had always preferred a single house.20 In 1848 he spoke of
the valuable 'collisions' which must ensue when the government was fully
exposed to the wrath of the people's representatives,21 and as late as
June 1852 he showed little interest in the idea of a second chamber.
At that stage he seems to have assumed, as Macarthur had lately done, that
the members of the executive would continue to be nominees, and that as such
they would belong to the upper rather than the lower house. Under such
a system the representatives of the people would have nothing to do but
veto the measures sent down from the government, which would be particularly
futile if they did not have control of the revenue.22

17 His speech at a public meeting at Camden, 7 Feb. 1848, ibid., 9 Feb.
18 1848. For his ideas on an hereditary system, see below.
19 Ibid.
20 Macarthur's speech at an election meeting, 19 Sept. 1851, SMH, 22 Sept.
21 1851. In 1842 he had supported a plan for an upper house of 10, half
22 nominated and half elected by the lower house (Australian, 29 Mar.1842).
20 Report of a meeting of the petition committee, 28 Mar. 1842, ibid.
21 Wentworth's speech in council, 3 May 1848, SMH, 5 May 1848.
22 Wentworth's speech in council, 16 June 1852, ibid., 17 June 1852.
In other words, Wentworth did not look forward to immediate responsible government, a system where most if not all ministers would be chosen from among the elected members of the lower house, with each cabinet taking office and retiring according to the voting behaviour of that house. At this stage he seems to have envisaged a cabinet of nominees, ex-officio members of the upper house, as a provisional arrangement at least. In August 1852 he spoke of responsible government as something which would come soon enough, the immediate issue being the control of the revenue:

The other rights they claimed must inevitably follow from this. They must be concluded. And why should they not? Responsible government had been conceded [in Canada] ... and why should it not be conceded here? 23

Wentworth had been much more adventurous in former days. In Gipps's time he had asked for responsible government straightaway, and in the fullest sense. 24 But circumstances had changed. At that period there had been a tightly knit opposition in the house led by Wentworth himself. Now Thomson was in easy control, and no group of elected men had anything like his influence and ability. 25 The only threat came from the democratic forces outside the chamber, which Wentworth had no wish to encourage. 26

Macarthur's thinking seems to have been slightly ahead of Wentworth's. In December 1851 he was still convinced that responsible government could

25 For evidence of Thomson's popularity in the house, see the debate on increasing his salary, 3 Aug. 1852, SMH, 5 Aug. 1852.
not work in practice: 'There might perhaps be men in the colony fitted to form one Government, but not two'. During the following year, however, his mind became more open. Soon after council met in 1852 a select committee was appointed to work out a plan for a bicameral system, in accordance with Grey's meagre bounty, the Australian Colonies Government Act. Wentworth was chairman, but he thought of the work as secondary to his idée fixe, the campaign for control of the revenue. Macarthur, who was also a member, showed more imagination. He saw this institutional change as a Trojan horse, with which the council might win for itself not only the revenue, but 'the fullest measure of political power which it was capable of exercising.'

In June Wentworth set about drawing up a constitution in the form required by the 1850 act, as a local statute subject to the assent of the queen. He had an idea to begin with that he should put in a clause 'asserting that whenever the territorial revenues were made over to the Council, a civil list would be provided.' The new constitution would

27 Macarthur's speech in council, 18 Dec. 1851, ibid., 19 Dec. 1851.
28 In August 1853 he said that he wanted responsible government now, but had not done so 'a year or two since' (his speech, [30 Aug. 1853], in Silvester, op. cit., p. 136). See also SMH, 28 Aug. 1852, with an editorial demanding only 'unfettered control of all our own revenues, and plenary powers of legislation on subjects purely colonial. '
29 Wentworth's speech in council, 16 June 1852, ibid., 17 June 1852.
31 Wentworth's speech in council, 16 June 1852, ibid., 17 June 1852. See also his interruption to Holroyd's speech, 18 Aug. 1852, ibid., 19 Aug. 1852 ('Parliament will have nothing to do with it'); and his speech, 25 Aug. 1852, ibid., 26 Aug. 1852, where he still referred to the constitution bill as requiring only the assent of the queen.
then be waste paper, unless the acts relating to their revenue were repealed. But soon afterwards he thought of a more radical plan, which would have meant postponing the committee. In August, at the beginning of the yearly debates on the estimates, he moved that no supply should be voted until their demands for the revenue were met. Eight months earlier members had approved a strong remonstrance on the subject, which had been sent to the queen. Wentworth now argued that council should stand prorogued until December, when he thought an answer should have arrived. This would have meant the end of the session, and, incidentally, the dissolution of his committee. According to Macarthur, the stopping of supply would have also led to 'an embarrassment and confusion which would in fact be the first step towards civil war'. But the move was defeated, by 28 votes to 17.33

During the debate on 'Mr. Wentworth's ... coup d'état'34 Macarthur described his own strategy for reform. For some time it had been his opinion that the 1850 act was the answer to all their grievances, for these 'depended materially upon the form of government, whether ... one or two Houses of Legislature should be recommended'. It would achieve nothing to make supply contingent on reform. 'The first thing to be done, was to place themselves absolutely in the right'. The select committee should

32 Wentworth's speech in council, 16 June 1852, ibid., 17 June 1852.
33 Debate of 18 Aug. 1852, ibid., 19 Aug. 1852. The bulk of the liberals voted with Wentworth and his 'tail'. It is unlikely that the governor would have prorogued the council whatever the result, but there must have been a deadlock of some sort had Wentworth won.
34 SMH, 20 Aug. 1852.
devise a constitution based on the provisions of the 1850 act, but including essential details which would require not only the queen's assent, but a new enabling act. This scheme would very likely succeed because 'it was quite possible ... that the transcendental power of Parliament should be exercised for their benefit'.

In his speech Macarthur did not explain how a bicameral structure would solve their problems. But his logic seems obvious. The formation of two houses would have meant the end of a system in which crown nominees sat among the representatives of the people. The lower house, at least, must be entirely elective, and such a body would be unmanageable if the majority of its members were not satisfied with their power. In other words, an elected house must control the revenue, and the efficiency of the whole system would depend on the co-operation of that house with the executive. Some ministers, no doubt, might be government nominees holding seats ex-officio in the upper house. But it now seemed reasonable that at least part of the cabinet should be members of the elective chamber, which must in practice amount to responsible government. This exact means of co-operation would depend on the leading men, such as Macarthur himself. His memorial of 1850 would have allowed for the same system, but he had then taken it for granted that ministers would be chosen absolutely by the governor, and would all have seats in the upper house.

35 Ibid., 19 Aug. 1852. This must have seemed particularly likely in that a privy council report had recommended concessions before the passing of the Australian Colonies Government Act (Melbourne, op. cit., pp. 366-70).

36 Wentworth had already pointed this out (his speech in council, 16 June 1852, ibid., 17 June 1852), but his solution was to secure the revenue first, and then set up the two houses. Macarthur wanted to do both at once, in a single comprehensive scheme.
His latest ideas are evident in the report of Wentworth's committee presented three weeks after the debate on supply.\(^{37}\) The new constitution was to have a council of nominees and an assembly of elected members. The council was to exercise 'revising, deliberative and conservative functions', which clearly implied that the main initiative power was to lie with the assembly. On the other hand, while two-thirds of the councillors were to be appointed for life, the rest - seven or more - were to sit 'during pleasure'.\(^{38}\) This was no doubt meant to allow for the nomination of ministers during their terms of office.\(^{39}\) It was fundamental to the whole plan that the lower house should control all the local revenue. The committee explained that the 1850 act had not given them power 'to frame a Constitution suited to the present wants of the Colony without the further intervention of Parliament'.\(^{40}\) Their report therefore included a draft bill with which parliament might authorise the queen's assent to this last vital part of their proposal.

Public opinion was divided on the report, and so were members of the committee.\(^{41}\) Therefore, to allow for fuller discussion the matter was put off until the next session of council. Meanwhile a despatch arrived

\(^{37}\) The report was presented on 17 September, but the main points had been finalised within a few days of the debate on supply (ibid., 21, 28 Aug. 1852).

\(^{38}\) Report from the select committee on the proposed new constitution, V&P 1852, I p. 477. The members of the council were to number 20 or more. The life members were to be gentlemen already elected at some time by popular vote.

\(^{39}\) See Wentworth's speech in council, 7 Dec. 1853, SMH, 8 Dec. 1853, where he refers to the 1853 bill. At this stage he hoped to have one-seventh of the councillors appointed in this way, who 'would go out with the Ministry of which they would form component parts'.

\(^{40}\) Report from the select committee, loc. cit., p. 477.

\(^{41}\) Wentworth's speech in council, 10 Dec. 1852, SMH, 12 Dec. 1852. However, no minority report was presented.
from Grey's successor in Downing Street, Sir John Pakington, which at long
last promised them their revenue. 42 This put the whole issue on a
better foundation. In May 1853 another committee was formed, again
under Wentworth's chairmanship, and a new bill was drawn up. In it
Wentworth made more careful provision for responsible government, which
now seems to have been better understood. 43 Another change since 1852
was the provision for a local peerage, which was apparently Wentworth's
idea. 44 Nominees to the upper house were to be eligible for hereditary
titles, defined so that when the number of peers reached 50 they would
form an electorate choosing members of the house from among themselves.
The chamber was to consist of 20 members elected in this way, but all
the original grantees were to sit there by right. It is not clear what
would happen if there were, say, 45 original grantees and five heirs
in possession.

Macarthur gave this scheme very lukewarm support: 'he never was
hearty for the adoption of the [hereditary] clauses'. 45 He had no
objection to titular honours. But a chamber of hereditary law-makers

---

43 Irving, op. cit., pp.202-3. Some of the 1852 committee had even
argued that the single mixed chamber should be continued (Wentworth's
speech in council, 10 Dec. 1852, SMH, 12 Dec. 1852).
44 Macarthur's speech at an election meeting, 25 Mar. 1856, Empire,
27 Mar. 1856.
45 Ibid. See also his speech in parliament, 7 May 1858, SMH, 8 May
1858. The statement in ADB II, p.152, that 'Macarthur had been
tothing with this idea since the late 1830s' is inconsistent with
any evidence discovered so far.
'he looked upon from the first as belonging to a by-gone state of civilization.' In public he was prepared to argue that these parts of the bill might allow for 'a very happy adaptation' of the English system, but he pointed out at the same time that 'for all immediate and practical objects, the measure would be as good without them.' Their vagueness shows that they must have been very carelessly drawn up, and in fact they were abandoned before the bill was committed.

A small group of liberals in council, led by Cowper, were unhappy even with a nominated upper house. This was by far the most widely discussed part of the scheme, and public feeling was generally in favour of making both houses elective. The main argument was that the legislature would then take more notice of opinion outside, and so act as a more effective check on the executive power. This shows that there was still doubt and confusion about the coming regime: in fact, with responsible government the formation of the executive itself was to depend on the assembly, and so, ultimately, on public opinion. Therefore, although an elected upper house might be a vehicle for public opinion a nominated one would be its creature. But those who wanted an elected council disagreed as to how it might be chosen in such a way as to

46 Empire, 5 May 1856. The source is an article on Macarthur's life and opinions partly written for the Empire by Cowper (H. Parkes to Macarthur, 27 Mar., 3, 7 Apr. 1856, ML A2923; Macarthur to Parkes, 5 Apr. 1856, ML A69, 8 Apr. 1856, ML A2923; Cowper to Parkes, 8, 10, Apr. 1856, ML A876). Cowper was certainly not biased in Macarthur's favour, and he was in a good position to know his real views, especially as they were both on the 1853 select committee.

47 Macarthur's speech in council, [30 Aug. 1853], in Silvester, op. cit., p.146.

48 Even two years later the Herald doubted 'Whether the population of a colony so small can exhibit any appreciable tendencies, or offer any basis for a political system of any recognised description' (ibid., 7 Dec. 1855).
serve a distinct and worthy purpose. The same liberal members opposed the new electoral arrangements, which confirmed those of 1851, with the provision that any change after the passing of the act must have the consent of half the council and two-thirds of the assembly. However these and the other main points of Wentworth's scheme had the support of a good majority. The constitution bill passed its third reading in December 1853, and was then despatched to England for the assent of queen and parliament.

* * * *

During the following months both Thomson and Wentworth left the colony. Thomson was abroad on leave until January 1856, and Wentworth never returned as an active politician. The impressive system of power which had distinguished FitzRoy's reign was suddenly


50 P. Loveday, 'The Development of Parliamentary Government in New South Wales, 1856-1870', Ph.D. thesis, Sydney University 1962, pp. 21-7. Changes to the constitution of the upper house had to have the support of two-thirds of both chambers.

51 Divisions on the constitution bill in committee, 27 May-28 July 1853, SMH, 13 Aug. 1853.


53 Thomson left on 25 January and Wentworth on 20 March 1854.
dissolved, leaving Macarthur to fend for himself in a political no-man's land, 'an isthmus between the continent of rock and bog behind, and the verdant regions before'. Nearly two years passed before the new constitution could be proclaimed in Sydney, and it took longer to establish a responsible ministry. Meanwhile the only real source of excitement was the outbreak of war in the Crimea, and 'the insidious designs of Russia upon the British Empire in Asia'. The council gave much thought to local defence, with Macarthur often taking the lead. Like many others, he invested the issue with a splendid moral purpose. The Crimean war was for him a holy and a Christian cause, 'the war of civilization and the arts, against barbarism, and the lust for conquest'. He also saw it as a good excuse for forming a local militia:

He did not believe the Russians would invade the colony, but that was no reason why the operation of right principle which pervaded the public mind, should be set aside. It was necessary that there should be in every rightly constituted community, the power of self-defence, whether such power was required to be called into immediate exercise or not.

In the same year, 1854, Macarthur tried to arrange the formation of a local government bank, which would have meant 'the abolition of all issues of notes by private companies'. The idea was in line with his

54 SMH, 17 Oct. 1855.
55 Ibid., 29 Apr. 1854.
belief that private enterprise should be clearly subject to the state, but he was also acting under the influence of his brother-in-law, George Warde Norman, a famous exponent of centralised note issue. Norman's advice had been taken during the preparation of Peel's Bank Charter Act, 1844, by which the Bank of England had been made the main bank of issue in England. 59 But the idea met with little support in New South Wales, and Macarthur abandoned it. 60 He was 50 years ahead of his time. 61

During 1854 and 1855 political divisions in council were confused. The government lost much of its influence with Thomson gone, and it even became unpopular in 1855, when FitzRoy was succeeded as governor, and nominal governor-general, by Sir William Denison, a far more obtrusive ruler. 63 On the other hand there was no clear leader of the opposition, a role which Wentworth might have filled. 64 Such a nebulous firmament seemed to foreshadow new stars. In 1854 the liberals were joined by Henry Parkes, editor of the Empire and Wentworth's successor in the Sydney seat. Parkes became Cowper's close ally, and he brought a good deal of vitality

59 Sir John Clapham, The Bank of England, Cambridge 1945, II pp.172-81. Macarthur followed Norman's logic when he attributed the 1840-43 depression partly to the fact that 'too much paper has been issued by our banks' (Macarthur to Norman, 5 Sept. 1840, Norman MSS C182).

60 His motion was postponed several times, before being given up (SMH, 22, 27 Sept., 4, 11, 21 Oct. 1854). The Herald was strongly against the idea (ibid., 22 Sept., 7, 11 Oct. 1854).


62 Thomson's deputy was C.D. Riddell, the colonial treasurer, altogether a sluggish minister. See also SMH, 13 July 1855: 'Denison 'has ... returned to the position which his predecessor concealed (or abandoned), and has provided for the country a scheme of policy comprehending almost every thing which the House has lately been permitted to originate."

63 Cowper to Parkes, 22 Dec. 1854, ML A876.

64 See, for example, Donaldson's speech in council, 22 July 1852, SMH, 23 July 1852.
and intellect to the liberal cause. He was also an organiser, and he
helped to consolidate the party's links with opinion outside the chamber.

If Parkes was a recruit on the left wing of the liberal group, in
1855 it received a powerful counter-balance on the right, namely Stuart
Donaldson. Donaldson had been a member of council from 1848 to 1853,
when he had been more or less one of Wentworth's party. He was a
wealthy merchant with some interest in squatting, and in council he was an
authority on financial matters. He was a good speaker, but he was vain,
and as a political organiser he lacked energy and imagination. Macarthur
disliked him personally, more than he did most members: he described him
once as 'a pert, flippant, careless man'. Everything he did seemed
'too inflated'. Donaldson was abroad during 1853 and 1854, but on his
return he was immediately elected member for Sydney Hamlets, with the
active support of Parkes.

During the 1855 session some clear alignments began to emerge. The
main political questions of that year centred on the governor's financial
message to council and the subsequent debates on the estimates. The
financial message informed members that the governor was prepared to give

64 See, for example, Donaldson's speech in council, 22 July 1852,
SMH, 23 July 1852.
65 Macarthur to his wife, 17 July 1850, ML A4342.
66 Macarthur to his wife, [11 Nov. 1851], ibid. See also Macarthur's
comment on Donaldson in 1860: 'It is a pity he is so insufferably
vain, for he has more than ordinary abilities, and might be
really a useful man, if he would but exercise ordinary self-respect
and modesty' (James Macarthur to Sir W. Macarthur, 25-26 July 1860,
ML A2932.
67 Powell, op. cit., p. 213.
them complete control over the items listed in the schedules of 1842, and the disposal of the land fund. This caused some surprise. Although the concession was promised by the new constitution, it was clearly forbidden by the current act of parliament. The council had been seeking it for years but, as the *Herald* pointed out, there was a very good argument against taking it as a boon from Sir William Denison, namely 'that it is illegal.' Several leading members took this point of view, including Macarthur, Cowper, Donaldson, Parker and Martin. Macarthur argued in ominous language about the importance of keeping the law, one of the great concerns of his life:

> What would be the consequence if they were not particular in the observance of this great principle ... The multitude who observe daily their actions would say if the House could violate the law why should not they also violate it ... Why it would [also] be a precedent for some future Governor-General to attack some other provision of our Acts ... and deliberately set it aside ... or being swayed by some principle or other be led on to make inroads into the Constitution.  

But the great bulk of the elected members supported Denison's 'small revolution', and the government won a division on the question with a majority of 32 to 10. For Macarthur this result was profoundly depressing, because it struck at the root of all his ideas about political responsibility. It was one of those rare moments when 'utter disgust' led him to give up hope for the colony, even in the long term.

---

68 *SMII*, 27 July 1855, See also ibid., 2 Aug. 1855.
69 Debate of 1 Aug. 1855, ibid., 2 Aug. 1855.
70 Debate of 26 July 1855, ibid., 27 July 1855.
71 Macarthur to his wife, [27 July 1855], ML A4343.
The debates on the estimates, during the following month, saw the first example of 'parliamentary' obstruction in New South Wales. Those responsible were Cowper, Donaldson, Parkes, Nichols and four others, who on one occasion kept the council sitting through an entire night over a single item of expenditure. Macarthur thought they did serious damage to the reputation of the house, and he characterised Donaldson as a 'soap bubble blown about' by Cowper and Parkes, only not half so pleasing to the eye and most distressingly noisy.

These tactics are a good sign of the energy some members were beginning to devote to council, but they do not reflect long-term party solidarity. Beneath the unity of 'the obstinate eight' there was some disquiet about an issue which was soon to return to a central place in politics, namely squatting.

In the last four years the crown lands question had become more complicated than ever. In the first place the influx of wealth and population with the gold rush had made the statutory minimum price of £1 an acre seem more reasonable to those who had opposed it, including Macarthur. Secondly, part of the system governing squatting tenure had been changed. The 1847 order-in-council was to have allowed squatters to convert their licensed runs into 8 or 14 year lease-holds, with a limited pre-emptive right, but very few had done so, mainly because the

---

72 Debate of 15-16 Aug. 1855, SMH, 16 Aug. 1855. There were 34 divisions between the first proposal (for the financing of an artillery corps) and the final vote (V&P 1855, I pp. 463-76).
73 James Macarthur to W. Macarthur, 17 Aug. 1855, ML A2932.
74 SMH, 23 Sept. 1851. For Macarthur, see his speech at an election meeting, 24 Mar. 1856, Empire, 27 Mar. 1856.
government had not yet carried out the necessary surveys. However, in 1851 new regulations gave them a total pre-emptive right over the land they might have leased, and in 1854 their licences, which had hitherto been annual, were extended to 8 or 14 year terms. Macarthur heartily disapproved of these new concessions, which he thought must lead to bitter contests between farmers and pastoralists. It would have been far better, he said, to have kept strictly to 'the original policy of this country', by which it was clearly understood that the rights of the grazier on crown land were to be limited to allow for the future extension of agriculture.

Both Cowper and Donaldson took the same line as Macarthur, as far as the new regulations were concerned. But the period 1854-55 saw the birth of a more extreme liberal policy, namely that the government should undertake to modify squatting leases already current, and the privileges which went with them. The squatters defended themselves with the argument that this would involve a clear breach of faith. Cowper was prepared to admit that 'The faith of the Crown pledged to the squatters was certainly to be regarded, but', he added, 'even this consideration

76 His speech in council, 19 June 1855, SMH, 20 June 1855.
77 See the divisions on the various resolutions of J.W. Bligh, a liberal, 11 Sept. 1855, V&P 1855 I.
might be carried too far.' In contrast Donaldson argued that 'it was the duty of the Government, even if a mistake had been made [in the original granting of leases], that the faith of their promises should be kept.' A vital debate was to turn on this difference of priority. Macarthur agreed with Donaldson that good policy must include a strict regard for contracts and 'the maintenance of the public faith'. This idea was closely linked with his concern for keeping the law, and it was crucial to the conservative ideal, as opposed to what Macarthur called the 'revolutionary' one. Both Macarthur and Donaldson referred to themselves during this period as liberal conservatives, with this distinction apparently in view.

The division on the land question was manifest in council during September and October 1855. At the same time Macarthur's neighbour at Camden, George Macleay, of Brownlow Hill, became briefly eminent as a politician. Macleay and his brother William, of Elizabeth Bay House, were both members of council, and represented squatting electorates. They were the most active of a small number in the house who were interested in doing what they could for the squatters. Donaldson seems

78 Debate in council, 19 June 1855, SMH, 20 June 1855.
79 Macarthur to H.M. Oxley, 20 Oct. 1856, ML A2920.
80 Macarthur's speech in council, 22 July 1852, SMH, 23 July 1852.
81 For Macarthur, see his speech at an election meeting, 24 Mar. 1856, Empire, 27 Mar. 1856. For Donaldson, see his letter to Macarthur, 4 Apr. 1856, ML A2923.
82 These seem to have included Daniel Egan and Charles Finch, who both represented squatting districts, George Bowman and William Dumasq (see the divisions on 11 Sept. and 11 Oct. 1855, SMH, 12 Sept., 12 Oct. 1855). Several of the members for squatting electorates were rarely at debates.
to have been on close terms with the Macleays, and although he was not
an out-and-out champion of the squatters his ideas on the crown's duty
to keep faith meant that he agreed with them on the most vital issue.
Cowper was right in thinking that

Jas. McArthur, Geo. McLeay and the Club [the Australian Club, a
stronghold of squatters] ... look to him as a great authority
against our side.83

In September Donaldson and the Macleays helped the government to defeat
a liberal motion in favour of setting aside current leases.84 Later they
also voted together against a bill reimposing a levy on sheep and cattle
in the squatting districts. But in this case the government and the
 liberals combined in a majority against them.85

Donaldson and George Macleay stand for a harder and narrower
conservatism than the type which had flourished briefly under FitzRoy,
and which was Macarthur's ideal. They represent the bankruptcy of that
ideal in New South Wales, a failure of will and moral purpose which
coincided with the end of the old political order. Donaldson was chiefly
a businessman interested in the mechanics of finance and government,
and although his laissez-faire point of view made him seem liberal at times,
his main concern was with smoothness and style. Macleay was a mere country
gentleman, who liked to collect powerful friends, tenants and livestock.

83 Cowper to Parkes, 22 Dec. 1854, ML A876.
84 Debate of 11 Sept. 1855, SMH, 12 Sept. 1855.
Neither shared Macarthur's profound optimism, his concern for the local people, and what that laissez-faire journal the Herald called his 'fidgetty desire to be at something'. From this period both Donaldson and Macleay were leading men in the conservative, or liberal conservative movement, but their conservatism was founded mainly on social arrogance, an unthinking concern for the established order and a small imagination. The end of the old tradition, such as it was, marked an epoch in Macarthur's career. He was absent from Sydney during this pivotal time, the spring of 1855, having suffered a riding accident, but he was glad to be away because, as he said, 'I agree with neither the govt. party nor the opposition.' His holiday also left him uncommitted to any emerging groups, so that at the end of the year he was well placed as an arbiter. But this was now the only constructive work left to him.

* * *

The Constitution Act was passed by the imperial parliament during their 1855 session, and was received in the colony at the end of

86 SMH, 11 Oct. 1854.
87 This is clear not only from what each did in politics, but also from what each failed to do, or say. But compare Donaldson to his father, 18 May 1838, ML A728, (referring to 'the utter beastliness of the mass of the people' in the colony), with Cowper to Parkes, 22 Dec. 1854, ML A876: 'Donaldson has never shown any sympathy with the people, in reference to any great question'. For Macleay, see James Macarthur to W. Macarthur, 1 June, 18, 21 Sept. 1855, ML A2932.
88 James Macarthur to W. Macarthur, 21 St. 1855, ibid. By 'govt. party' Macarthur presumably meant the executive, Donaldson and the Macleays, and by the opposition, Cowper, Parkes and their supporters.
October. 89 But the local politicians had already begun to prepare for
the new order. 90 Macarthur had considered making the current session
his last, and his friends assumed that he would now retire to the upper
house. 91 He had not been thoroughly well since 1848, and had become more
and more unwilling to undertake heavy political work. 92 But by mid-October
he had decided that it was his duty to stand again: he could not resist
joining in the vital work of the coming months. 93 His ambition now was
'to see things in train in the government, and at this place [Camden] and
[then] to take a run to Europe for a couple of years'. 94

Council broke up for the last time on the morning of 19 December. 95
Afterwards the governor took the oath required by his new commission, as
the head of state in a new political system. The termination of his old
commission also put an end to his executive council, and later in the
day Denison summoned Macarthur, Nicholson, the speaker, and Parker, the

89 SMI, 1 Nov. 1855.
90 Therry to Macarthur, 1 Nov. 1855, ML A2930.
91 Sir C. Nicholson to Macarthur, 15 Sept. 1855, ML A2923; James
Macarthur to W. Macarthur, 18 Sept. 1855, ML A2032; H.M. Oxley to
Macarthur, 10 Oct. 1855, ML A2923.
92 Macarthur to his wife, [26 Sept. 1850], ML A4342. See also Macarthur
to his wife, 14 Sept. 1850, ibid.; James Macarthur to W. Macarthur,
31 Mar. 1855, ML A2932; Emily Macarthur to W. Macarthur, 4 Dec. 1855,
ML A 4344. See also the marked change in Macarthur's handwriting,
which periodically becomes very shaky from about May 1850, in his
letters to his wife, ML A4342, A4343. By late 1857, however, his
health seemed 'better than it has been for some years past' (Emily
94 James Macarthur to W. Macarthur, 4 Dec. 1855, ML A2932.
95 It was prorogued in the first instance, and formally dissolved on
29 Feb. 1856.
chairman of committees, to Government House to ask that they join an interim executive. None was very willing - Parker declined to come at all - and Macarthur consented only on the understanding that he would have no departmental work to do. But he also pointed out that there was no pressing need for a council, so that appointments might be put off until Deas Thomson's return to the colony which was expected within the next few weeks.

The governor took this advice and nothing more was done until early January, when Thomson arrived back. Both Denison and Macarthur were anxious that Thomson should form the first cabinet, and thus preside over the launching of the new system. West Camden was to have two members in parliament, and Macarthur had already arranged that he and Thomson should stand together, so that Thomson might take his seat as premier in the lower house. 'My object', he told his brother, 'is to keep our interest [in the electorate] together, and to try to form an effective conservative govt.'. The electors of West Camden were willing to vote as they were asked, but soon after his arrival Thomson decided that he was too ill

96 Denison to W.M. Manning, 19 Dec. 1855, ML uncat. MSS 1107; Empire, 19 Dec. 1855. Plunkett, the attorney-general, Manning, the solicitor-general, and Riddell, the acting colonial secretary, were also present (James Macarthur to W. Macarthur, 26 Jan. 1856, ML A2932). See also Melbourne, op. cit., p. 431.
97 James Macarthur to W. Macarthur, 26 Jan. 1856, ML A2932; Macarthur to Denison, 30 Jan. 1856, ML A2920.
98 Macarthur's speech at an election meeting, 24 Mar. 1856, Empire, 27 Mar. 1856; his speech in parliament, 26 May 1856, SMH, 27 May 1856.
100 James Macarthur to W. Macarthur, 4 Dec. 1855, ML A2932.
to stand. He and the governor held their first talks on the assumption that he would rule from the upper house.

By 21 January, however, Thomson had decided that cabinet-building was also too much for him. In the meantime Macarthur had advised the governor to add William Macleay to his list of provisional councillors. The advantage of having Macleay no doubt lay in his friendship with Stuart Donaldson, and he was certainly able to give the governor a full account of Donaldson's views and intentions. Donaldson was first considered as Thomson's lieutenant, with the position of treasurer and leader in the lower house. But when it became clear that Thomson could not form a government he became an obvious candidate for the premiership. The governor had already decided that if Thomson failed he must aim for 'a sort of coalition ministry', and as a liberal conservative Donaldson might be expected to bridge most ideological gaps. The governor first

104 SMH, 22 Jan. 1856; Empire, 23 Jan. 1856. However Denison's formal commission to Thomson was written on 21 January, and only declined on 24 January (CO 201/493, ff. 258-62).
105 James Macarthur to W. Macarthur, 26 Jan. 1856, ML A2932.
107 Ibid.
108 Denison to his mother, 30 Dec. 1855, in Denison, op. cit., p. 326.
109 See SMH, 2 Feb. 1856: 'Mr. Donaldson's qualifications to conduct the Government are based mainly in his reputation as an able financier, together with a general turn of liberality in his political tenets and associations.'
consulted Macarthur as to whether he should send for Donaldson or Cowper.\footnote{110} Macarthur suggested Donaldson, and Thomson's advice was apparently the same.\footnote{111} On 22 January Donaldson was asked to form a coalition cabinet.\footnote{112} There were to be five ministers, and his original plan was to include, with himself, Cowper, two moderates (Nichols and Daniel Cooper), and Manning, the present solicitor-general.\footnote{113}

Cowper was afterwards told by Macarthur and Nicholson that he had been passed over as premier because of his attitude to the new constitution: they feared that he would 'nominate members to the upper house who would be pledged to overthrow it at once.'\footnote{114} Cowper was extremely disappointed, and he refused to take office under Donaldson, in spite of being offered the highest salary in the cabinet. He warned Parkes that they must prepare for a conflict 'precisely similar' to the Camden election of 1843, when, he said, 'James McArthur [sic] began by arranging the whole legislative council as he is now doing the responsible government.'\footnote{115}

\footnotesize

110 James Macarthur to W. Macarthur, 26 Jan. 1856, ML A2932.
111 Denison to Sir G. Grey (secretary of state), 19 Feb. 1856, CO 201/493, f. 252.
113 \textit{Empire}, 28 Jan. 1856. See also Donaldson's speech in parliament, 26 May 1856, \textit{SMH}, 27 May 1856.
115 \textit{Ibid.}; \textit{Empire}, 28 Jan. 1856. Donaldson was to have been premier and treasurer, with Cowper as colonial secretary.
Late in January Denison decided that he could not go on without a properly constituted executive council. Macarthur, Nicholson and Macleay were therefore sworn in, together with Colonel Bloomfield, the senior officer commanding at Sydney. They were afterwards joined by Thomson and Riddell, the colonial treasurer. Meanwhile Donaldson's efforts had borne very meagre fruit. By 12 February it was agreed that nothing more should be done until after the elections, which were planned for March or April. Donaldson's commission therefore lapsed.

Macarthur was anxious to see the right sort of government formed, but he was unwilling to take on political or official commitments. He therefore used this interval to visit his brother Edward, who was currently acting governor of Victoria. During his absence the first

---

116 Denison to Macarthur, 29 Jan. 1856, ML A2920.
117 SMH, 31 Jan., 27 Feb. 1856. The commissions of the first four dated from 30 January, and those of Thomson and Riddell from 21 February. On 21 March they were joined by F.L.S. Merewether, the auditor-general.
118 Denison had also discovered that, because of the phrasing of the Constitution Act, the present heads of departments might lose their pensions if they gave up office before the composition of the new parliament was known (Denison to Donaldson, 12 Feb. 1856, SMH, 27 May 1856; Denison to Sir G. Grey, 19 Feb. 1856, CO 201/495, ff. 252-4).
119 He first took his seat in the executive council on 5 February, and attended only 3 other meetings, out of 13, before the formation of the first responsible government in April (executive council minutes, NSWSA 4/1533).
120 Edward had returned to Australia as deputy adjutant-general in 1851. He had later moved from Sydney to Melbourne, with the transferring of headquarters, had succeeded to the command on the death of Major-Gen. Nickle, and to the governorship on the death of Sir Charles Hotham (31 Dec. 1855). These were famous months for the Macarthurs: at the same time William, who was commissioner for N.S.W. at the Paris exhibition, was knighted and made chevalier de la légion d'honneur.
elections were held, for the city of Sydney, and four liberals, including Cowper and Parkes, were returned. These were the celebrated 'bunch'.

Their campaign was very well organised, and included much abuse of the conservatives, the nominated upper house, and Plunkett, the much respected attorney-general, who was a fifth candidate for the seat. 121 Parkes saw the whole effort as an important step in the building of 'the first great political party that ever existed in this country'. 122 Macarthur also recognised its importance, but he refused to see it as the origin of a fixed party system, which he thought they could not have until 'many years hence'. 123

Macarthur's ideas on party government were equivocal at this stage. In 1853, during the debates on the constitution bill, he had ridiculed the idea 'that the colonial parliament could suddenly, and at once, jump into two great contending parties'. They could not look for 'two parties of the "ins and the outs", as in England'. He predicted instead that for the time being the cabinet would consist of 'the active business talent of both houses', and that 'unless on some extraordinary occasion', the ministers would be appointed and would resign as individuals. 124 By early 1856, however, his ideas had become more practical. He now envisaged a cabinet whose policy would have the support of the lower house, or else, he said, 'they must resign their seats to another set of men'. In theory

---

121 Powell, op. cit., pp. 216-221.
122 Ibid., p. 221.
123 Macarthur's speech at an election meeting, 24 Mar. 1856, Empire, 27 Mar. 1856.
he was still against party warfare, and he went so far as to predict that
with the refinement of politics it would become obsolete even in England.\textsuperscript{125}
He always disliked any such system of commitments, which he thought must
stultify the intellect and conscience of members.\textsuperscript{126} But the problems of
1856 were forcing him to become a party man. The tone of the Sydney
election, in particular, drove a wedge between himself and the
'bunchmen':

He would not go into office with any of those gentlemen
... he could not support them, because he felt that in
doing so he would be deceiving them, or they him, and both
the country.\textsuperscript{127}

By the end of the year he had been forced to the conclusion that it was
useless for public men to eschew party discipline. They could do no good,
he said, but must become 'isolated political atoms, floating about in
the general confusion, without value, without weight'.\textsuperscript{128}

\* \* \*

The elections were all over by the middle of April. There was no
contest in West Camden, but there was a good deal of indecision as to who
should stand with Macarthur. Before leaving for Melbourne, on 13 February,

\begin{itemize}
\item \textsuperscript{125} His speech at an election meeting, 24 Mar. 1856, Empire, 27 Mar. 1856.
\item \textsuperscript{126} See, for example, his speech in council, 18 Aug. 1852, SMH, 19 Aug.
1852, where he cited the example of Peel, whose 'sense of duty to his
country was superior to any pledges which he might have given either
to his party or to his constituents'; Macarthur to J. Martin,
2 Aug. 1858, ML A2920.
\item \textsuperscript{127} His speech at an election meeting, 24 Mar. 1856, Empire, 27 Mar. 1856.
\item \textsuperscript{128} Macarthur to H.M. Oxley, 20 Oct. 1856, ML A2920.
\end{itemize}
Macarthur had arranged that his colleague should be Thomas Barker, a Sydney conservative who had been a nominee in the old council. During his absence, however, a local man, John Oxley, came forward and Barker withdrew in his favour. Oxley called himself a conservative, but as it turned out he was not a reliable one. 129

On 4 April, a fortnight after Macarthur's return, Donaldson wrote to him at Camden, to say that he expected very soon to receive another summons from the governor. He pointed out that already the election results were

most unquestionably in favour of the liberal conservative party to which both you and I, I think, belong.

The letter shows that Donaldson had already been conferring with Macarthur, and that he had even been invited to stay at Camden Park. He now suggested that, if he should form a government, Macarthur might take office under him as treasurer, 'the best I have'. 130 Macarthur's answer was apparently non-committal. He was still the governor's expert impartial adviser, and he was soon afterwards called to town in that capacity. 131

129 See appendix 7, below. Oxley was a son of the explorer.
130 Donaldson to Macarthur, 4 Apr. 1856, ML A2923. The underlining perhaps shows that Donaldson's style was indeed 'too inflated', as Macarthur once suggested (see above).
131 Denison to Macarthur, 8 Apr. 1856, ibid.
Macarthur spent the middle part of April helping where he could to get a cabinet together. Donaldson was right in thinking that most of the new assemblymen tended to be conservative, but it was another question whether Donaldson himself would be able to control the house as prime minister. As Macarthur said, he lacked 'ballast': neither his personal prestige nor the strength of party feeling were enough to keep him upright and afloat. No doubt this was why Donaldson had tried to bring in Macarthur as his treasurer. But for Macarthur himself and for Denison a more obvious solution was to make Thomson prime minister. Unfortunately, Macarthur was never on confidential terms with Thomson: in writing to his brother William, now in England, he could only say that he hoped he and Thomson were 'pulling together'. Fortunately, he added, he had a good friend in Manning, the solicitor-general, and together he thought they would be able to maintain a strong ruling party under Thomson. Donaldson was to be leader in the assembly, unless Thomson could be persuaded to find a seat there, as Macarthur hoped he would.

Macarthur's own future was unclear. He told William that he could have been prime minister himself and, he said,

I ... may yet be compelled to take office, but I shall try to avoid it on public as well as on personal grounds. I think I can strengthen the govt. more out of office than in.

But he soon found that there would be no conservative government at all.

132 Ibid.; Denison to H. Labouchere (secretary of state), 18 Apr. 1856, in Denison, op. cit., p. 346; Cowper to Parkes, 23 Apr. 1856, ML A876.

133 James Macarthur to Sir W. Macarthur, 16 Apr. 1856, ML A2932. It had been Manning's idea that Macarthur should be asked to join the interim executive council, in December 1855 (Denison to Manning, 19 Dec. 1855, ML uncat. MSS 1107).

134 Ibid. It is not clear why Macarthur thought he would be more useful out of office, but presumably he thought he would be able to set an example to the other 'independent' members.
unless he was prepared to take part in it. On 20 April Thomson gave up his second attempt to form a ministry, and next day the governor sent once more for Donaldson. Donaldson hoped at this stage to have the support of all the old officials, and he therefore offered places in his cabinet not only to Thomson, but also to Plunkett, the attorney-general, and to Manning, both of whom had been elected to the assembly. But all declined to join. Thomson and Plunkett thought it beneath them to have Donaldson as their chief. Manning apparently felt that the government could not stand without Thomson, and he also disliked Donaldson's politics. Within a few days, however, Manning talked the matter over with Macarthur, and as a result they decided that 'it would be possible for them to work together' if both took office. Manning expected that Macarthur's presence in the cabinet would have an important effect on its policies, and would also 'give it strength, and tend to win the confidence of the people'. For his part Macarthur now saw it as his duty to join, in order 'to keep things straight and to keep the radicals out'.

Donaldson drew up his list of ministers on 25 April, and next day it was approved by the governor. Macarthur was named as treasurer, with

136 Plunkett's speech in parliament, 29 May 1856, SMH, 30 May 1856; Thomson's speech in parliament, 6 June 1856, ibid., 7 June 1856. Plunkett had been elected for two other seats after losing at Sydney, and he finally represented Argyle.
137 Manning's speech in parliament, 27 May 1856, ibid., 28 May 1856; Manning to Macarthur, 12 June 1856, ML A2923.
138 James Macarthur to Sir W. Macarthur, 10 August 1856, ML A2932.
139 A. Jenner (governor's private secretary) to Donaldson, 26 Apr. 1856, ML A2923.
Manning as attorney-general and J.B. Darvall solicitor-general. Nichols
was also included, and given the provisional title of auditor-general until
the division of labour could be properly worked out. The cabinet
was essentially a coalition, and the main point of difference between
ministers was the future of the upper house. The constitution bill sent
home for approval in 1853 had included two clauses which were to provide
for future amendments. Clause 17 specified that any changes in the
electorates laid down must be approved by a two-thirds vote in the assembly,
and clause 40 said that any changes affecting the upper house must be
approved by two-thirds in both chambers. But the imperial government
had introduced another provision stating that either of these clauses
might themselves be repealed by simple majorities, in the normal way. Macarthur was quite willing to give up clause 17. He thought it
'disfigured' the act, and 'he could not recollect exactly' why it had been
put in in the first place. But both he and Manning were anxious to
keep clause 40, because its repeal opened the way for an elected upper
house. Donaldson and Darvall, on the other hand, agreed with the liberals
that the upper house should be elected. As a compromise it was decided to
repeal both clauses, on the understanding that there should be no further
change, for the time being at least.

140 On 4 August it was decided that he should be secretary for lands
and public works (executive council minutes, NSWSA 4/1533), but
the government fell before this could take effect. See Dickey,
141 Melbourne, op. cit., p. 423.
142 Macarthur's speech at a post-election meeting at Berrima, 29 Mar.
1856, Empire, 2 Apr. 1856.
143 James Macarthur to Sir W. Macarthur, 21 May 1856, ML A2932; Manning
to Macarthur, 12 June 1856, ML A2923.
The Donaldson ministry planned to enact several measures, of which this was one. They also meant to bring in a bill to regulate the tenure of land in the squatting districts. The details of their land policy were never fully worked out. According to Macarthur they meant to allow the squatters 'the full benefit of their leases', but they also hoped to arrange for 'a system of surveys that will place the quantity of land prepared for sale ahead of the demand', so as to encourage the purchase of farms. However, the ministry fell before all this could be done.

Their educational policy was Macarthur's special interest. In a sense it was the last flourish of Macarthurite conservatism, and its chances of success depended on his own prospects as a minister. He and his colleagues took office as executive councillors on 29 April, but they were not appointed to their departments for the time being, because under the constitution this would have made it necessary for them to resign their places in the assembly and seek re-election. Therefore Macarthur was only treasurer-elect, until after the government had finished its most pressing work. Meanwhile it was understood that Donaldson would look about for someone to take his place, because Macarthur dreaded the prospect of the treasury:

I was not ... well versed in arithmetic [he explained], or sufficiently acquainted with the routine of such an office as Colonial Treasurer. I could not pore over ledgers and books of account every day of my life, and therefore I felt I was not the right man in the right place.

144 Macarthur's speech at an election meeting, 16 June 1856, SMH, 18 June 1856.
145 Their most urgent work was the choice of members for the legislative council, and the drawing up of the governor's speech for the opening of parliament.
146 Macarthur's speech at an election meeting, 16 June 1856, SMH, 18 June 1856. See also James Macarthur to Sir W. Macarthur, 21 May 1856, ML A2932; Macarthur to Donaldson, 2 June 1856, ML A731.
Consequently after some trouble, Thomas Holt, a new member, was persuaded to take the job instead.

The ministers entered into their departmental duties on 6 June. During the following week there was much discussion about the way the work was to be shared between them. Macarthur remained a member of the cabinet, and the main question was whether a department should be created specially for him. Macarthur himself believed that there should be a ministry of public instruction, and he was prepared to take charge of it if necessary. He was well suited for it, in so far as he had a very thorough knowledge of the books and teaching methods of the national schools. But he would certainly not have made a good minister, because even in this field he would soon have been nonplussed with limitless mechanical duties. His enthusiasm, such as it was, came from his wife.

Somehow or other [he once told her] my educational ardour evaporates in the wish unless you are on the spot to give it shape and purpose.

Apparently he only offered to take on the ministry because he thought there should be one, and 'lest I should seem to be shrinking from my share of departmental responsibility'.

At this stage Macarthur looked forward to the creation of a single system of elementary schools, modelled on the Irish national system, but

---

147 See, for example, the report of a meeting at Camden to found a national school, 29 Aug. 1849, SMH, 31 Aug. 1849; Macarthur's speech in council, 27 Nov. 1851, ibid., 29 Nov. 1851; Macarthur to his wife, [24 June 1854], ML A4343.

148 In January his wife said how glad she was that he would not take office, because 'his mind would never rest day or night with such employment' (Emily Macarthur to W. Macarthur, 25 Jan. 1856, ML A2960.

149 Macarthur to his wife, [13 Nov. 1851], ML A4343.

150 Macarthur to Donaldson, 14 June 1856, ML A731.
with some other name in order to counter prejudice. This reform was desirable partly because it would be much cheaper than the present dual structure, and partly because he thought that the Irish system was essentially good. It embodied, he said,

the comprehensive views of Christian principle in which the various persuasions agree, omitting the matters (quite beyond the comprehension of children) in which they are at all at issue.

He also thought that it would be necessary to give the reform a distinct statutory basis, so as to ensure uniformity. On the other hand, each school should be partly supported by local rates, which would ensure that it became a centre of local interest. He no doubt hoped to see facsimiles of 'our school' at Camden scattered over the country, each 'diffusing the love of truth and sound principle in its limited sphere'.

This was the ideal. But there were a number of obstacles. Macarthur himself was inclined to think that the central 'bureau' should be entirely non-political, with a permanent head, which would have made him ineligible. There was also a general feeling in the cabinet that they ought not to create a new ministry, and particularly such a controversial one, until parliament had a chance to discuss it. They were still

151 Macarthur to Donaldson, 2 July 1856, ibid.
152 Macarthur to his wife, [17 Sept. 1850], ML A4342.
153 Macarthur to Donaldson, 12, 30 June 1856, ML A731. It was probably not very realistic, in a 19th century responsible government system, to hope that a public undertaking might be free from the control of a responsible minister (see John N. Molony, An Architect of Freedom, Canberra 1973, p.255).
154 Manning to Macarthur, 12 June 1856, ML A2923; Macarthur to Donaldson, 12, 14 June 1856, ML A731; Darvall to Donaldson, 12 June 1856, ibid.; Donaldson to Macarthur, 13 June 1856, ML A2923.
suffering 'a sort of numbed fear of responsibility,' and Donaldson was very anxious not to take on more problems than he had already. It was characteristic of Macarthur that his scheme could only be realised by a government absolutely certain of its strength and moral purpose. In discussing the matter with Donaldson he admitted that reform must come slowly. But he saw the prejudice of the clergy and the scarcity of good teachers as the main problems. He thought they might certainly set up training schools, and for the time being they might also do a great deal with the existing structure, 'above all by an effectual system of inspection, which has hitherto never been attempted'. But Donaldson would only commit himself to a parliamentary inquiry, which he promised during the current session.

Macarthur therefore remained minister without portfolio, and in fact his period with the cabinet itself was shortlived. Parliament met again on 5 August, after two months adjournment in which the departmental arrangements had been worked out and the annual estimates drawn up. In spite of Donaldson's hopes for a large majority the house was not solidly behind him. The total membership was 54. Of these 25 apparently supported his premiership, 21 were in favour of Cowper, one was the speaker and the remaining seven were, at least in effect, cross-benchers. The existence

155 Denison to Labouchere, 21 July 1856, NL MSS 1957/1.
156 Macarthur to Donaldson, 2 July 1856, ML A731.
157 Donaldson to Macarthur, 4 July 1856, ML A2923.
of the government therefore depended partly on the voting of the cross-
benchers and partly on the willingness of its own supporters to turn up
during crucial divisions. During August there were four divisions on what
were virtually no-confidence motions by the opposition. The first two
were won easily by the government, 22 to 16 and 29 to 14. But the others
were much closer, one being 22 to 23 — a defeat — and the other 23 to 22.\textsuperscript{158}

The last division was a great disappointment for Donaldson and his
colleagues, because they had looked forward to it as final proof that they
had the support of a good majority in the house and in the country.\textsuperscript{159}
After several days of doubt they decided that the best idea in the long
term would be to resign, a move which was apparently meant as an assertion
of principle which would bring the chamber to heel.\textsuperscript{160} The decision was
announced on 21 August, and 'was received by the Opposition with spasmodic
exultation and livid joy'.\textsuperscript{161} A cabinet led by Cowper immediately took
office, and parliament was adjourned once again, for six weeks.

The career of the new ministry proved that Donaldson and his
colleagues had been wise to resign. When parliament met again the
conservatives were ready with a no-confidence motion, and assurances of

\textsuperscript{158} See appendix 10, below, for a discussion of the voting patterns.
\textsuperscript{159} Debates of 14 and 21 Aug. 1856, SMH, 15, 22 Aug. 1856.
\textsuperscript{160} Ibid., 22, 23 Aug. 1856; Darvall to Donaldson, 23, 26 Aug. 1856,
ML A731.
\textsuperscript{161} SMH, 22 Aug. 1856.
support from the cross benches. Their motion took up the first six
days of debate, during which the liberals suffered three defeats, 25 to 23,
26 to 23 and 24 to 23, of which the first two were on questions of
adjournment and the last was the main issue. Cowper first sought a
dissolution from the governor, but when this was refused he gave up. By
1 October the conservatives were back in the saddle. 162

On Cowper's resignation Henry Watson Parker, Macarthur's brother-
in-law and the former chairman of committees, was summoned to Government
House. Parker was a conservative, but he was a more amiable and even
tempered man than Donaldson, and the governor had some reason to hope that
his own original plan, a broad-based coalition, might be possible under
Parker's premiership. 163 He therefore asked Parker, if possible, to
include both Donaldson and Cowper in his cabinet. 164 But Cowper refused
to join, and as a result the third responsible government was largely a
reshuffle of the first. Nichols was replaced by John Hay, a new member,
but the law officers were the same, and Donaldson was treasurer. Thomson
was brought in, as leader in the upper house, providing the same 'ballast'
for the new government as Macarthur had done for Donaldson's. 165 In spite
of his large schemes Macarthur himself was no doubt glad to be left out.

* * *

162 Powell, op. cit., pp. 229-36.
163 Parker was widely respected by all parties. See, for example,
Empire, 23 Oct. 1855, commending 'his ability, concise style, and
urbane manner as a debater'.
164 SMH, 2, 4 Oct. 1856; Parker's speech in parliament, 28 Oct. 1856,
ibid., 29 Oct. 1856.
165 The liberals had tried very hard to persuade Plunkett, the former
attorney-general, to join them in government (ibid., 12 Sept. 1856),
which would no doubt have given them enough of the same sort of
'ballast'.

The new regime was called 'a family compact' by the liberals, the most obvious family link being Macarthur's relationship with the prime minister. But the relationship might as well not have existed: although they were brothers-in-law for nearly 25 years not a single confidential letter from one to the other survives. Macarthur did not like Parker, Parker did not want to be dominated, and their respective wives were too much at loggerheads for the situation ever to change. Moreover, Macarthur was now able to revert to the role which he always preferred to play, as an independent member, supporting the government as far as his conscience allowed him, 'but not one whit further'.

Yet another adjournment was necessary on Parker's taking office, and it was November before parliament got down to the essential work of voting supply. This was to occupy them for the remainder of the session, which lasted through to the following March. Parker had intended to carry out most of the reforms promised by Donaldson, but the opposition succeeded in delaying business so much that these were put off for the

166 Cowper to Parkes, 11 May 1857, ML A920.
167 See chapter 7, above; Emmeline Parker to Edw. Macarthur, 9 Sept. 1844, ML A2959; Macarthur to his wife, 18 Oct. 1848, ML A4342; Parker to Edw. Macarthur, n.d. [Mar. 1850], ML A2959; Macarthur to his wife, [12 Nov. 1857], ML A4343; Emmeline Parker to Sir W. Macarthur, 21 Sept. 1861, ML A2959; James Macarthur to Sir W. Macarthur, 26 July 1864, ML A2932.
168 Macarthur's speech at an election meeting, 6 Mar. 1843, Australian, 8 Mar. 1843. He was conspicuously absent from a banquet given for Parker and the government at Parramatta on 22 Apr. 1857, SMH, 24 Apr. 1857.
time being, with only two exceptions, namely a bill repealing the two-thirds clauses, and another reinstating the city corporation, which had been suspended since FitzRoy's time. 170

Parker's government crumbled bit by bit during 1857. They suffered badly by the loss of three eminent supporters: Manning, who resigned the attorney-generalship in April, due to sickness, and sailed for England; Nichols, who was also sick; and Plunkett, who had supported the government from the cross benches, but who resigned on appointment to the upper house. Moreover, four by-elections all favoured the liberals, and two of the new members, Deniehy and Dalley, added much vitality to the opposition. 171 Macarthur, writing to his brother in June, predicted that the ministry would fall when parliament met again, which was to be in August, and he expected a general election to follow. 172

The government managed to weather the first attack of the new session, an implicit vote of no confidence, but they lost several later divisions on matters which were supposed to be of secondary importance. 173 Parker decided to carry on, and prepared to bring in one of the main bills of the session, which was to reform the lower house. The number of members which was to be increased to 104, almost double the existing figure,

170 They also hoped to carry out Macarthur's educational ideas (see Manning's speech in parliament, 11 Feb. 1857, ibid., 12 Feb. 1857).

171 Powell, op. cit., pp. 244-5. A third new member was James Byrnes, formerly a protegé and strong supporter of the Macarthur family (Byrnes to Edw. Macarthur, 29 Nov. 1856, ML A2917). The fourth, John Campbell, was returned during the by-election following Parker's accession. See SMH, 10 Aug. 1857; appendix 10, below.

172 James Macarthur to Sir W. Macarthur, 17 June 1857 (third letter), ML A2932.

173 Debates of 19, 27 Aug. 1857, SMH, 20, 28 Aug. 1857. The first and most important vote was won by the government 23 to 18, due to the poor attendance of the liberals. See also the debate and vote on adjournment (won by the government 22 to 21), 2 Sept. 1857, ibid., 3 Sept. 1857.
with the idea that this would make majorities on one side or the other more decisive. It was also proposed to introduce the secret ballot, in order to counter the effect which liberal party organisation was supposed to be having on voters. 174

Except for publishing the bill three weeks before it was due for debate, the government did nothing to smooth the way for its passage through the assembly. Their supporters, including Macarthur, were not consulted at any stage beforehand. 175 Hay explained that this was not done on principle: he and his colleagues were the men entrusted with the government, and it was for them alone to decide how it should be carried on. 176 But had there been more determination to stay in office the principle might have been forgotten. It was certainly an unlucky one. The second reading of the bill was moved on 2 September, and it soon became clear that several of the keenest conservatives were opposed to the main points of reform. However, with two exceptions, these members said that they would vote for the bill as a whole and hope for extensive changes in committee. 177

The two exceptions were Macarthur and Arthur Tod Holroyd, a conservative whose thinking, like Macarthur's, tended to be paternalistic and high-minded. 178 Macarthur had two great objections to the bill. He disliked

174 Speeches of Parker, Darvall and Donaldson, 2 and 3 Sept. 1857, ibid., 3,4 Sept. 1857.
175 Ibid.; Suttor's speech, 3 Sept. 1857, ibid., 4 Sept. 1857. For evidence that Macarthur was not consulted, see Hay's speech, ibid. See also G.S. Lang to Donaldson, 29 Aug. 1857, ML A731, complaining that the government was 'trying to lead us like a flock of sheep'.
176 Hay's speech, 3 Sept. 1857, SMH, 4 Sept. 1857.
177 Debates of 2 and 3 Sept. 1857, ibid., 3, 4 Sept. 1857.
178 Holroyd was one of a very small number who voted with Macarthur during the debates on the tariff in 1852 (see chapter 8, above). For his life, see ADB IV.
the secret ballot, because he thought it was a 'cowardly' method of voting, 'only calculated to encourage the worst qualities of our nature'. He also objected to the addition of so many new members to the assembly: 'a most tremendous mistake'. More were certainly needed in various places, to make up for 'glaring inequalities', but such a large increase he thought must lead to a 'degeneracy in the whole character of the Legislature.' However, the underlying thrust of his argument was that the government had outstayed its welcome, and must resign:

He cared little what Ministry might succeed, provided that it was constructed on principles in accordance with the spirit of the British Constitution. To such a Ministry he would give his most cordial support. 179

Holroyd had originally meant to vote for the second reading, but Macarthur's speech changed his mind. He now agreed that the ministry must 'resign or dissolve', because at present 'they were only playing with the country'. 180

Macarthur's speech caused consternation on both sides of the house. It was 'just as unexpected as would be a somerset performed by a Bishop', said the Herald. 181 He was roundly praised by the opposition, who for the first time noticed his nobility and high standing in the colony. 182

179 Macarthur's speech in parliament, 3 Sept. 1857, SMH, 4 Sept. 1857.
180 Holroyd's speech, ibid. Compare his speech of the day before, ibid., 3 Sept. 1857.
181 Ibid., 4 Sept. 1857.
182 See the speeches of Robertson and Dalley, 3 Sept. 1857, ibid.
His former allies were the ones who now accused him of double-dealing. Donaldson, of all people, called him 'the king-maker ... the Warwick of the House', who had waited quietly at home, 'until seeing the balance was turning, he came down to vote on the preponderating side'. Darvall likened him to a bat:

belonging to no party, seemingly hovering over both and knowing not where to alight ... an object of pity ... [who would be found] by and bye clinging by his heels to the roof, having no place to rest on the floor of the House.183

But they could not prevent the final vote, which was 26 to 23 against them, with Macarthur and Holroyd tipping the scale. Parker immediately announced that he meant to resign.184

Macarthur's part in this debate is the best proof of his political detachment and his optimism, which was so profound that even the collapse of his own allies seemed to him a secondary matter. He had been anxious in 1856 that a conservative government should hold office first, because he was afraid that the liberals would 'nominate members to the upper house who would be pledged to overthrow it at once'.185 But with that crisis past he was prepared to take a more long-term view. The methods of the liberals annoyed him, but he was certain that all would be right in the end:

I always looked upon it [responsible government] as sure to produce a plentiful crop of troubles ere the benefit could be reaped.186

---

183 Macarthur answered that he 'did not know that he bore any similitude to that animal."
184 Debate of 3 Sept. 1857, ibid.
185 Cowper to Parkes, 7 Feb. 1856, ML A676.
It was fundamental to his thinking that 'nature delights in redressing the balance', so that the inevitable result of excess must be movement in the opposite direction. Meanwhile one had to do one's duty, and the equivocal state of Parker's ministry, as he saw it, called for 'a conscientious declaration of my opinions and an honest straightforward vote'.

The fall of Parker's government was due to various causes. The ruling party had been unlucky in losing so many influential men from its ranks during 1857, an exodus more crucial in its way than the departure of Wentworth and Thomson in 1854. But the ministers themselves lacked the will to survive, much less to rally what support they had in the house and in the country. The liberals, on the other hand, had gone from strength to strength. They were far ahead of their opponents in vigour and organisation, which meant that they had good reason to expect numbers as well. The result of the debate was decisive, however close. It is not important that three government supporters who should have been in the house were not there. One of them, George Macleay, was pacing

187 Macarthur to G.W. Norman, 6 Mar. 1852, Norman MSS C182.
188 Macarthur to his wife,[4 Sept. 1857], ML A4343. Loveday and Martin say that Macarthur's vote was due to his belief that Parker had broken the understanding by which he and Manning had entered Donaldson's government, namely that there should be no changes in the constitution following the repeal of the two-thirds clauses (P. Loveday & A.W. Martin, Parliament, Factions and Parties, Melbourne 1966, p. 171). But the understanding must have lapsed since both had left the cabinet, and in fact the evidence cited (Macarthur to Martin, 2 Aug. 1858, ML A2920) does not imply such a clear cause-effect relationship.
189 These were Nichols, G.W. Lord and George Macleay. See appendix 10, below.
the deck of a steamer on his way home from a funeral: it might have been the funeral of conservatism in New South Wales.

190 SMH, 5 Sept. 1857.
Chapter 10
The Dream Dispelled 1857-1867

This thesis has had two main aims. First, it is meant to be a portrait of Macarthur, 'the actual man underneath', showing the political aspect of his life and personality. There might have been more detailed reference to those British events and ideas which inspired him, and which he used to justify his conclusions. But the aim has been to show how his politics evolved on the spot, shaped by a certain education and background, and applied to certain issues. As far as possible I have avoided the kind of history which describes ideas moving across the water from the mother country like disembodied spirits.1 The situation itself, including the individual character, has generally been treated as the mainspring of ideas, however much those ideas were formalised to fit some well known British model.

The second aim has been to use his career as a type of filter, a means of distilling some of the best aspects of colonial life in pre-industrial times. It might be argued that before Australia was linked to Europe with steamships and cables society here passed through a generation which was mainly self-sufficient; that ideas in that period often had a characteristic subtlety which saved them from being gimcrack and second-hand. I have assumed this to be true, and have tried to show Macarthur partly as an exemplar, and partly as 'the eagle of his tribe'.

1 Compare the preface to Manning Clark's first volume, where he describes his subject as 'the mightytheme of the coming of European civilisation to Australia' (C.M.H. Clark, A History of Australia I, Melbourne 1963, p.vii).
During the last years of his life Macarthur remained a man of
great influence, but his ideas no longer had any generating power. On
Parker's resignation Cowper returned to the premiership, and there was a
confused interval of three months before the next general election.
According to Macarthur he could have made himself 'the most powerful
man in the house' during this time, had he wished to do so.\textsuperscript{2} This may
or may not be true. But he certainly lacked the energy to try and, more
important, parliament lacked members who might have agreed with him on
any long term programme of government. He took some delight in his
'position of independence',\textsuperscript{3} but, to use Darvall's metaphor, it was the
independence of a bat hovering over both parties.

Macarthur had been limiting his responsibilities more and more during
the last seven years. This was partly an effort to reduce the debts
which had accumulated during the 1840s, but it was also a result of his
sickness and advancing age: he now recognised the need to 'draw one's
affairs into such a compass as admits of easy control'.\textsuperscript{4} In 1856 he and
William sold their squatting run on the Murrumbidgee, together with the
15,000 sheep running on it - 'the wasted residue of our flocks' - and in
the following year the last of their debts had been paid.\textsuperscript{5} Soon afterwards
the partnership with Edward was dissolved and he, Edward, resumed the

\begin{itemize}
\item \textsuperscript{2} Macarthur to his wife, n.d. [Sept.-Nov. 1857], ML A4343.
\item \textsuperscript{3} Ibid.
\item \textsuperscript{4} Macarthur to his wife, n.d. (postmarked 17 Jan. 1850), ML A4342.
\item \textsuperscript{5} James Macarthur to Sir W. Macarthur, 17 June 1857 (second letter),
ML A2932; Sir W. Macarthur to Edw. Macarthur, 20 Jan. 1858, ML A2933.
\end{itemize}
Argyle property, which was his part of the joint estate. By 1858 then, Macarthur and his younger brother were living on the proceeds of Camden Park, now an agricultural concern with some dairying and wine-making. Their income seems to have depended mainly on their tenant farmers. ⁶

During these years Macarthur also cut down on his official duties. He was still a member of the university senate, but he is never listed as being present at the ceremonies there. He took on only one post in Sydney, and relinquished it as soon as possible. ⁷ He was founding president of the Union Club, a body organised at the end of 1856 as a splinter from the old Australian Club. ⁸ A fundamental rule of the new club was that, unlike the Australian, there was to be no secret ballot for members, and therefore no black-balling. ⁹ The original members were mostly conservative city gentlemen, and some at least no doubt saw their new foundation as a means of breaking with the 'ultra-squatting' group which had come to be identified with the Australian Club. ¹⁰ According to Macarthur this group was largely responsible for the fact that the colony was falling into the hands of an 'absolute democracy', because their 'selfish arrogance and extreme violence' had naturally provoked the people to destroy the entire status quo. ¹¹

---

⁶ Ibid. In 1852 the tenants numbered 120 (Edw. Macarthur to G.W. Norman, 1 Jan. 1852, Norman MSS Cl26), each of whom seems to have paid about £30 a year (the statements of 2 Camden tenants to Caroline Chisholm in 1846, SMH, 6 June 1848 and Monteagle papers, National Library of Ireland, MSS 13400).

⁷ His presidency of the Union Club was terminated at his own request in January 1859 (Macarthur to the vice-president and committee, 19 Jan. 1859, ML A2924).

⁸ J.A. Dowling, Notes on the Genesis and Progress of the Union Club, Sydney, Sydney 1924, pp. 3-4.

⁹ SMH, 29 Dec. 1856. New members were to be chosen by the management committee, which was to have a membership of not less than 17.

¹⁰ James Macarthur to Sir W. Macarthur, 26 Mar. 1861, ML A2932. For the original membership of the club, see Dowling, op. cit., pp. 4-5.

¹¹ James Macarthur to Sir W. Macarthur, 26 Mar. 1861, ML A2932.
Macarthur was also anxious to give up his seat in the legislative assembly. In December 1857 the first parliament was dissolved and Cowper went to the country in the hope of providing a better foundation for his government. Macarthur at first declined to stand again, but he consented to do so when no other acceptable candidate came forward. However this was his final parliament. It lasted for only two sessions, and broke up in April 1859. Cowper had a majority during the whole period, although his supporters tended to jar with each other. Macarthur did not come down to the house very often, especially during the second session, but he does seem to have been present for all the most controversial business.

In spite of his recent 'position of independence', he was soon acting once more with his old allies, and sitting with them on the opposition benches.

However, the issue on which he concentrated most energy was not meant to be a party one. This was the dismissal of Plunkett from the presidency of the national schools board. The board administered those elementary schools which were run according to the principles of the Irish national system, as distinct from the church schools. In December 1857 the members of the board drew up regulations to provide for their taking control of schools which were currently outside both categories. However Cowper refused to allow these rules to be promulgated, partly because they

---

12 See appendix 10, below.
14 He obtained leave of absence twice in 1858, on 10 August and 16 December, SMH, 11 Aug., 17 Dec. 1858.
15 He joined in a vote of no confidence in the government on 22 Apr. 1858 (ibid., 23 Apr. 1858). See also his defence of the opposition, 15 July, and attack on the government, 21 July 1858, ibid., 16, 22 July 1858.
involved a radical and costly extension of the national school system, but also no doubt because he disliked non-sectarian education on principle.\textsuperscript{16} As a result Plunkett - a man of 'high sensitive feeling ... the model of the old school of Irish gentlemen'\textsuperscript{17} - first sent the prime minister two indignant letters and then gave the correspondence to the press. On 5 February he was summarily dismissed.\textsuperscript{18}

Macarthur was in town when Plunkett heard of his dismissal. He, Macarthur, was keenly interested on the work of the national schools, and there was a good deal of mutual respect between himself and Plunkett.\textsuperscript{19} They immediately conferred together and, as Plunkett was a popular public servant, Macarthur became the centre of a great reaction in his favour.\textsuperscript{20} On 15 February he chaired a meeting of 3,000 people in Hyde Park, who received him with enormous enthusiasm and passed resolutions expressing sympathy for Plunkett. On leaving the platform afterwards Macarthur was immediately seized, placed on a chair ... [and] hoisted in a moment on the shoulders of some of the strongest and most sympathising, who carried him along Macquarie-street amid continuous cheering, and deposited him in the hall of Mr. Plunkett's residence.\textsuperscript{21}

\textsuperscript{16} Cowper's speech in parliament, 23 Apr. 1858, ibid., 24 Apr. 1858.
\textsuperscript{18} Their friendship dated back to Governor Bourke's time, when Macarthur had thought of marrying Plunkett's sister (G.K. Holden to R. Bourke jr., 1 May 1836, ML A1738; Sir R. Bourke to R. Bourke jr., 21 July 1836, ML A1733; R. Bourke jr. to his father, 29 Dec. 1836, ML A1739).
\textsuperscript{19} Macarthur to his wife, [6, 8 Feb. 1858], ML A4343.
\textsuperscript{20} SMH, 16 Feb. 1858.
Such treatment was unfamiliar, but thrilling. While borne aloft Macarthur thought how useful 'a little previous experience in fox hunting or kangaroo hunting' was on these occasions, 'in giving one a firm seat.'

Macarthur hoped that Plunkett's cause would be equally well founded: he meant to take it up, if possible, 'on broad public and not merely party and political grounds'. He thought, in the first place, that a gentleman of Plunkett's character and position should have been treated with more restraint by the government. But, more important, he thought that Plunkett had been right to demand that Cowper should give effect to the board's new regulations. As a cabinet minister himself, in 1856, he had maintained that the administration of the schools should be perfectly secure against the ebb and flow of party politics. This idea had then led him to suggest that if an education department were created its head should be a non-political figure. It was now his justification for arguing that the government had no right to interfere with the rules worked out by the national schools board, especially when they were motivated by prejudice, as he thought Cowper was.

Fundamental to Macarthur's point of view was the belief that

the system of education in a country was at the bottom of everything; on it depended the quality of their legislation ... and on that account it ought to be kept free of all interference from political influences.

22 Macarthur to his wife, [15 Feb. 1858], ML A4343, pp. 531-4.
23 Macarthur to his wife, [8 Feb. 1858], ML A4343.
24 Macarthur's speech in parliament, 23 Apr. 1858, SMH, 24 Apr. 1858.
The present issue was also, ideally, to be worked out without any reference to party politics, according to 'the great cardinal principle of justice'. 25 Parliament was not currently in session, but it met at the end of March and soon afterwards Macarthur drew up resolutions asking for Plunkett's reinstatement, and declaring that he had not overstepped his authority as president of the board. According to Macarthur this motion was meant to give the government room to retract. He was seconded by Terence Murray, lately one of Cowper's ministers, who agreed that the motion did not involve a direct censure on the government. 26

The debate went on for three days. To some extent it became a party battle, but there were several liberal members who disagreed with the government, and these saved the day. Macarthur's resolutions were lost, but amendments were carried which said substantially the same thing. 27 One of the amendments, moved by Parkes, repeated Macarthur's request that Plunkett be reinstated. With such a verdict Macarthur was confident that the whole battle was won. 28 But feeling between Plunkett and Cowper was so embittered that Plunkett's reinstatement was now impossible. 29 Macarthur did not give up straightaway. He and Murray went to a great deal of trouble to reconcile the parties, 30 and when this

25 Ibid.
26 Debate of 23 Apr. 1858, ibid.
27 Debate of 28 Apr. 1858, ibid., 29 Apr. 1858; and see the corrected division list, ibid., 30 Apr. 1858.
28 Macarthur to Rev. J. West, 1 May 1858, ML A2983.
29 Therry to Macarthur, 4 May 1858, ibid.
30 These negotiations lasted until early July (Macarthur to Cowper, 10 July 1858, NSWSA 4/7176.1). See also Molony, op. cit., p. 259; and the papers on this question, among the Macarthur papers, ML A2893 passim.
failed he prepared to move new resolutions in parliament, condemning Cowper's inaction. But after several postponements, due to his being sick, he gave up, fearing that his motion would only result in a futile party battle.31

The other great issue of this session was the government's electoral reform bill. The main features of this bill were the redistribution of seats, so as to give less weight to rural districts, and the introduction of manhood suffrage and the secret ballot. Except for Plunkett's case, the suffrage reform was the only issue on which Macarthur spoke at any length in this parliament.32 He was entirely against it. He could not understand the logic of it. He maintained that the franchise should at least have depended on education. In fact, he said, 'He would be glad to admit the principle of universal suffrage, if education to the fullest extent were afforded to the people.' But if the government wanted to go further, why did they not include single women as well?33 Even at this crisis, when all the evidence was against him, Macarthur's keen optimism showed itself, together with an almost childlike faith in the good sense of the people. He thought that if the measure was as bad as he believed then the government would never make the people accept it: 'There was something in the character of Britons that was antagonistic to, and would always prevent the triumph of, such false principles as these.'34 On the other hand, he admitted that the principle might not be false.

31 Debate of 27 Aug. 1858, SMH, 28 Aug. 1858.
32 Debate of 7 May 1858, ibid., 8 May 1858.
33 Macarthur's speech, ibid.
34 Macarthur's speech in parliament, 21 July 1858, ibid., 22 July 1858.
But in that case there was no point in forcing the measure through, in such a way as to 'revolutionize the country'. He believed that a good part of the people saw the reform as he did.

But if Manhood suffrage be a true principle, there was no necessity to rush to its adoption until conviction came ... They could do no mischief by delaying the discussion until conviction came.35

But the government saw this conviction in about the same light as the conversion of the Jews.

Macarthur also tried to secure the co-operation of the government in a reform which he thought might do something to curb the worst effects of the new franchise. On 7 May he moved that the second reading of the bill be put off until they were able to reform the upper house as well. He now thought that since there were to be no restrictions on the franchise for the lower house, then it would be unsafe for the upper house to continue as a nominated chamber, with its membership entirely in the hands of the government. There could never be 'any class of aristocracy' here, but, he said, there were men of property and their rights must be protected. The lower house would now be subject to every passing prejudice. Therefore he thought that the upper house should be elected as well,

upon a broad, and yet a high rate of suffrage, so as to make that House a safeguard and defence against the outbursts of popular feeling which would take place in all communities.36

Macarthur possibly hoped that if the reform of the lower house could be delayed, then there would be time for the people to show their disapproval

35 Macarthur's speech in parliament, 5 Nov. 1858, ibid., 6 Nov. 1858.
36 Macarthur's speech in parliament, 7 May 1858, ibid., 8 May 1858.
of manhood suffrage. But his amendment was treated as a motion rejecting
the whole bill. It was defeated by a majority of 36 to 14, the voting
being exactly the same as that which approved the second reading. 37

These two issues, Plunkett's dismissal and the 1858 electoral bill,
provide material for a fair summing up of Macarthur's politics. Since
the beginning of his active political career, in 1831, his ideals had
shown a remarkable consistency. During the whole period he put his
faith in corporate self-government, believing that the united views of
the local people, brought together in a spirit of patriotism and mutual
compromise, were the only correct reference point for official policy.
It followed that there was a corporate conscience in the nation which might
be brought to bear in any great issue, provided that the machinery of
government allowed the people, in their various groups and interests, to
act according to their own honest feelings: 'for it was only by taking
the opinions of all classes that the truth in all its majesty could be
made known.' 38

The only change in Macarthur's ideals during his life was his
growing interest in education. This was no doubt partly due to the
influence of his wife. But it was probably also a result of his political
experience. His first adventures in politics, in the 1830s, seem to
have been undertaken with a naive faith in the good intentions of all men.
With experience he became more realistic, more skilful and more willing

37 Debate of 11 May 1858, ibid., 12 May 1858.
38 His speech in council, 21 Sept. 1854, ibid., 22 Sept. 1854.
to take a long-term view. If honesty and tolerance were not the order of the day at present, they must ensure that they were in future, and this was to be done through education; 'the system of education in a country was at the bottom of everything'.

The *Australian Dictionary of Biography* says that Macarthur spent his final years in despair, because 'his whole life seemed wasted'.

But this idea rests on a total misunderstanding of his buoyant personality and his absolute confidence in the people, present and future. It is this misunderstanding which is behind the prevailing view of his career. In the last year of his life he predicted that the unique glory of the country would be the character of their schools. With good schools, he said,

although they were excluded from the great triumphs of Europe and America, which were often stained with blood, they would, at all events, have a wide field open to them, unpolluted by blood and uncontaminated by any cause of sorrow.

The *Dictionary* says that Macarthur's career was 'unsuccessful judged by the standards he set himself'. But this peroration - his last in parliament - is the best sign of the standards he set himself and, whether rightly or not, he still thought failure was impossible.

---

39 His speech in parliament, 23 Apr. 1858, *ibid.*, 24 Apr. 1858.
41 Macarthur's speech in parliament, 21 Nov. 1866, *SMH*, 22 Nov. 1866.
42 *ADB* II, p. 153.
At the end of 1858 Macarthur spoke at a synod meeting for the Sydney diocese of the Church of England. It seems to have been the first church meeting he had attended in town since the 1843 general elections, when his behaviour had angered most of the clergy. At this synod the question under discussion was precisely the kind he understood best and felt most strongly about. As he saw it, it was a straightforward question of liberty, namely whether the bishop should have a veto on the decisions of the synod. Macarthur's speech against the veto was vigorous, and almost violent. He pointed out that the church here was not 'a State Church', as in England. Not only were all sects equal, but 'the Church possessed the inherent right of self-government in the management of its affairs', and it was for the members, lay and cleric, to decide on policy. The veto was 'a ridiculous proposition', inconsistent with 'popular liberty' and calculated to give the clergy far too much power. 'He told them emphatically, if they were to have a system of Church Government, it must be a popular system.'

This short speech encapsulates several of Macarthur's most important ideas. He had inherited from his father a rationalist view of authority, and mysteries such as the apostolic succession had no place in his thinking. He always liked to give the benefit of the doubt to those in

43 Macarthur to his wife, 3 Feb. 1846, ML A4342: 'I cannot but feel satisfaction that I so completely threw off the trammels they wish[ed] to impose, in the Camden and Cumberland elections'.

44 Debate in the synod, 1 Dec. 1858, SMH, 2 Dec. 1858. The division, on the following day, was in favour of the veto, most of the majority being clergy (ibid., 3 Dec. 1858).

45 See Emily Macarthur to Mrs. Martin (her aunt), 5 Aug. 1851, ML A4344: 'The tractarians are surely more to be feared than all the popes or Cardinal Wisemans.'
power, both lay and religious, but his attitude to them was essentially pragmatic. In 1850 he expressed great annoyance at a statement of J.D. Lang's, that the queen had got her crown 'by accident'. But this was only because of the implication that she had no certain right to it. 46 He clearly believed that, although prescriptive right might not be enough by itself, nevertheless it was meaningless and wicked to question an old title which still had the support of the people.

Great as it was, Macarthur's respect for established power stopped short of unquestioning loyalty. The only area where he would admit a regime of absolutes was the conscience of the individual man: 'if you are to achieve true greatness', he once told a young politician, 'you must worship truth, almost to idolatry'. 47 His view of authority was consistent with his usual attitude to the link between Great Britain and Australia. He always put great stress on at least the moral authority of the empire. Moreover there were times, especially towards the end of his life, when his reverence for British institutions verged on the irrational, and once, in 1858, he even referred to the inherent superiority of the British as a race. 48 But he appealed more often to their 'great intellectual prestige', 49 which left him room to argue that there was nothing final and inevitable about British achievements.

46 Macarthur's speech in council, 12 Sept. 1850, SMH, 13 Sept. 1850.
47 Macarthur to James Martin, 2 Aug. 1858, ML A2920.
48 His speech in parliament, 18 June 1858 (a debate on Chinese immigration), SMH, 19 June 1858.
49 His speech in council, 19 July 1855, ibid., 20 July 1855.
Just as 'popular liberty' was to inform the colonial church, so the achievements of the local people were to depend on their own intellectual character, and their corporate initiative. Religion was one area in which he thought they had improved on the British model. He also hoped that class relationships would be more fluid and generous here, where there could be no formal aristocracy. Those settlers who cherished 'aristocratic feelings' he thought should go to England, 'where distinctions founded on these bases were obtainable'.

He lived up to this last ideal himself in 1859, when he refused a knighthood. In his letter declining the title he explained to the governor that he thought it should be awarded to civilians only 'for some official or specific service'. The grounds on which it was offered to him, namely his 'conduct, character and social preeminence', he did not think were proper ones.

Since the last days of the old council Macarthur had been looking forward to the time when he might 'take a run to Europe for a couple of years'. By late 1857 he had decided that this was the only way he could free himself from Sydney politics, which were now too much for him: 'the tiny evidence of good I can accomplish here is purchased at too large a sacrifice'. He was also anxious to go for health reasons, to visit relatives and old friends, and to give his daughter Elizabeth, now nearly 20, a chance 'of seeing different countries and forming her judgement'.

---

50 His speech in parliament, 7 May 1858, ibid., 8 May 1858.
51 Macarthur to Sir W. Denison, 4 June 1859, ML A2924. See also Denison to Macarthur, 30 May 1859, ibid.
52 James Macarthur to W. Macarthur, 4 Dec. 1855, ML A2932.
53 Macarthur to his wife, 2 Dec. 1857, ML A4343.
54 James Macarthur to Sir W. Macarthur, 10-11 May 1861, ML A2932.
By early 1860 all was ready, and they sailed in April. They had originally planned to be away for two years, but in the end it was three and a half. On arriving in June they took a house in Sydenham, moving afterwards to Knightsbridge - 'a neighbourhood in which ladies walk alone without remark' - and finally to Mayfair. But a good deal of the time they spent staying with Emily's relations in Kent, Shropshire and Berwickshire. They made one excursion to the continent, in the summer of 1861, when they visited France, Switzerland, Italy, Belgium and Germany. In Italy Macarthur was very impressed with the 'sober, practical views of freedom' which were in evidence in the risorgimento, 'very different from the theoretical abstract notions which have worked so mischievously in France and Germany'. In June 1862 they were joined by William, who stayed until the end of 1863. During 1863 they toured Wales, where Macarthur and Charles Nicholson climbed Mount Caradon together and afterwards they saw the west of Scotland. Their final excursion, in May 1864, was to the English west country, where James, Emily and Elizabeth visited the places John Macarthur had known as a young man.

There were many other important colonists, or former colonists, living in England, including Wentworth, Donaldson, Nicholson, Hamilton and Therry.

55 Sir W. Macarthur to James Macarthur, 19 May 1864, ML A2934.
56 James Macarthur to Sir W. Macarthur, 26 Nov. 1860, ML A2932.
57 These relations were, in the same order, Emily's two sisters, Sibella, Mrs. George Norman, and Mary, wife of George Egerton, rector of Middle, and her nephew Sir John Majoribanks, bt.
58 Macarthur to Nicholson, 19 Sept. 1861, ML A2920.
59 See James Macarthur to Sir W. Macarthur, 24 June 1860 to 26 Aug. 1864, ML A2932, and 12 August 1863, ML A4348.
Very soon after his arrival Macarthur joined with Donaldson and Hamilton as joint commissioner for New South Wales at the International Statistical Congress. This was his most important work on behalf of the colony, and it earned him an interview with the Prince Consort. He and the other Australians often mixed with official people and, in so far as pressure groups were appropriate for a self-governing colony, they seem to have been very influential. During 1863, for example, Macarthur was twice in contact with Gladstone, now chancellor of the exchequer, about the Sydney mint as a source of imperial specie, and about the postal service to Australia by Panama. But these were dull matters. He no doubt enjoyed himself much more visiting schools in England and Scotland. He was particularly impressed with the ragged schools founded in Edinburgh by Thomas Guthrie.

In the first half of 1861 Macarthur wrote several long letters to his brother William, in New South Wales, which provide a useful last comment on his political life. Since his departure there had been another general election, in which Cowper had been returned as prime minister, and in which their own interest at Camden had made a poor showing. William was depressed at the result. He felt that the liberals now posed a severe
threat to landed property, and that their own family influence, and that of their class, was gone for ever. He suggested selling up the estate and leaving the colony altogether, a move which was encouraged by Macarthur's friends in England.  

Macarthur never gave much serious thought to the idea. He realised, he said, that they could still anticipate 'several years of great political confusion and disquiet'. Having seen something of England he also understood that their troubles were part of an enormous and radical change which never could be reversed:  

The political influence of the landed gentry is diminishing greatly in this country ... Wealth (monied) and self-interest are the great moving powers of modern society, but these are restrained and modified and humanised in their operation by the softening influences of religion, and a high state of refinement and civilisation ... Force is now all in the hands of the ignorant, but it is susceptible of influence, and it is our duty to do all we can to make the influence good.  

He talked over these matters with Gladstone and others, and learnt what he could from 'that portion of the English aristocracy who do their duty'. These provided him with cogent excuses for returning to a quiet careful life in New South Wales. He was sure that the present anger and uneasiness would die away, 'unless stimulated by unwise and noisy opposition'.  

After its first violence had passed, the froth and infirmities being carried off, may we not hope the community will subside into good sense and sobriety of conduct, returning to their

64 James Macarthur to Sir W. Macarthur, 10-11 May 1861, ML A2932. See also Nicholson to Macarthur, Oct. 1861, ML A2924; Therry to Macarthur, [Jan. 1862], ML A2930.  
66 James Macarthur to Sir W. Macarthur, 26 Mar. 1861, ibid.  
67 James Macarthur to Sir W. Macarthur, 10-11 May 1861, ibid.  
68 James Macarthur to Sir W. Macarthur, 26 Mar. 1861, ibid.
natural leaders, if those leaders are in their places to guide and regulate the stream of events ... [The middle classes] are little by little 'pushing the gentry from their stools'. But the working classes hate them and will rally round the gentry by and by, if they will but be true to themselves and conform to the altered circumstances of the age. 69

These ideas fitted well into Macarthur's old habits of thought, his optimism, his flexibility of mind and his scheme for a national community in which selfishness and sheer ambition could have no permanent place. But most of all they prove his love of country. They really represent, not a programme for the future, but a good justification for going home, as he and his family meant to do anyway. 70 Macarthur was a keen politician - 'his mind ... [was] always occupied with politics' 71 but he was from first to last a dilettante. He was never so committed to the wrangling in Macquarie Street that he would let it change his way of life.

This was the frame of mind in which Macarthur greeted the passing of John Robertson's Land Acts, which were designed to end the complete dominion of the squatters in the pastoral districts. When the principle of free selection was first proposed, several years before, Macarthur had been thoroughly against it. He then saw it partly as a means of giving land to disreputable men, 'cattle stealers, horse stealers, sly grog sellers', who would cover the country 'like a swarm of locusts ...

69 James Macarthur to Sir W. Macarthur, 10-11 May 1861, ibid.
70 For Emily, see her letter to Sir W. Macarthur, 19 Feb. 1861, ML A4344. For Elizabeth, see her letter to Sir W. Macarthur, 25 Dec. 1860, ML A2932; Nicholson to Macarthur, Oct. 1861, ML A2924.
71 J.C. Bidwill to P.P. King, 4 Nov. 1844, ML A1980-3.
settling themselves down in the most convenient corners'. Or else it would be a gift to the squatters:

If there were no auction anybody with fifteen or twenty thousand pounds could easily get substitutes to act for him, and pick the eyes out of the country, and then laugh at the people, and make them pay for it.72

But he made no objection to the principle as embodied in Robertson's acts.73 Presumably he thought that the stipulations about selectors being resident would meet all the main difficulties.

He did object very strongly to the way in which the government had tried to force the bills through a reluctant upper house in May 1861. This he thought 'a monstrous act of petty tyranny', no doubt relying on information from William to the effect that the council had been quite ready to co-operate under certain conditions.74 But in Macarthur's opinion everything had 'ended well': 'there is a providence that shapes our ends, rough hew them as we may'.75 He soon afterwards remarked to Hamilton that he thought 'the political affairs of the colony are assuming a new or rather their old character', which was altogether to the good.76

---

72 Macarthur's speech at an election meeting, 26 June 1859, *SMH*, 27 June 1859.

73 No explicit record of Macarthur's view of the Land Acts has survived, but it seems fair to assume that he agreed with the statement in Roger Therry, *Reminiscences of Thirty Years' Residence in New South Wales and Victoria*, London 1863, pp. 473-4: 'The main object which the Act aims at accomplishing - the settlement of the country - is unquestionably good; and if, by its present provisions, that object be not secured, future legislation must interpose to render that settlement a prudent and not a precipitate arrangement'. Therry had no decided views on the question himself, and he was constantly asking Macarthur's advice while writing this part of his book (Therry to Macarthur, 24, 26 Feb., 20, [23] Mar. 1862, ML A2930).


75 Macarthur to Hamilton, 19 Aug. 1861, ML A2924.

76 Ibid.
The Macarthur's sailed from England on board the Duncan Dunbar in August 1864, and reached home in December. For 18 months Macarthur took no part in politics. However, in January 1866 Cowper's third ministry fell to a part-conservative coalition headed by James Martin, with Parkes as colonial secretary. In May Macarthur was offered, and accepted, a seat in the legislative council. It was understood on both sides that he was to act in 'perfect independence' of all parties, but he nevertheless sat on the government benches. Moreover, he came down to the house mainly to help with measures he wanted to see passed. These included bills to deal with disease in livestock, a bill to set up a reformatory school in Sydney and, most important, Parkes's public schools bill. Macarthur was consulted privately by the government on this last reform. In general he approved of it, because it was designed to carry out his great ideal, a single system of elementary schools, founded on a statutory basis and governed according to the model of the Irish national system.

77 Martin to Macarthur, 10 May 1866, ibid.; Macarthur to Martin, 11 May 1866, ibid.
78 SMH, 25 July 1866.
79 For the reformatory schools bill, see debate of 16 Aug. 1866, and for the diseases in livestock bills, see debates of 16, 29 Aug., 10 Oct. 1866, ibid., 17, 30 Aug., 11 Oct. 1866.
80 Macarthur to Parkes, 4 Nov. 1866, ML A2924; Macarthur to Martin, 1 Dec. 1866, ML A2920.
Macarthur's first session in the upper house ended in December. It was also to be his last. For the last 15 years he had been suffering 'spasms of the chest', and although his stay in Europe had made him stronger his heart was still a constant worry. However his death, when it came, seemed out of season for a man so fresh in all his feelings, so warm in all his sympathies for those around him, so hopeful for the future.

Since his return to the colony he had been thinking about the records at Camden Park house, and in the autumn of 1867 he bought a notebook with which to prepare some for publication. His daughter Elizabeth was to do the work under his supervision, and on Easter Day, 21 April, they agreed that they should sit down on the following morning and begin. 'The sun arose on that day to find his family mourning for their great loss'. Soon after going to bed his heart failed, and within minutes, 'without recognition of those around him or symptoms of agony he breathed his last'.

So died 'the great James Macarthur'. No doubt many of his friends and enemies were more in touch with local prejudice, and some, including Wentworth, were more brilliant public men. But few others of his time could equal the breadth and complex integrity of his mind. Besides the positive work described above his example must have had a strong effect.

---

82 James Macarthur to Sir W. Macarthur, 26 Nov. 1860, ML A2932.
83 G. Macleay to Sir W. Macarthur, 26 May 1867, ML A2954. See also Wentworth to Sir W. Macarthur, 25 June 1867, ML A2938.
85 SMH, 24 Apr. 1867.
86 So called by W.S. Mitchell, in an election speech at Camden, 26 Mar. 1856, ibid., 28 Mar. 1856.
on those who understood his 'kindness of heart and bland manner'.

His genius was one of the bright aspects of the pre-industrial age, before the country was overrun with railways, and before the rush for gold.

87 W.S. Davidson to Sir W. Macarthur, 25 June 1867, ML A2938. See also W.C. Windeyer to Macarthur, 18 Apr. 1860, ML A2924.
APPENDICES

1. Composition and distribution of the colonial population 1821-56

2. The authorship of *New South Wales: Its Present State and Future Prospects*

3. Sources relating to the New South Wales bill of 1838

4. James Macarthur's nomination to the legislative council, October 1839

5. Divisions in council 1838-43

6. Revenue and expenditure figures 1838-42

7. The Camden constituency 1843-48

8. Voting in council 1843-48

9. Voting in council 1849-53

10. The state of parties under the Donaldson and Farker governments 1856-57
Appendix 1

Composition and distribution of the
colonial population 1821-56

I. Muster of 1821 and census of 1828

<table>
<thead>
<tr>
<th></th>
<th>Came free</th>
<th>Native-born</th>
<th>Ex-convicts</th>
<th>Convicts</th>
<th>Children</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney, Parramatta &amp; Liverpool</td>
<td>1155</td>
<td>1391</td>
<td>3881</td>
<td>9927</td>
<td>5831</td>
<td>22185</td>
</tr>
<tr>
<td>Hawkesbury</td>
<td>300</td>
<td>462</td>
<td>1283</td>
<td>2143</td>
<td>1318</td>
<td>5506</td>
</tr>
<tr>
<td>Bathurst</td>
<td>6</td>
<td>13</td>
<td>29</td>
<td>217</td>
<td>22</td>
<td>287</td>
</tr>
<tr>
<td>Newcastle &amp; Pt. Macquarie</td>
<td>28</td>
<td>18</td>
<td>29</td>
<td>1143</td>
<td>93</td>
<td>1311</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>1489</strong></td>
<td><strong>1884</strong></td>
<td><strong>5222</strong></td>
<td><strong>13430</strong></td>
<td><strong>7264</strong></td>
<td><strong>29289</strong></td>
</tr>
</tbody>
</table>

1828

<table>
<thead>
<tr>
<th></th>
<th>Came free</th>
<th>Native-born</th>
<th>Ex-convicts</th>
<th>Convicts</th>
<th>Children</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney, Parramatta &amp; Liverpool</td>
<td>2370</td>
<td>1608</td>
<td>3818</td>
<td>5618</td>
<td>3235</td>
<td>16649</td>
</tr>
<tr>
<td>Hawkesbury</td>
<td>415</td>
<td>969</td>
<td>1609</td>
<td>1869</td>
<td>1288</td>
<td>6150</td>
</tr>
<tr>
<td>Bathurst</td>
<td>165</td>
<td>85</td>
<td>335</td>
<td>1339</td>
<td>148</td>
<td>2072</td>
</tr>
<tr>
<td>Hunter valley &amp; Manning R.</td>
<td>482</td>
<td>108</td>
<td>451</td>
<td>1881</td>
<td>338</td>
<td>3260</td>
</tr>
<tr>
<td>Southern districts</td>
<td>429</td>
<td>483</td>
<td>1065</td>
<td>1951</td>
<td>753</td>
<td>4681</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>3861</strong></td>
<td><strong>3253</strong></td>
<td><strong>7278</strong></td>
<td><strong>12658</strong></td>
<td><strong>5762</strong></td>
<td><strong>32812</strong></td>
</tr>
</tbody>
</table>

Note that 'convicts' included ticket-of-leave men. Note also that in 1828 'children' included all those under 12 years of age; in 1821 the upper age limit must have been higher.

---

1 For the 1821 muster figures, see HRA i, X p.575. For the 1828 census figures, see the Blue Book for 1828, CO 206/69, pp.146-7.
II. Table showing the spread of population 1841-56

<table>
<thead>
<tr>
<th></th>
<th>1841</th>
<th>1846</th>
<th>1851</th>
<th>1856</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>29,973</td>
<td>38,358</td>
<td>44,240</td>
<td>53,358</td>
</tr>
<tr>
<td></td>
<td>(26%)</td>
<td>(25%)</td>
<td>(24%)</td>
<td>(20%)</td>
</tr>
<tr>
<td>co. Cumberland</td>
<td>58,108</td>
<td>73,538</td>
<td>81,114</td>
<td>108,982</td>
</tr>
<tr>
<td>(incl. Sydney)</td>
<td>(50%)</td>
<td>(48%)</td>
<td>(43%)</td>
<td>(41%)</td>
</tr>
<tr>
<td>Twenty counties</td>
<td>104,821</td>
<td>136,196</td>
<td>154,759</td>
<td>218,520</td>
</tr>
<tr>
<td>(incl. Cumberl'd)</td>
<td>(91%)</td>
<td>(88%)</td>
<td>(83%)</td>
<td>(82%)</td>
</tr>
<tr>
<td>Pastoral</td>
<td>9,980</td>
<td>15,651</td>
<td>27,697</td>
<td>37,794</td>
</tr>
<tr>
<td>districts</td>
<td>(9%)</td>
<td>(10%)</td>
<td>(15%)</td>
<td>(14%)</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>114,801</td>
<td>154,534</td>
<td>187,243</td>
<td>266,189</td>
</tr>
</tbody>
</table>

III. Table showing the composition of the population 1841-56

<table>
<thead>
<tr>
<th></th>
<th>1841</th>
<th>1846</th>
<th>1851</th>
<th>1856</th>
</tr>
</thead>
<tbody>
<tr>
<td>Native -born</td>
<td>29,449</td>
<td>54,853</td>
<td>81,391</td>
<td>111,114</td>
</tr>
<tr>
<td>Free immigrants</td>
<td>52,903</td>
<td>64,657</td>
<td>76,530</td>
<td>c.130,000(?)</td>
</tr>
<tr>
<td>Other free</td>
<td>25,556</td>
<td>31,802</td>
<td>28,661</td>
<td>c. 25,000(?)</td>
</tr>
<tr>
<td>Convicts</td>
<td>20,818</td>
<td>3,222</td>
<td>661</td>
<td>-</td>
</tr>
</tbody>
</table>

Note that 'other free' was meant to describe ex-convicts. In the last census, of 1856, there was no attempt to distinguish ex-convicts from other immigrants, and there were presumably no British convicts left. Note also that in 1856 'native-born' includes natives of Australia and New Zealand, instead of only New South Wales, as in the earlier censuses.

---

2 For the 1841 census, see Government Gazette 1841, p.1166. For the 1846 census, see ibid., 1846, pp.1328-78. For the 1851 census, see ibid., 1851, pp.1798-1850. For the 1856 census, see ibid., 1857, pp.702-93.

3 As for the last.
Appendix 2

The authorship of 'New South Wales; its Present State and Future Prospects'

There has been some controversy as to who wrote the statement which forms the first part of New South Wales; its Present State and Future Prospects, the book published in London in June 1837 in support of the Herald petitions. The alternatives put forward have been James Macarthur and Edward Edwards, who were both certainly connected with the publication. The question is obviously important in any treatment of colonial politics, and vital to a biography of Macarthur. The conclusion here is that the book was almost totally his work.

To begin with, it was never doubted during Macarthur's lifetime that he was the author. No-one's name appeared on the title page, but his is at the bottom of the introduction, and the arguments in the bottom of the introduction, and the arguments in the body of the work were always referred to by others and defended by Macarthur himself as if they were his own. Certainly, failing other evidence, this interpretation must be the obvious one. Edwards was a young man who

---

1 Both the Australian Dictionary of Biography (II, p.151), and C.M.H. Clark (A History of Australia II, Melbourne 1968, p.322), accept the authorship of Edwards. The only authoritative work to plump for Macarthur is A.C.V. Melbourne (Early Constitutional Development in Australia, Brisbane 1963, p.197), which was written before the controversy began in Australia (first published 1934).

2 See, for example, Sydney Herald, 9 Nov. 1837; Monitor, 15 Nov. 1837; Australian, 17 Nov. 1837; debate in the legislative council, 6 Aug. 1840, ibid., 8 Aug. 1840; reports of election meetings, 8 Mar. 1843, 27 June 1843, ibid., 10 Mar., 28 June 1843. Those who treated the statement as Macarthur's own work included his friend Hobbes Scott, then in England, to whom Macarthur gave a copy immediately after publication (see the marginal notes in Scott's copy, now in the National Library, especially p.89).
had never seen Australia, and yet the statement is full of detailed observations and suggestions on penal discipline, immigration, law reform, natural products, and religion and education in the colony. One recent authority has argued that Edward Gibbon Wakefield wrote successfully about New South Wales without leaving England, so that Edwards might have done the same. But in the first place, Wakefield's interests were all in the relatively narrow field of land settlement. In the second place, Wakefield's colonial schemes were the great interest of his life. There is no evidence that Edwards had ever before shown any interest in the subject covered by this book, or that he ever did so again.

When Edwards first met Macarthur he was unknown, but by the end of his life he was famous as the man who inspired the early organisation of the British municipal libraries. The idea that he was the real author of *New South Wales* has gathered strength with his reputation as a founding father. The earliest printed reference to his involvement with the book appeared in 1889, in the article on his life in the *Dictionary of National Biography*. It says there that Edwards 'assisted' Macarthur, 'though his name did not appear in connection with the work'. A biography of Edwards, published in 1902, claimed more. The author, Thomas Greenwood, alleged that

---


4 Vol. VI, p.534.
The book passed as the work of James Macarthur, but it is not unfair to say that there is as much, if not more, of Edwards' work as of the gentleman named ... His [Edwards's] diaries at the time the book was in course of preparation are full of references to the progress of the book.\(^5\)

The diaries are not cited in detail at this point (there are no footnotes), and since Greenwood says quite clearly in two other places that they date from 1844 \(^6\) his argument can safely be ignored.

The first real discussion of the question began with the recent discovery of Macarthur's letters to Edwards. These are among the Edward Edwards correspondence in the Manchester Central Library, and are bound together in the first volume of Edwards's in-letters. They were examined in 1935 by John Metcalfe, principal librarian of what was then the Public Library of New South Wales.\(^7\) There are 48 letters altogether, dating from 25 January 1837 to 15 September 1838, but concentrated mainly in the period January to June 1837, which was when the book was being written. One other letter, from Edward Macarthur to Edwards, is dated 10 September 1840. Many of the letters are only short notes, and thirty are undated. They are clearly an important supplement to the records of the Macarthur family, and are interesting as evidence of the courtesy and care Macarthur used in going about this type of collaborative work.

---


\(^6\) Ibid., pp.vii, 21.

\(^7\) Metcalfe took extracts which are now in the Mitchell Library, Sydney (Am 43).
From his examination of these letters Metcalfe was prepared to go further than Greenwood, and to conclude that Edwards was the real author of *New South Wales*.\(^8\) This conclusion is repeated (with one slight qualification, mentioned below) in a new biography of Edwards by W.A. Munford, published in London in 1963.\(^9\) Both Metcalfe and Munford make their argument depend mainly on a letter from Macarthur to Edwards dated 8 February 1837.\(^10\) This letter comes fifth in the collection, but should be third from a chronological point of view. The letter immediately before it, dated 3 February, is also useful for Metcalfe and Munford's case, such as it is.\(^11\) Like all the earlier letters, both were written in the third person. In the letter of 3 February Macarthur says that he hopes Edwards 'will be enabled to complete the "introduction" by the time he [Edwards?] mentioned yesterday afternoon'. He goes on to suggest that

The circumstances out of which the petitions originate should be strongly pointed out as well as the temperate course pursued by their supporters.

Five days later, on 8 February, Macarthur writes:

Mr. M. is very well pleased with some portion of the introduction, but thinks that the repetition of the various objects of the petitions too elaborate.

Mr. Macarthur will return the paper to Mr. Edwards as soon as possible, and in the mean time, he would suggest that Mr. Edwards' better course would be to peruse the appendix and

\(^8\) Op. cit. This work was also published as an article under the same title in *JRAHS* 38, 1952-3, having been given originally as a paper before a meeting of the Royal Australian Historical Society on 31 July 1951.

\(^9\) *Edward Edwards 1812-1886: Portrait of a Librarian*.


\(^11\) Letter no.4.
prepare an index on the subjects. This will prevent loss of time and will be of advantage to Mr. Edwards in treating of those subjects afterwards, as one great object of the 'observations' will be to direct attention to the most important points touched upon in the various documents of which the appendix is composed.

These two letters certainly show that Edwards wrote the introduction. It can also be argued that when Macarthur asked Edwards to look at the appendices, with a view to 'treating of those subjects afterwards', he was implying that Edwards was to write the main part of the statement (the 'observations') as well. But it is also arguable that Edwards was to go over the appendices so that he might help with the revising and footnoting of Macarthur's draft chapters as they appeared. This would explain the reference to 'loss of time'. Edwards was to be usefully occupied while Macarthur began writing. Later letters show that this second interpretation is correct.

It may be asked why Edwards wrote the introduction if Macarthur was to write the bulk of the statement. There is a good explanation, if one is necessary to supplement the simple answer, 'Why not?' During the period of writing Macarthur was never sure when the new constitution would come before Parliament. Before it could do so he hoped to be able to publish the petitions and the statistical and other data which he had brought with him, together with a detailed statement (such as the one which actually appeared) showing how the data supported the petitioners' point of view. The statement was to begin with a short

---

12 Macarthur to Edwards, 3 Feb. 1837, Edwards correspondence.
introduction. This, I suggest, was to be written as quickly as possible so that it might, if necessary, be used by itself, and was to be followed if time allowed by more lengthy 'observations'. Unfortunately, when Macarthur first began to make the necessary arrangements in the last week of January (the week before parliament was due to meet) he was still busy with other matters, such as emigration and the Anglican church appeal. ¹³ This would explain why he asked Edwards to write the introduction, which after all required no detailed knowledge or opinions. The last quotation above certainly shows that he thought of the introduction and the 'observations' as quite separate. ¹⁴

Whatever he was doing, whether writing or not, during February Macarthur began work on the main part of the statement, the 'observations'. On 2 March he was able to give Edwards 'the draft of chapter 1st which he [Macarthur] thinks will require but little alteration before going to press'. At the same time he told Edwards that "Mr. M. will now be enabled to proceed more rapidly and will be glad to have the revise as soon as possible'. ¹⁵ By 18 March Edwards had submitted his revision of chapter I for Macarthur's approval, and Macarthur was able to send it back to him to give to the printers, with some final corrections. At the same time Macarthur also sent 'four fresh sheets of manuscript [for chapter II] part of which (sheet 3) will supersede

---


¹⁴ See also p.15 of the introduction.

¹⁵ Letter no. 7.
a portion of that before left with Mr. Edwards'. Macarthur had not
yet been able to finish the chapter but would send the rest, he said,
'as soon as in his power', and he added:

The subsequent chapters he thinks will proceed rapidly after
Easter [at the end of March] as the subjects are less
difficult and confined within a narrower range, as well as
more familiar to Mr. Macarthur. 16

On 28 March, the Wednesday before Easter, he was able to send 'the
remainder of the 2nd. chapter all but the winding up which I will
finish in the course of the day'. 17

The arguments of Metcalfe and Munford must imply that quotations
like these refer not to original manuscript, but to drafts which
Macarthur had received from Edwards for revision, and which he was
sending back with corrections. If so, Macarthur's letters are
strangely silent about receiving the original material, except for the
introduction. What is more, if he was simply revising and correcting,
Macarthur was working very slowly (sometimes at the rate of a page a
day), and at a time when he was keenly aware of the need to get the
work finished. It also follows from this argument that Edwards was
giving each chapter a second revision before sending them back to
Macarthur for a third. Such care would surely have been excessive.

A note from Macarthur (undated), covering the third chapter,
helps further to undermine the argument for Edwards's authorship:

16 Letter no. 8.
17 Letter no. 9.
With this you will receive chapter 3. I have no one at present to make a fair copy, but you will not find it very difficult I hope to decypher.\textsuperscript{18}

Note that it was the chapter, not the corrections, which were to be deciphered. But it is the letters dealing with chapter V which seem to clinch the case for Macarthur's authorship. In a note dated only 'Sat. mng.' (probably early May), Macarthur writes, 'The chapter on emigration is nearly ready for you'.\textsuperscript{19} This can hardly be a reference to the process of revision because it is 'Fri. mng.' before Macarthur is able to announce, 'I have now the pleasure to send you the chapter on emigration', and he adds, 'It is somewhat longer than I anticipated, but not so dull I hope as the other chapters.'\textsuperscript{20} In fact Munford concedes that this chapter, but this alone, must have been Macarthur's work, an argument which makes the last quotation a peculiar piece of discourtesy.\textsuperscript{21}

The only parts of the correspondence which conflict with the present interpretation are those dealing with chapter VII, the chapter on the state of religion and education. This is the only subject in which Edwards might have had some personal interest, and several of the letters make it clear that originally this chapter was to have been written by him. With letter 17 (undated), for example, Macarthur sent him his copy of Jefferson's Memoirs and Correspondence. He had, he said,

\begin{itemize}
\item \textsuperscript{18} Letter no. 41.
\item \textsuperscript{19} Letter no. 38.
\item \textsuperscript{20} Letter no. 39.
\end{itemize}
marked one or two letters for you, one in particular as to the effects of European education on American youth some part of wh. you may embody with advantage.

In letter 23 (undated, but clearly 22 April) Macarthur recommends that,

With respect to clergy and school reserves [Edwards should] look at O'Connell's speech and Sir George Grey's answer last night [during the commons debate, 21 April] on that subject in Canada.22

In letter 25 (undated) Macarthur promises to 'search for the facts you want relative to the schools', and adds that he has discovered O'Connell to have been wrong about the Canadian clergy reserves.

By this time the rest of the statement was nearing completion.

In letter 29 (undated, but perhaps early May) Macarthur is already considering matters of final detail when he writes, 'I hope you will get on with the education MS'. Apparently Edwards did not do so. Finally, in letter 32 (undated but clearly late May or early June), Macarthur tells him:

I have ascertained since I saw you that it is a matter of the utmost importance to get the report out next week. As you have so much on hand, you had better send me the rough heads of the education chapter. I assure you that if there were not an urgent necessity, I would not thus press you at a time when as I perceive, you have much other business.

So, presumably, in the end Macarthur wrote chapter VII as well, working up Edwards's 'rough heads' into what certainly seems a rather hurried and unsatisfactory chapter.

22 See PD third series, XXXVIII cc.200-1.
This means that only the introduction to the statement can be attributed to Edwards. All the rest came from Macarthur's own hand. The question then arises as to why Macarthur's name does not appear as the author on the title page of the book. The obvious explanation is that the work was not meant to appear as a personal statement. Part of the text made the book read like the joint work of all those who had signed the petitions, although Macarthur had insisted before leaving the colony that he went as a private individual, and not as 'the agent or delegate of the petitioners'. But more important, Macarthur thought of the work as a compendium of expert opinions which he had 'edited'. He afterwards described it as 'a book to which his ...[own] name was attached, but which was contributed to by several able persons'. He gave as an example Chief Justice Forbes who, he said, had 'dictated' a passage about the need for municipal bodies in the colony.

Another such 'able person', obviously, was Edwards himself. A third was Hobbes Scott, who sent Macarthur a letter with advice about education. A fourth was the barrister Francis Barlow, a former friend of John Macarthur junior, who had been secured by the London petition committee as its legal counsel. The Edwards correspondence

---

23 Macarthur to R. Jones, 26 Apr. 1836, ML A357.
24 'Heads for an article on past life', Feb. 1865, ML A2928.
26 Scott to Macarthur, 10 Mar. 1837, ML A2955.
27 Minutes of a meeting 'of the gentlemen requested to undertake the management of the petitions', 7 Dec. 1836, ML A284.
shows that all those parts of Macarthur's manuscript which dealt with legal subjects were sent to Barlow for a second revision after they had been seen by Edwards.\textsuperscript{28} But this, and Edwards's own work, were apparently the only written contributions to be actually incorporated in Macarthur's text.

Appendix 3

Sources relating to the New South Wales Bill of 1838

Knowledge of the constitutional projects of 1837-8 is very meagre because nearly all the original official papers have been lost. This means that for the negotiations themselves we have only the reports of Bulwer, Buller and Eagar, which were published from time to time in the Sydney press, together with three statements made some years later by Macarthur. The only two copies of draft bills are among the Macarthur papers, in the Mitchell Library. These are, first, the plan for municipal bodies alone, which should probably be dated early 1837 (at A2988), and secondly, the plan for a system of double election, which should be dated March or April 1838 (at D185).

Clearly there must have been official copies of these drafts. This might be assumed even without Eagar's statement on 13 April 1838, that copies of the second bill had been prepared by James Stephen and sent by Glenelg to his cabinet colleagues on 5 April.\(^1\) There were obviously a number of other papers as well, which were used at the time and which are now lost. In his undated report to Glenelg which led to the drawing up on the second bill, Buller mentioned the plan for municipal bodies alone which, he said, was outlined 'in the latest papers sent to me from the Colonial Office'. Later he says that his own ideas 'very materially differ from the basis of the plans

\(^1\) [Eagar] to the editor, 13 Apr. 1838, Monitor, 27 Aug. 1838.
entertained by the Colonial Office'.\(^2\) This suggests that Buller had received a number of papers from the office. One, perhaps, was the draft bill which had embodied Chief Justice Forbes's suggestions, and which Forbes had submitted to the office in October 1836.\(^3\)

But we can also assume that Buller sent these papers back to the office, and that they and his report itself were originally filed under 'B' for Buller, in the volumes of in-letters for 1838. This is clear from the fact that the relevant index has two entries opposite his name, referring to documents received from him, one (dated 5 March) listed as 'Papers on N.S. Wales Bill', and the other (dated 15 March) listed as 'Suggestions on the proposed Representative Bill'.\(^4\) The second was no doubt Buller's report, which was later published, undated, in the \textit{Australian}. But there are no corresponding letters in the main part of the volume: at some stage after being filed these documents must have been removed together, and afterwards lost.\(^5\) It is very likely that there were a number of minutes and memoranda with them which would show how opinion stood at different times in the office itself.

It is also unlucky for the purposes of this thesis that there is a gap in Macarthur's correspondence home during these months. Had

\(^2\) This report was first published in the \textit{Australian}, 25 Oct. 1838, and secondly in Murray's Review (Van Diemen's Land), 19 Nov. 1839 (no longer extant), from which it was copied by the \textit{Sydney Herald}, 2 Dec. 1839.

\(^3\) Forbes to Stephen, 13 Oct. 1836, CO 201/257, f.583.

\(^4\) CO 201/281, ff.510, 511.

\(^5\) These papers may have been bound in a separate volume containing papers dating from 1842 on the same subject, a volume which A.C.V. Melbourne refers to as lost (Early Constitutional Development in Australia, Brisbane 1963, p.267).
his comments to William survived it would be possible to form a clearer picture of his part in the negotiations. As it is, we have no contemporary record, apart from his comments on the second bill and the reports of the gentlemen connected with the Patriotic Association. The latter almost certainly exaggerate Macarthur's influence in the drawing up of the second bill of 1838. Buller was clearly interested in emphasising Macarthur's approval of his plan, so that he may have exaggerated when he said that Macarthur had 'given a very cordial assent' when he had explained the main principle to him. 6 Eagar's comments are certainly misleading, and can be attributed to the fact that he still felt himself to be closely involved with old colonial feuds. Thus, while we may believe that Macarthur liked the conservative cast of the final plan, there is no reason for thinking that he was responsible for it, as Eagar suggests. 7

The fullest modern account of Macarthur's involvement in the drawing up of the second bill occurs in F.A. Larcombe's book, The Origin of Local Government in New South Wales 1831-58. 8 In his approach to the problem Larcombe has relied heavily on the classic work of A.C.V. Melbourne. 9 Neither Larcombe nor Melbourne used the documents in the Macarthur papers, and neither refer in any significant

---

6 Buller to the president and committee of the Patriotic Association, 3 Feb. 1838, Australian, 3 July 1838.
7 [Eagar] to the editor, 12 Mar. 1838 (two letters) and 31 Mar. 1838, Monitor, 29 June, 6 July, 15 Aug. 1838, respectively.
detail to contemporary projects for local government in Britain and Canada. In other words both depend very much on the authority of Buller and Eagar. But even these sources should have prevented a mistake by Melbourne, which has been repeated less explicitly by Larcombe. According to Melbourne,

In his letter to Glenelg of April 14th, 1838, Buller informed the Secretary of State that James Macarthur was generally willing to accept the statement which was then put forward [recommending the system of double election].

Melbourne then goes on to say that Macarthur must have deceived Buller because on 10 April he, Macarthur, had himself written to Glenelg rejecting the whole idea. In fact, Buller's letter of 14 April does not mention Macarthur. Melbourne seems to have confused it with the undated report from Buller, originally filed in the colonial office under 15 March (see above), which was the basis for the draft bill.

Macarthur made three statements after his return to the colony which throw some light on his part in the negotiations of 1838. On 16 February 1842, during a very stormy public meeting in Sydney, one speaker accused him of being the author of the double election plan. Macarthur 'utterly denied' the truth of this accusation, and tried to give an explanation. The press reports of his speech differ, no

10 Ibid., p.242. See also Larcombe, op. cit., p.36.
11 Australian, 20 Oct. 1838.
12 Ibid., 17 Feb. 1842; Sydney Herald, 17 Feb. 1842.
doubt because the reporters had to put up with shouting and jumping on
the desks in front of them as they made their notes, and feet coming
to rest every now and again on their shoulders.\footnote{13}

Five days later the \textit{Australian} published a more dispassionate
and detailed explanation. The \textit{Australian} was under Macarthur's control
(see chapter 6, above), and since it now printed extracts from his
letter to Glenelg, 10 April 1838, this second statement must have come
from Macarthur himself. With regard to the system of double election,
the paper said,

It was distinctly proposed in London to Mr. Macarthur
by Mr. Charles Buller. Mr. Macarthur said, that it
should undergo his consideration. Shortly afterwards,
when it was put into the shape of a Bill, Mr. Macarthur,
in a letter to Lord Glenelg, dated on the 10th of April,
1838, and which is on record at the Colonial Office,
stated 'that in the actual condition of the Colony, so far
from thinking such a course politic, after a mature con-
sideration, he had arrived at a directly opposite
conclusion'. In another passage of the letter his opinion
is thus recorded:—'The sudden introduction of an entirely
new and complicated plan of Representative Government, of
which, however perfect might be its principles in the
abstract, no one could foresee the practical operation,
would be \textit{very dangerous}.\footnote{14}

These are the naked facts of the case ... And this was
part of the explanation which Mr. Macarthur was naturally
anxious to offer [at the recent meeting], and which he
would have offered, had it not been for the senseless
yelling of the operatives in the pit.\footnote{14}

Macarthur referred to the matter once more in 1848, at another public
meeting. On this occasion he mentioned both the plans for which draft
bills survive among the Macarthur papers, those of 1837 and 1838. In

\footnote{13}{Ibid., 28 April, 1842.}
\footnote{14}{\textit{Australian}, 22 Feb. 1842.}
fact, he had the drafts with him as he spoke. In the case of the first plan, he said,

He had received the draft he possessed ... from parties in England - in Downing-street - who had referred it to his consideration; ... This plan ... never got into the Cabinet. In 1838 ... [it] made its appearance in fuller development ... All this was no doubt concocted in the snuggest manner, in some nice back parlour in Downing-street. This measure, he believed, did come under the consideration of Her Majesty's Ministers, ... [but among them] it had only one voice raised in favour of it ... [Buller] was then in favour of the scheme, and at the first blush, he (Mr. Macarthur) was disposed to give it his sanction too, mainly, indeed, because it was represented, that it would get rid of the question which then rent the colony so fearfully, relative to the emancipist classes.

But, he went on, after 'more full consideration', he had decided that it was unsuitable.  

In the account of the negotiations given in chapter 4, above, most of the detail comes from the reports of Bulwer, Buller and Eagar, but the description of the part taken by Macarthur depends mainly on his own testimony, which is consistent with everything except the opinion of his adversaries. One conclusion worth noting is that Larcombe's reference to the 1838 plan as the 'Buller-Macarthur constitution' is completely misleading. 

---

15 Macarthur's speech at a public meeting at Camden, 7 Feb. 1848, SMH 9 Feb. 1848.
16 Larcombe, op. cit., p.33.
Appendix 4

James Macarthur's nomination to the legislative council, October 1839

The circumstances surrounding Macarthur's appointment to the legislative council in 1839 are not at all controversial. But the event seems important enough to warrant a full quotation of the discussion which led to it. The three comments which appear below were written respectively by James Stephen, the permanent under-secretary in the colonial office, Robert Vernon Smith, the parliamentary under-secretary, and Lord John Russell, the secretary of state, on 8 October, as a minute on Sir George Gipps's despatch to the late secretary, Lord Glenelg, dated 3 April 1839.¹ Both Russell and Smith were new appointees, which is no doubt why they needed the details of the case explained to them by Stephen.

8 Oct. Mr. Vernon Smith. This despatch relates to one of those subjects on which I think it inconvenient that the draft of any answer should be prepared for Lord John Russell's consideration, without his lordship's previous instructions. The objection to the combination in the same person [Phillip King] of the office of legislative councillor with the office of resident agent for the Australian Agricultural Compy. is, that the interests of the company either are, or are supposed to be, opposed at various points to the interests of the colonists at large. The company are the absolute proprietors of a million acres of the choicest land. They are the great rivals in land selling with the local govt. and have a monopoly to a great extent of the sale of coal. They are also claimants of convict labour to a great extent in competition with the settlers, and they are regarded with the jealousy and disfavour with which private men will always regard a great commercial and agricultural rival possessing a chartered character and the corresponding privileges. Mr. James Macarthur is the present head of that family which has for

¹ CO 201/285, f.293.
many years been at the head of what in the absence of any other word, must be called 'the conservative party' of New South Wales. Mr. Wentworth was long the head of the opposite party. He was many years ago in possession of considerable literary reputation at Cambridge. He is the author of two volumes on New South Wales published I should think about 10 or 12 years since. It is an able and a violent performance. Mr. Wentworth was formerly, as I understand, the editor or proprietor of a very bitter newspaper, and he was the author of the charge of murder against Sir Ralph Darling which a committee of the house of commons examined and rejected. Such is all that I know of this gentleman, except as I am aware that he has always enjoyed the highest reputation for capacity and talent.
J.S.

I do not myself see any reason sufficiently strong for this gentleman's [King's] removal if the governor does not and if the consequence is to place Sir G. Gipps in still greater difficulty. It would be more objectionable to make a councillor of a man who had brought a false charge of murder.
R.V.S.

8. Mr. Macarthur is the best person to appoint.
J.R.
Appendix 5

Divisions in council 1838-43

Chapter 5, above, gives a fairly detailed account of groupings within the nominated legislative council in the period after the debates became public. The table below is meant to provide evidence for that account, by showing the position of each member on all the most controversial questions, as far as these were recorded. The table mainly shows votes on one side or the other, but sometimes the debates were not brought to a division or else the division lists are not recorded, and in these cases the table lists only statements of opinion.

It is possible to see from the table, first, that the four officials generally voted as a body, although William Lithgow, the auditor-general, often showed some independence. Of the three senior members of council, the chief justice, the bishop and the commander of the forces, the first two were generally more independent, but all three had duties which often kept them away from debates.

As far as the non-official members were concerned, the table shows how the four on the governor's left (Campbell, Jones, Hannibal Macarthur and first King and afterwards James Macarthur) almost invariably voted together against the officials until the 1841 session, when Jones began to find himself moving into the official camp. The three members on the governor's right (Berry, Blaxland and Jamison) are interesting as a group with no settled allegiances one way or the other. An examination of each division will show how often the success of a controversial measure depended on its having the support of at least two of these three.
It would be wrong to see this system of party divisions as an early type of parliamentary conflict in which a loyal opposition criticised the executive as such. The different groups in council did not compete as alternative governments, but as legislators. This means that however much they might question legislative change, and the motives behind it, the non-official members were usually careful not to attack the officials on application of the law. There were exceptions. For example, on 2 June 1840, Hannibal Macarthur accused the attorney-general of slackness in the prosecution of bushrangers. Plunkett not only defended himself stoutly, but added that 'he did not consider it fair to bring a charge of this kind in this way against a Government Officer who happened to be a member of that Council'.

Similarly, in August 1842, during a debate on the issuing of squatting licences, James Macarthur admitted quite readily that it would be a very great evil if the Legislative Council were to be converted into a tribunal, to judge of the proceedings of the Government; to institute enquiries upon proceedings which might take place between the Executive Government and private individuals.

Richard Jones agreed, in the same debate, that 'This Council was merely a Legislative Council', having nothing to do with the executive.

---

1 Sydney Herald, 3 June 1840

<table>
<thead>
<tr>
<th></th>
<th>1839</th>
<th>1840</th>
<th>1841</th>
<th>1842</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 2 3</td>
<td>4 5 6</td>
<td>7 1 2</td>
<td>3 4</td>
</tr>
<tr>
<td><strong>Chief Justice</strong></td>
<td>O X X</td>
<td>X O X X</td>
<td>X X</td>
<td>X X</td>
</tr>
<tr>
<td><strong>Bishop</strong></td>
<td>O O X</td>
<td>X X X</td>
<td>X X</td>
<td>X X</td>
</tr>
<tr>
<td><strong>Comdr. of Forces</strong></td>
<td>X</td>
<td>X X</td>
<td>X X</td>
<td>X X</td>
</tr>
<tr>
<td><strong>Official</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Colonial Sec.</strong></td>
<td>X X X</td>
<td>X X X</td>
<td>X X X</td>
<td>X X X</td>
</tr>
<tr>
<td><strong>Attorney-Gen.</strong></td>
<td>X X X</td>
<td>X X X</td>
<td>X X X</td>
<td>X X X</td>
</tr>
<tr>
<td><strong>Coll. of Customs</strong></td>
<td>X O</td>
<td>X X X</td>
<td>X X X</td>
<td>X O X</td>
</tr>
<tr>
<td><strong>Auditor-Gen.</strong></td>
<td>X O O</td>
<td>X O O</td>
<td>X X</td>
<td>X X</td>
</tr>
<tr>
<td><strong>Non-officials:</strong></td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td><strong>Campbell</strong></td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td><strong>Jones</strong></td>
<td>0 0 0</td>
<td>0 0 0</td>
<td>X X X</td>
<td>X X X</td>
</tr>
<tr>
<td><strong>H. Macarthur</strong></td>
<td>0 0 0</td>
<td>0 0 0</td>
<td>X 0</td>
<td>0 0 0</td>
</tr>
<tr>
<td><strong>King/Jas.M.</strong></td>
<td>0 0 0</td>
<td>0 0 0</td>
<td>[ ]</td>
<td>0 0 0</td>
</tr>
<tr>
<td><strong>Blaxland</strong></td>
<td>X O O</td>
<td>X O O</td>
<td>X O O</td>
<td>X O O</td>
</tr>
<tr>
<td><strong>Jamison</strong></td>
<td>0 0 X</td>
<td>0 0 0</td>
<td>X O X</td>
<td>0 0 0</td>
</tr>
</tbody>
</table>

Key: 'X' implies a vote or speech in line with the majority of the official members, and 'O' implies a vote or speech against. 'Lost' and 'Won' implies lost and won by the majority of the official members.

---

3 In these cases members were unable to attend the debates but sent letters expressing their opinions, which were read in council.

4 In these cases members spoke on one side of the question, but did not vote.

5 In these cases the motion was won by the governor's casting vote.

6 In this case the official members were said to have a majority of one over their opposition, but there was no division list.
List of debates and divisions mentioned in the table:

1839

1. (22 Aug.) Discussion during a debate on the estimates, in which Jones and others objected to the appointment of a second crown solicitor in the attorney-general's department (Sydney Herald, 28 Aug. 1839).

2. (27 Aug.) Discussion on the governor's resolutions approving reform of the education system, the main antagonists being the attorney-general (for) and the bishop (against) (ibid., 2 Sept. 1839).

3. (10 Sept.) Vote on a clause in the chairman of quarter sessions bill, in which the attorney-general wanted to force the magistrates to elect barristers as their chairmen (ibid., 11 Sept. 1839).

4. (11 Sept.) Vote on a clause in the jury bill, in which the attorney-general recommended the abolition of military juries as an option in criminal cases (ibid., 13 Sept. 1839).

1840

1. (14 July) Vote on J. Macarthur's motion for the rejection of the police and public works bill (ibid., 17 July 1840).

2. (6 Aug.) Vote on J. Macarthur's resolutions recommending a different procedure for the municipal corporations bill (ibid., 10 Aug. 1840).

3. (18 Aug.) Vote on J. Macarthur's motion that counsel be heard against the amendment of clause 30 of the municipal corporations bill (ibid., 19 Aug. 1840).


5. (22 Sept.) Vote on a motion by Jones, seconded by the attorney-general, that Thomas Moore of Liverpool was entitled to £2,536 compensation from the government (ibid., 23 Sept. 1840).

6. (6 Oct.) Vote on J. Macarthur's resolutions stating that the presence of convicts was, on the balance, a burden to the colony, and that their maintenance had been paid for with money which should have been used for immigration (ibid., 8 Oct. 1840). (The resolutions were passed unanimously the next day, the first part having been left out.)
7. (20 Oct.) Vote on a motion by Jones, during debate on the census bill, that the census should distinguish ex-convicts from others (ibid., 21 Oct. 1840).

1841

1. (20 July) Discussion of a petition from landowners praying for an enquiry into the feasibility of bringing in labourers from India (formally supported by J. Macarthur) (ibid., 22 July 1841).

2. (3 Aug.) Vote on J. Macarthur's motion, during debates on the estimates, that police and gaols expenditure be cut by half (ibid., 4 Aug. 1841).

3. (14 Dec.) Vote as to whether the second reading of the permit bill, a government measure, should proceed (a bill to regulate the import of liquor) (ibid., 15 Dec. 1841).

1842

1. (28 June) Vote during debate of the Sydney corporation bill, on the attorney-general's motion that town councillors should have freehold property worth £1,000, and not £2,000 as stated by the bill (ibid., 29 June 1842).

2. (5 July) Vote on J. Macarthur's motion for the rejection of the police and public works bill (ibid., 6 July 1842).

3. (12 July) Vote on J. Macarthur's motion for the rejection of the Sydney corporation bill (ibid., 13 July 1842)

4. (16 Aug.) Vote, during debate on the estimates, on H. Macarthur's motion that expenditure on the surveyor-general's department be cut by half, and that it should be borne on the general revenue rather than the land fund (ibid., 17 Aug. 1842).

Macarthur's attitude to coolie labour was of very marginal importance to his political life, and has not been mentioned in the thesis. However, an article which appeared while the thesis was being copied seems to make some comment necessary (A. Dwight, 'The Use of Indian Labourers in New South Wales', JRAHS 62, 1976). The author calls Macarthur's behaviour during the debate of 20 July 1841 a 'volte-face' which it 'is hard to justify' (p.127). He apparently means hard to explain. But the explanation is in Macarthur's speeches. He had presented the petition and moved that its prayer be granted, but neither action shows that he agreed with the petitioners. His main aim was to instigate discussion, which could not proceed without a formal motion. He also thought there might be an inquiry of some sort, but after a thorough discussion he withdrew the motion. Dwight wrongly says he withdrew the petition.
Appendix 6

Revenue and Expenditure Figures 1838-42

Most of the following figures are taken from Sir George Gipps's annual financial minutes, as presented to the legislative council early in each session.\(^1\) However the land sales figures and the police and gaols figures are taken from abstract returns presented to council in 1844.\(^2\) The governor's minutes itemise only the administration of police and gaols, and not the erection and repair of buildings. All figures include Port Phillip. Ordinary revenue include all those items over which the council had control, the most important being customs and excise duties.

<table>
<thead>
<tr>
<th>Ordinary revenue</th>
<th>Revenue from crown land sales</th>
</tr>
</thead>
<tbody>
<tr>
<td>£202,580</td>
<td>£116,325</td>
</tr>
<tr>
<td>259,443</td>
<td>152,963</td>
</tr>
<tr>
<td>311,749</td>
<td>316,626</td>
</tr>
<tr>
<td>373,655</td>
<td>90,387</td>
</tr>
<tr>
<td>367,214</td>
<td>14,575</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditure on immigration</th>
<th>Expenditure on police and gaols</th>
<th>Total expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>£108,006</td>
<td>£107,147</td>
<td>£463,162</td>
</tr>
<tr>
<td>158,515</td>
<td>135,133</td>
<td>533,743</td>
</tr>
<tr>
<td>148,314</td>
<td>134,273</td>
<td>521,587</td>
</tr>
<tr>
<td>331,972</td>
<td>134,559</td>
<td>350,707</td>
</tr>
<tr>
<td>115,005</td>
<td>127,938</td>
<td>339,023</td>
</tr>
</tbody>
</table>

\(^1\) Sydney Herald, 24 July 1839, 31 July 1840, 6 July 1841, 27 July 1842; SMH, 24 Aug. 1843.

\(^2\) V&P 1844, I pp.586, 709.
Appendix 7
The Camden Constituency 1843-59

This appendix gives a rough outline of political movements in Macarthur's home constituency during the period he was involved in elections there. Until the passing of the 1851 electoral act the constituency included the whole county of Camden, which was bounded in the west by Wollondilly, in the south by the Shoalhaven, and included Illawarra in the east. In 1851 the electorate was divided into two, so that Macarthur's sphere of interest was limited to the western half, where the main centres were Camden village, Picton and Berrima. This area returned one member in the 1851 elections, and afterwards, in 1856, 1858 and 1859, two.

There were three censuses during the period, in 1846, 1851 and 1856. The first, in 1846, shows fairly clearly the occupational and religious structure of the different parts of the constituency. The county was then broken up, for administrative purposes, into four police districts, namely Camden and Narellan, Berrima, Picton (otherwise Stonequarry) and Illawarra. Unfortunately the first of these, Camden and Narellan, included part of Cumberland, but the figures for the whole police district are no doubt a fair guide to the Camden part of it.

The table below is based on the 1846 census. It shows that a relatively small number of agriculturalists lived in the Picton and Berrima areas, which were used mainly for grazing. No doubt this means
that there were a good number of large estates there, but many of those involved in grazing were probably small squatters with no land of their own.\footnote{T.M. Perry, \textit{Australia's First Frontier}, Melbourne 1963, pp.106-7.} In contrast, a very large proportion of the people at Illawarra were agriculturalists. The Camdenites come in between. The table also shows that, overall at least, there was not an unusual number of Catholics at Illawarra, in spite of some common impressions. But the census does not give any evidence as to how many there were in each occupational group.

**Table I**

<table>
<thead>
<tr>
<th></th>
<th>Illawarra</th>
<th>Camden &amp; Narellan</th>
<th>Berrima</th>
<th>Picton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grazing</td>
<td>24</td>
<td>68</td>
<td>144</td>
<td>104</td>
</tr>
<tr>
<td>Agriculture</td>
<td>556</td>
<td>621</td>
<td>375</td>
<td>249</td>
</tr>
<tr>
<td>Proportion of those involved in grazing to those involved in agriculture</td>
<td>1:23</td>
<td>1:9</td>
<td>1:3</td>
<td>1:2</td>
</tr>
<tr>
<td>Catholic</td>
<td>1422(34%)</td>
<td>622(23%)</td>
<td>587(29%)</td>
<td>431(39%)</td>
</tr>
<tr>
<td>Protestant</td>
<td>2773(66%)</td>
<td>2098(77%)</td>
<td>1413(69%)</td>
<td>684(61%)</td>
</tr>
<tr>
<td>Total population</td>
<td>4210</td>
<td>2734</td>
<td>2025</td>
<td>1117</td>
</tr>
</tbody>
</table>

The next table shows the evolution and the social structure of the three main villages in the western part of the county between 1846 and 1856. One conclusion to be drawn is that Camden, which had been founded as recently as 1840, grew very rapidly during the period, mainly through the immigration of shopkeepers, traders and manufacturers. Picton grew more slowly, while Berrima noticeably dwindled. A partial explanation
for Berrima's decline was offered at the time by Roger Therry: 'between Picton on the one side and Goulburn on the other, there was no likelihood of a dense population springing up'. \(^2\) It is not surprising that there is evidence of a good deal of jealousy between the Berrima people and the upstarts at Camden (see below).

**Table II**

<table>
<thead>
<tr>
<th></th>
<th>Camden</th>
<th></th>
<th>Picton</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1846</td>
<td>1851</td>
<td>1856</td>
<td>1846</td>
<td>1851</td>
<td>1856</td>
</tr>
<tr>
<td>A.</td>
<td>3</td>
<td>11</td>
<td>8</td>
<td>2</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>B.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>46</td>
<td>43</td>
<td>61</td>
<td>27</td>
<td>29</td>
<td>23</td>
</tr>
<tr>
<td>C.</td>
<td>34</td>
<td>18</td>
<td>15</td>
<td>17</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td>Total pop'n:</td>
<td>242</td>
<td>342</td>
<td>458</td>
<td>120</td>
<td>142</td>
<td>131</td>
</tr>
</tbody>
</table>

**Berrima**

<table>
<thead>
<tr>
<th></th>
<th>1846</th>
<th>1851</th>
<th>1856</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>18</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>B.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>32</td>
<td>11</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>69</td>
<td>35</td>
<td>17</td>
</tr>
<tr>
<td>C.</td>
<td>37</td>
<td>24</td>
<td>12</td>
</tr>
<tr>
<td>Total pop'n:</td>
<td>377</td>
<td>192</td>
<td>188</td>
</tr>
</tbody>
</table>

Note: 'A' refers to professional and 'educated' persons of various kinds; 'B', for 1846 and 1851, refers to people engaged in 'Commerce, trade and manufacture', and for 1856, 'Trade and Commerce'; 'C', for 1846 and 1851,

\(^2\) Therry to Macarthur, 26 September 1851, ML A2930.
refers to 'Mechanics and artificers', and for 1856, simply 'Artificers'. No doubt most of the artificers of 1846 and 1851 were counted as manufacturers in 1856, and possibly mechanics of 1846 and 1851 were counted simply as labourers in 1856. On the whole, no useful conclusion can be based on comparisons between these particular figures at each period.

In the 1843 elections, the first general elections in New South Wales, there were two candidates for the county, Roger Therry and Charles Cowper. Therry, the acting attorney-general, had been first asked to stand by 'the substantial yeomanry' of Illawarra. Most of these yeomen were no doubt Catholics, as the district is said to have had a large proportion of Catholic small farmers. Therry himself was the colony's leading Catholic layman, and he also had a small estate near Wollongong. It had been explained above (in chapter 7) that he afterwards secured the Macarthur's support, which gave him a solid base with the people at Camden village.

Cowper was a grazier living at Wivenhoe, directly to the south of Camden Park. He was first brought forward by some landowners from the Picton area, of whom the most active were John Wild, of Vanderville, and Henry Antill, of Jarvisfield. Charles Throsby, of Throsby Park, Berrima, was a third energetic supporter. At Illawarra Cowper's supporters were mainly 'the landed proprietors and gentry', who were apparently coming out in opposition to their smaller neighbours. During

---

3 Therry's speech at Berrima, 20 Apr. 1843, SMH, 26 Apr. 1843.
5 Requisition to Cowper, dated Picton, 7 Jan. 1843, signatories headed by Wild and Antill, ibid., 20 Jan. 1843; reports of meetings at Picton and Berrima, ibid., 28, 30 Jan. 1843.
6 SMH, 7 Mar. 1843.
his canvas of Illawarra Cowper appealed directly to the anti-Catholic vote, so that no doubt the class division was reinforced to some extent by a religious one. For a short time an Illawarra landowner, Alick Osborne, put himself forward as a third candidate for the county. He was a Protestant and was supposed to have 'the same object in view' as Cowper, but he afterwards withdrew and joined the Macarthurs in their support of Therry.

Therry's triumph in 1843 was a direct result of his support at Illawarra and Camden village. At Berrima the voting was more or less even, but at the tiny village of Picton he had a good majority against him. Cowper afterwards accused Macarthur of using undue influence at Camden to secure Therry's return. The franchise was limited to men occupying houses worth £20 per annum and, according to Cowper, the chief constable of Camden and Narellan had included on the electoral list several of Macarthur's employees whose houses were not worth £20. It was open to Cowper to lodge a formal complaint, but he failed to do so, so that the charge was never investigated. But whether true or not, it seems unlikely that the constable was acting on Macarthur's orders, if only because Macarthur had lately accused him of behaving as if he were Cowper's 'electioneering agent' in Camden village.

---

7 Ibid., 18, 28 Mar. 1843.
9 Cowper's speech at his nomination for Cumberland, 27 June 1843, ibid., 28 June 1843. Therry's nomination for Camden, 21 June 1843, was seconded by Osborne's brother Henry (ibid., 24 June 1843).
10 See table III, below.
11 Cowper's speech at his nomination for Cumberland, 27 June 1843, SMH, 28 June 1843.
12 Macarthur's speech at Sydney, 30 June 1843, Australian, 1 July 1843.
13 Macarthur's speech at Camden, 6 Feb. 1843, ibid., 8 Feb. 1843.
Cowper also alleged that Macarthur and his brother had used undue influence with their employees, and with the villagers at Camden.\[14\] To refute this charge Macarthur produced a signed statement from all his enfranchised employees, who numbered 15, declaring that they had voted for Therry of their own free will, 'and ... we never had any desire to vote otherwise'. He also published a statement signed by five of the leading villagers.\[15\] But this was all beside the point, because it must have been impossible to separate undue influence from a moral authority which few of the local people thought to question. Macarthur was a very popular landlord and 'one of the best employers' among the country gentlemen.\[16\] The villagers saw him as a brilliant figure: 'the great James Macarthur, whose name had become universally celebrated not only in Australia, but in Europe'.\[17\] They referred to him as 'our own peculiar property, and we are proud of him beyond what we can express'.\[18\] Camden was therefore more or less a pocket borough: 'whatever side Mr. James wished them to vote they would do it,' they said, 'as he was sure to support a good man'.\[19\]

\[14\] Cowper's speech at his nomination for Cumberland, 27 June 1843, SMH, 28 June 1843.
\[15\] Macarthur's speech at Sydney, 30 June 1843, Australian, 1 July 1843.
\[16\] Empire, 5 May 1856. See also the enthusiastic statements of Camden tenants to Caroline Chisholm in 1846 (SMH, 6 June 1848; Monteagle papers, National Library of Ireland, MSS 13400).
\[17\] W.S. Mitchell's speech at Camden, 26 Mar. 1856, SMH, 28 Mar. 1856.
\[18\] The Camden correspondent, ibid., 3 Aug. 1848.
\[19\] J.M. Bowman to Macarthur, 29 Feb. 1856, ML A2923.
On Therry's resignation in 1845 there were once again separate movements in the eastern and western parts of county, in preparation for the by-election. At Illawarra Osborne was brought forward, while at Berrima Throsby arranged a requisition first to William Macarthur, and afterwards to James. When the Macarthurs declined, John Wild, Cowper's ally of 1843, came forward in the west. At the last moment James Macarthur made a statement in the press in favour of Osborne, but otherwise he took no part in the campaign and there was a poor turn-out at Camden village. The contest was therefore mainly between the eastern and western parts of the county, and the west, and Wild, won. On the next occasion, the general election of 1848, Macarthur came forward himself and met with no opposition. He was formally proposed by Osborne and John Oxley, of Kirkham, near Camden, one of Cowper's admirers; an appropriate start for the new council, and Macarthur's détente with the liberals.

In the general election of 1851 Macarthur suffered several disadvantages. With the division of the county he lost the Osborne family interest at Illawarra. Also the part he had taken in the transportation question, in the spring of 1850, had disappointed several leading men in West Camden, who were against any revival. His support for non-sectarian education continued to be a cause of complaint and, finally, there was some jealousy between Berrima and Camden village, the

---

20 *Australian*, 12 Nov. 1844.
23 See table III, below.
Table III

This table represents an analysis of the results of the 1843 and 1845 elections. The terms 'anti-Macarthur' and 'pro-Macarthur' are slightly misleading, in so far as Macarthur interfered only at the end of the 1845 campaign.25

<table>
<thead>
<tr>
<th>Polling places</th>
<th>Anti-Macarthur candidate</th>
<th>Pro-Macarthur candidate</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1843 (Cowper)</td>
<td>1845 (Wild)</td>
<td>1843 (Therry)</td>
</tr>
<tr>
<td>Camden</td>
<td>32</td>
<td>26</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>44%</td>
<td>55%</td>
<td>56%</td>
</tr>
<tr>
<td>Picton</td>
<td>21</td>
<td>27</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>75%</td>
<td>87%</td>
<td>25%</td>
</tr>
<tr>
<td>Berrima</td>
<td>33</td>
<td>41</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>52%</td>
<td>60%</td>
<td>48%</td>
</tr>
<tr>
<td>Wollongong</td>
<td>39</td>
<td>25</td>
<td>58</td>
</tr>
<tr>
<td></td>
<td>40%</td>
<td>38%</td>
<td>60%</td>
</tr>
<tr>
<td>Kiama</td>
<td>11</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>50%</td>
<td>41%</td>
<td>50%</td>
</tr>
<tr>
<td>Totals</td>
<td>136</td>
<td>128</td>
<td>146</td>
</tr>
<tr>
<td></td>
<td>48%</td>
<td>54%</td>
<td>52%</td>
</tr>
</tbody>
</table>

latter having pushed ahead very rapidly in the last few years. During the campaign there were violent assertions that Macarthur had used his influence to bring down Berrima in favour of Camden.26

25 For the 1843 figures, see SMH, 26 June 1843, and for the 1845 figures, ibid., 4 Mar. 1845.
The resentment was not just talk. John Wild, Henry Antili, William Cordeaux and Henry Oxley bought forward a rival candidate, William Sherwin, a surgeon from Mittagong. These four all lived near Picton, but the canvas for Sherwin seems to have begun at Berrima. Sherwin was a supporter of church schools, anti-transportation, the secret ballot and a lower electoral franchise. Moreover, he could boast an association with the liberals going back to 1845, when he had joined Lowe and Cowper in celebrating Wild's victory. Macarthur was supported by Throsby and George

| Table IV |
| Results of the 1851 election. |

<table>
<thead>
<tr>
<th></th>
<th>Sherwin</th>
<th></th>
<th>Macarthur</th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Camden</td>
<td>5 (4%)</td>
<td></td>
<td>126 (96%)</td>
<td></td>
<td>131</td>
</tr>
<tr>
<td>Picton</td>
<td>24 (32%)</td>
<td></td>
<td>50 (68%)</td>
<td></td>
<td>74</td>
</tr>
<tr>
<td>Berrima</td>
<td>50 (79%)</td>
<td></td>
<td>13 (21%)</td>
<td></td>
<td>63</td>
</tr>
<tr>
<td>Totals</td>
<td>79 (29%)</td>
<td></td>
<td>189 (71%)</td>
<td></td>
<td>268</td>
</tr>
</tbody>
</table>

28 Ibid., 19 July 1851. The first meeting for Sherwin was held at Berrima, 30 July 1851, ibid., 2 Aug. 1851.
30 Sherwin's answer to his requisition, 5 Aug. 1851, ibid., 17 Sept. 1851.
31 Ibid., 25 Sept. 1851.
Macleay, his neighbour at Camden, but the exertions of the leading men in Camden village were no doubt more important to him. Sherwin did well at Berrima, but at Camden, with twice the number of voters, he received only 5 votes out of 131 cast. His total was a mere 29 per cent.

The last elections to be dealt with are those of 1856, 1858 and 1859, all held under the new constitution. There was also a by-election in June 1856, when Macarthur resigned his seat and sought endorsement as a member of the cabinet, but this was a formal business which caused no trouble. West Camden now returned two members. Macarthur himself was absolutely safe, but in both 1856 and 1858 there was doubt as to who the second member should be.

Before the 1856 election, the first under responsible government, several possibilities were considered. The first man to broach the question was Henry Oxley, who wrote to Macarthur in October 1855 asking about his plans, and saying that although he had been against him at the last election he would now support him. Macarthur answered with the proposal that he, Macarthur, and Deas Thomson should stand together, an idea which appealed to Oxley and the people he consulted at Picton. John Antill, who had succeeded his father at Jarvisfield, also helped in the campaign for Thomson. But on his return to the colony in the new year Thomson declined to stand.

---

32 Requisition to Macarthur, n.d. (answer dated 22 July 1851), ibid., 25 July 1851. Henry Oxley's name was on this requisition by mistake (his statement at Berrima, 30 July 1851, ibid., 2 Aug. 1851).
33 See table IV, above.
34 Oxley to Macarthur, 10 Oct. 1855, ML A2923.
36 Antill to Macarthur, 12 Jan. 1856, ibid.
37 Thomson to Macarthur, 11 Feb. 1856, ibid.
Macarthur then thought of having William Macleay,\(^{38}\) but at last he fixed on Thomas Barker, a conservative Sydney merchant who had been a nominee in the old council.\(^{39}\) Barker's campaign was organised by George Macleay while Macarthur was away in Melbourne, and was bungled from the beginning. Macleay failed to make it known throughout the constituency that Barker was to be proposed, and as a result John Oxley was brought forward at Berrima by his brother Henry, and by John Antill. John Oxley was not very acceptable to Macarthur, Macleay and the Camden people. Not only was he supposed to be 'weak and slow in comprehension', but he was also a personal friend of Cowper's.\(^{40}\) However, he called himself a conservative,\(^{41}\) and Antill afterwards explained that they had brought him forward to prevent some out-and-out liberal 'taking the county by storm'.\(^{42}\) As soon as Barker knew that he was opposed by a local man he retired,\(^{43}\) so that Macarthur and Oxley were returned without a contest.

During the first parliament Oxley sat on the cross benches. He voted with the Donaldson government in the division which put them out of office, but he then voted against the no-confidence motion which removed Cowper, and he was inconsistent under Parker.\(^{44}\) By October 1856 Macarthur had already given him up as a slippery liberal,\(^{45}\) a fact which considerably

---

38 James Macarthur to W. Macarthur, 26 Jan. 1856, ML A2932.
39 Barker to Macarthur, 20 Feb. 1856, ML A2923.
43 Macleay to Macarthur, 29 Feb. 1856, ibid.
44 See appendix 10, below.
45 Macarthur to H.M. Oxley, 20 Oct. 1856, ML A2920.
lessened Oxley's chances of staying in parliament. The difference between them came to a head in the next election, in January 1858. Macarthur at first meant to retire himself, and he even wrote to Antill to tell him so, but he was afterwards persuaded to stay on. He then tried, unsuccessfully, to have Antill stand with him, on the assumption that they would be able to get Oxley to withdraw. Meanwhile Macleay had persuaded William Wild, apparently a son of John Wild, to come forward. Wild was only 24, and his sole claim to fame was that he had once failed to be called to the bar, through 'the fastidious stupidity of the examiners'. The Berrima people were extremely annoyed at the prospect of losing Oxley, whom they regarded as a representative of their own area. They were quite prepared to admit that Macarthur should 'retain a seat in the Assembly while he has a leg to stand on [sic]', but he was nevertheless 'more than useless' as far as Berrima was concerned. They also resented the fact that the whole representation should depend on him. Their annoyance shows very clearly in the final figures, but they could not prevent Oxley coming in

46 Macarthur to Antill, 22 Dec. 1857, ibid.
47 Antill to Macarthur, 30 Dec. 1857, ML A2924.
48 Sir W. Macarthur to James Macarthur, 7, 8 Jan. 1858, ML A2934. In these letters William wrote that Macleay had urged Wild to come forward in opposition to Oxley, and that he, William, had agreed to stand himself, but only in order to prevent an ugly contest, and on the understanding that both would withdraw in his favour. Presumably the understanding fell through.
49 'Cockney Comments on Passing Events', by 'Peter Possum', SMH, 1 Feb. 1858. However Wild had been admitted to the bar at the time of his death, 3 years later (ibid., 27 May 1861).
50 'A Plumper for Oxley' to 'Sydney', 30 Jan. 1858 (written from Berrima), ibid., 8 Feb. 1858.
51 H.M. Oxley to Macarthur, 26 Jan. 1858, ML A2920.
third. There were some angry scenes at Berrima on polling day. Some complained that the voters had been interfered with, but according to a local man it was nothing but 'a little "Botany Bay bounce", practised between each party as regarded the result of the election'.

Table V

<table>
<thead>
<tr>
<th></th>
<th>Macarthur</th>
<th>Wild</th>
<th>J. Oxley</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Camden</td>
<td>275 (49%)</td>
<td>232 (42%)</td>
<td>49 (9%)</td>
<td>556</td>
</tr>
<tr>
<td>Picton</td>
<td>83 (47%)</td>
<td>83 (47%)</td>
<td>9 (5%)</td>
<td>175</td>
</tr>
<tr>
<td>Berrima &amp; Murrimbah</td>
<td>8 (4%)</td>
<td>43 (24%)</td>
<td>130 (72%)</td>
<td>181</td>
</tr>
</tbody>
</table>

|                | 366 (40%) | 358 (38%) | 188 (21%) | 912   |

Macarthur's relationship with Wild shows what a curious position he now occupied in the electorate. Although he had wanted Oxley to withdraw he was apparently not prepared to force a contest with him. Therefore he took no part in Wild's campaign and he afterwards denied absolutely that he 'used personal influence to secure his return'. But as Henry

52 See table V.
53 'Sydney' to the editor, SMH, 28 Jan. 1858; Macarthur to H.M. Oxley, 30 Jan. 1858, ML A2920.
54 'A Plumper for Oxley' to 'Sydney', 30 Jan. 1858, SMH, 8 Feb. 1858.
55 Ibid., 25 Jan. 1858.
56 It seems fair to assume that James's attitude was the same as William's (see Sir W. Macarthur to James Macarthur, 7, 8 Jan. 1858, ML A2934).
57 Macarthur to H.M. Oxley, 30 Jan. 1858, ML A2920.
Oxley told him in reply,

You are surrounded by so many people anxious to do anything to further your wishes that you have only to say it would be pleasing to you to see Mr. Wild or anyone else elected, to engage them actively canvassing for the favoured man, and using your name without reservation ... I am afraid your over zealous friends have done your reputation a great injury, as you will be held responsible for their acts, and public opinion will sooner or later shew itself. 58

Macarthur found such truths very distasteful. 59 He no doubt liked even less the idea that he represented a body of electors who might as well be disenfranchised, but as Henry Oxley rightly told him, 'you have the power of returning whom you choose ... and to ask their opinion is only acting a part'. 60

Macarthur retired before the next election, in 1859, the first after the introduction of manhood suffrage and the secret ballot. On this occasion he and his brother put their main weight behind Wild, who was consequently received with great enthusiasm in Camden village. 62 Since last election, Wild had also gained popularity at Berrima, 63 so that he was very much the front runner. However the anti-Camden feeling was still important in the south and it resulted in two local candidates being brought forward there, Henry Oxley and John Morrice. 64 Oxley was a

58 H.M. Oxley to Macarthur, 3 Feb. [1858], ibid.
59 Macarthur to H.M. Oxley, 10 Feb. 1858, ibid.
60 H.M. Oxley to Macarthur, 26 Jan. 1858, ibid.
61 Ibid., 30 June 1859.
62 Requisition to Wild (signatories headed by Sir W. Macarthur), ibid., 18 May 1859; meeting at Camden, 21 May 1859, ibid., 25 May 1859.
63 Ibid., 28 May 1859.
64 Requisition to H.M. Oxley, 4 June 1859 (dated at Berrima), and answer, 11 June 1859, ibid., 14 June 1859; notice by Morrice's committee at Berrima, ibid.
Table VI

Result of the 1859 election.  

<table>
<thead>
<tr>
<th></th>
<th>Wild</th>
<th>H. Oxley</th>
<th>Morrice</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Camden</td>
<td>334 (43%)</td>
<td>248 (32%)</td>
<td>192 (25%)</td>
<td>774</td>
</tr>
<tr>
<td>Picton</td>
<td>155 (56%)</td>
<td>95 (34%)</td>
<td>29 (10%)</td>
<td>279</td>
</tr>
<tr>
<td>Berrima &amp; Murrimba</td>
<td>113 (22%)</td>
<td>164 (32%)</td>
<td>228 (45%)</td>
<td>505</td>
</tr>
<tr>
<td>Burratorang, The Oaks &amp; Appin</td>
<td>72 (72%)</td>
<td>4 (4%)</td>
<td>24 (24%)</td>
<td>100</td>
</tr>
</tbody>
</table>

| Totals | 674 (41%) | 511 (31%) | 473 (28%) | 1658   |

The result of the election is interesting in so far as it shows the small effect of manhood suffrage and the secret ballot on the Macarthur interest in Camden village. The candidate opposed to their interest (Morrice) did relatively well. He certainly received more votes than any candidate who had ever opposed Macarthur himself (namely Sherwin in 1851 and John Oxley in 1858). But it is more useful to compare the 1859 result with those of 1843 and 1845, when Macarthur did not stand. In

65 SMH, 16 June 1859; meeting at Camden, 15 June 1859, ibid., 17 June 1859.
66 Ibid.; nomination meeting at Camden, 26 June 1859, ibid., 27 June 1859.
1843, in particular, the anti-Macarthur candidate received as much as 44 per cent of the votes. It would therefore be hard to argue that the electoral reforms had had much effect on the voting so far.

The main conclusion of the appendix is that regional rivalry was the most powerful force in the Camden electorate in Macarthur’s time, Illawarra and the western part of the country, and afterwards rivalry between first rivalry between Berrima and Camden village. Ideological differences were of only marginal importance, and no important group objected violently and continually to Macarthur’s politics. In other words, it was a conservative constituency.
Appendix 8

Voting in council 1843-48

The purpose of this appendix is to give a very short account of voting in council during the period 1843 to 1848, in order to show how support for the government varied before and after July 1846, when Sir Charles FitzRoy succeeded Sir George Gipps. The tables are taken from the division lists in the official minutes, the Votes and Proceedings. They do not include divisions in committee. Nor do they include any divisions in which the government officials appear on both sides of the question, and those at which only one official was present. In other words, they describe only those divisions in which the government appears to have been committed on one side or the other, and voted in strength.

The figures are percentages, with the number of times a member supported the government being taken as a fraction of his total attendance at the divisions. The total number of divisions counted in the first period, 1843-46, is 67, and the total for the second period, 1846-48, is 34. Those members who attended less than 10 divisions in the first period and less than five in the second are not counted.

The tables show that in the first period there were 17 members (marked with an asterisk) who voted with the government less than 33% of the time. Four of these (Lowe, Mitchell, Robinson and Wild) were elected too late, or else retired too early, to be involved in the main campaign against Gipps in 1844; and one, Blaxland, a nominee, was too ill to take much part in it. This group of 17 is separated from
all the other members by a margin of 4%. Above them on the scale, in a cluster from 37% to 44%, are a group of 'moderates', two of whom, Murray and Suttor, were later to be important liberals. Of the remaining three members, two, Young and Therry, were officials (respectively sheriff and commissioner of the court of requests), and it is clear that they saw themselves as more or less committed to the executive. The nominees also seem to have voted with the government on principle in this period. None except Blaxland register less than 64% on the scale, and most are in the 80s and 90s.

In the first period the figure of 33% is slightly arbitrary, but in the second it is useless, because members are scattered much more evenly up and down the scale. Only eight are now found below that figure, including Wentworth and Lowe. Those who have moved above it include two important liberals, Cowper and Bowman. Those 'moderates' who have remained active members of council have also moved up, with Hannibal Macarthur almost doubling his percentage. In fact Robert Lowe seems to have been the only elected member who voted less with FitzRoy's government than with Gipps's. The non-official nominees, however, clearly began to feel in the second period that the government no longer needed their unquestioning support. Three of them, Icely, Darvall and Lamb, began to vote more independently, and the last two even became 'popular' during this period. Thus FitzRoy's government allowed for the formation of a new middling group in council, a party which was both popular and independent of the government, but detached from Wentworth's out-and-out opposition. These
were to be the liberals, and their leading lights were Cowper, Murray, Darvall and Lamb. Lowe is, as usual, a special case.

**Voting of the non-official nominees:**

<table>
<thead>
<tr>
<th></th>
<th>1843-46</th>
<th>1846-48</th>
</tr>
</thead>
<tbody>
<tr>
<td>G. Allen</td>
<td>80%</td>
<td>85%</td>
</tr>
<tr>
<td>A. Berry</td>
<td>64</td>
<td>75</td>
</tr>
<tr>
<td>J. Blaxland</td>
<td>25%</td>
<td>–</td>
</tr>
<tr>
<td>J.B. Darvall</td>
<td>93</td>
<td>73</td>
</tr>
<tr>
<td>H. Elwin</td>
<td>81</td>
<td>–</td>
</tr>
<tr>
<td>E.W.T. Hamilton</td>
<td>95</td>
<td>–</td>
</tr>
<tr>
<td>T. Icely</td>
<td>98</td>
<td>69</td>
</tr>
<tr>
<td>R. Jones</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>J. Lamb</td>
<td>83</td>
<td>50</td>
</tr>
<tr>
<td>R. Lowe</td>
<td>70</td>
<td>–</td>
</tr>
<tr>
<td>H.W. Parker</td>
<td>–</td>
<td>94</td>
</tr>
</tbody>
</table>
Voting of the elected members:

<table>
<thead>
<tr>
<th></th>
<th>1843-6</th>
<th>1846-8</th>
<th></th>
<th>1843-6</th>
<th>1846-8</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Gipps's opposition</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W.C. Wentworth</td>
<td>12%</td>
<td>34%</td>
<td></td>
<td>J. Panton</td>
<td>58%</td>
</tr>
<tr>
<td>R. Windeyer</td>
<td>12</td>
<td>13</td>
<td></td>
<td>A.W. Young</td>
<td>64</td>
</tr>
<tr>
<td>J.D. Lang</td>
<td>17</td>
<td>-</td>
<td></td>
<td>R. Therry</td>
<td>96</td>
</tr>
<tr>
<td>T. Walker</td>
<td>17</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Dumaresq</td>
<td>19</td>
<td>56</td>
<td>IV. Others</td>
<td></td>
<td></td>
</tr>
<tr>
<td>F. Lord</td>
<td>19</td>
<td>36</td>
<td>J.M.C. Airey</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>J. Wild</td>
<td>*20</td>
<td>22</td>
<td>B. Boyd</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>W. Lawson</td>
<td>21</td>
<td>55</td>
<td>T.E. Boyd</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>C. Nicholson</td>
<td>21</td>
<td>-</td>
<td>E.J. Brewster</td>
<td>-</td>
<td>20</td>
</tr>
<tr>
<td>D. Wentworth</td>
<td>24</td>
<td>-</td>
<td>H. Condell</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>W. Bowman</td>
<td>25</td>
<td>33</td>
<td>H. Dangar</td>
<td>-</td>
<td>15</td>
</tr>
<tr>
<td>W. Bland</td>
<td>26</td>
<td>32</td>
<td>S.A. Donaldson</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>R. Lowe</td>
<td>*29</td>
<td>20</td>
<td>C.H. Ebden</td>
<td>-</td>
<td>100</td>
</tr>
<tr>
<td>J.P. Robinson</td>
<td>*29</td>
<td>43</td>
<td>W.P. Faithfull</td>
<td>-</td>
<td>55</td>
</tr>
<tr>
<td>Sir T.L. Mitchell</td>
<td>*30</td>
<td>-</td>
<td>J.F.L. Foster</td>
<td>-</td>
<td>50</td>
</tr>
<tr>
<td>C. Cowper</td>
<td>33</td>
<td>41</td>
<td>P. Grant</td>
<td>-</td>
<td>43</td>
</tr>
<tr>
<td>II. Moderates</td>
<td></td>
<td></td>
<td>A. Macleay</td>
<td>-</td>
<td>50</td>
</tr>
<tr>
<td>W.H. Suttor</td>
<td>37</td>
<td>50</td>
<td>M.C. O'Connell</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>T.A. Murray</td>
<td>38</td>
<td>55</td>
<td>A. Thomson</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>J. Coghill</td>
<td>39</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Foster</td>
<td>43</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Bradley</td>
<td>44</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H.H. Macarthur</td>
<td>44</td>
<td>85</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 Some of these were in council too briefly, or voted too seldom, to make a percentage worthwhile, and others were members only during the second period. Macleay was speaker during the first period, and therefore did not vote.
Appendix 9

Voting in council 1849-53

This appendix deals with voting in one council, that of 1848-51, and part of another, 1851-55. The last two years of the later council are not included because they show a pattern substantial different from that of the first period. Much important work, particularly the constitution bill, was finished at the end of 1853. Moreover, early in 1854 both Thomson and Wentworth left the colony. Another complicating event was the change of governor at the beginning of 1855, especially as Denison's relationship with the council was very different from FitzRoy's.

The debates on the estimates in 1849, the first of the new council, give a useful indication of the arrangement of parties at the beginning of the period. There were 28 divisions, which is evidence of keen opposition. Table I, below, shows that there were two extremes, supporting and opposing the government. The same percentage method is used as in appendix 8. The government, of course, voted together on every occasion, and is therefore not included on the table. During most of the time it had the support of the non-official nominees (except for Lamb), together with Snodgrass (formerly a soldier and once acting governor) and the two Macarthurs. The extreme opposition are taken as those members who voted against the government at least two-thirds on the time, and in fact these constitute a more or less distinct group.
Table I:

Voting on the estimates, 1849.1

<table>
<thead>
<tr>
<th>I. Oposition</th>
<th>II. Moderates</th>
</tr>
</thead>
<tbody>
<tr>
<td>o• W.C. Wentworth</td>
<td>W.H. Sutter</td>
</tr>
<tr>
<td>* 4%</td>
<td>44%</td>
</tr>
<tr>
<td>o• R. Lowe</td>
<td>J.F.L. Foster</td>
</tr>
<tr>
<td>* 4</td>
<td>46</td>
</tr>
<tr>
<td>o• H. Dangar</td>
<td>* J.B. Darvall</td>
</tr>
<tr>
<td>* 6</td>
<td>50</td>
</tr>
<tr>
<td>o D. Cooper</td>
<td>W. Bowman</td>
</tr>
<tr>
<td>11</td>
<td>57</td>
</tr>
<tr>
<td>o G. Oakes</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
</tr>
<tr>
<td>o• J. Martin</td>
<td>III. Macarthurites, etc.</td>
</tr>
<tr>
<td>14</td>
<td></td>
</tr>
<tr>
<td>o• G.R. Nichols</td>
<td>n E.W.T. Hamilton</td>
</tr>
<tr>
<td>18</td>
<td>63</td>
</tr>
<tr>
<td>C. Cowper</td>
<td>W. Macarthur</td>
</tr>
<tr>
<td>19</td>
<td>65</td>
</tr>
<tr>
<td>o• R. Fitzgerald</td>
<td>J. Macarthur</td>
</tr>
<tr>
<td>20</td>
<td>68</td>
</tr>
<tr>
<td>o J. Dickson</td>
<td>n G. Allen</td>
</tr>
<tr>
<td>22</td>
<td>76</td>
</tr>
<tr>
<td>o• S.A. Donaldson</td>
<td>n T. icely</td>
</tr>
<tr>
<td>24</td>
<td>85</td>
</tr>
<tr>
<td>H. Moor</td>
<td>n A. Berry</td>
</tr>
<tr>
<td>31</td>
<td>88</td>
</tr>
<tr>
<td>n J. Lamb</td>
<td>K. Snodgrass</td>
</tr>
<tr>
<td>32</td>
<td>89</td>
</tr>
</tbody>
</table>

Note: An asterisk implies a vote for Donaldson as speaker at the opening of the session, he having been proposed by Wentworth and Lowe. The other members voted for Nicholson, who was proposed by two moderate liberals (Sutter and Bowman) and supported by Macarthur and the government (SMH, 16 May 1849). An 'o' implies a vote against Foster as acting chairman of committees, he having been proposed by Macarthur (SMH, 9 Aug. 1849). An 'n' implies a nominee. This list excludes Nicholson, Parker (chairman of committee) and four other members who rarely voted.

It will be clear from this table that the opposition at this early stage consisted partly of Wentworth's group and a section of the liberals, while the remainder of the liberals occupied a 'moderate' position. But there is not yet any clear line between the two parts of the opposition. For example it would be hard to say at this stage what group Cooper and Oakes belonged to. Nichols and Lowe were always slippery, and voted entirely as individuals.

---

1 The original figures are taken from SMH, 2 Aug.-14 Sept. 1849.
The following lists show the voting on several key issues for the remainder of the period. The transportation question, the most crucial of all, is too complicated for lists and tables to be of any use. However the extreme parties can be separated with reasonable accuracy from those who took up moderate or vacillating positions. There were three divisions which had some bearing on the question. The first was on Cowper's motion, on 22 May 1849, when Macarthur moved the previous question. The second was on Wentworth's motion for adjournment, during the debate on Lamb's resolutions, 30 August 1850. The third was on Parker's amendment to Lamb's resolutions, 1 October 1850. One extreme group consisted of Wentworth, Dangar, Martin and the Macarthurs, who were prepared to consider the revival of transportation on certain conditions. The other extreme were Cowper, Lamb, Suttor, Oakes and Bowman.

The 1851 election brought several additions to the liberal group. A survey of the most important divisions up to the end of 1853 shows that there were now at least nine who tended to vote together with some consistency, namely Cowper, Lamb, Robert Campbell, T.W. Smart, J.W. Bligh, Bowman, Oakes, Edward Flood and Richard Jones. The only questions on which these members divided more or less evenly were those concerning education. In 1851, for example, the first five supported the strengthening of the denominational schools while the

2 SMH, 23 May 1849.
3 Ibid., 31 Aug. 1850.
others favoured the national schools.\footnote{Debates of 27 Nov., 2 Dec. 1851, \textit{SMH}, 29 Nov., 4 Dec. 1851.}

During this period Wentworth's most constant supporters were Martin, H.G. Douglass and Augustus Morris. The Macarthurs tended to vote with Phillip Parker King and George Macleay. But all the last four lived away from Sydney, and the smallness of the group means that the absence of only one or two upsets the pattern. Only the two Macarthurs can be taken as constituting a firm 'party' for present purposes.

The following three lists show how each of these groups joined on different measures. They suggest that the liberals and Wentworth's 'tail' still maintained their characteristic view of government revenue: that it was almost their duty to interfere wherever possible to limit taxation and expenditure. But Wentworth's group were the more extreme from this point of view. The list also shows the isolation of the liberals on those issues which created most bitterness out of doors.

I. Divisions in which the liberals opposed the government, Macarthurs and Wentworth.

1. 31 Oct. 1851: Against King's amendment modifying the tone of a resolution against the revival of transportation. (\textit{SMH}, 1 Nov. 1851).

2. 3 Sept. 1852: Against Wentworth's motion for increasing the speaker's salary (ibid., 4 Sept. 1851).

3. 1 Dec. 1852: For Donaldson's amendment limiting the increase of the speaker's salary (ibid., 2 Dec. 1852).

4. 1 Sept. 1853: Against the 2nd reading of the constitution bill (ibid., 3 Sept. 1853). (But Bowman voted with the government).
5. 7 Dec. 1853: Against the committal of the constitution bill (ibid., 8 Dec. 1853). (But Bowman voted with the government).

II. Division in which the liberals and Wentworth opposed the government and Macarthurs.

1. 12 Nov. 1851: Against having a police magistrate at Parramatta (the debates on the estimates) (ibid., 13 Nov. 1851).

2. 11 Aug. 1852: Against the government's police regulation bill (said to be a result of dictation from the colonial office) (ibid., 12 Aug. 1852).

3. 19 Aug. 1852: For Wentworth's motion refusing supply (ibid., 20 Aug. 1852). (But Sutor and Bligh voted with the government).

4. 25 Aug. 1852: For Wentworth's motion on supply next year (ibid., 26 Aug. 1852). (But Sutor, Bligh and Douglass voted with the government).

5. 1 Oct. 1852: Against the payment of troops from the local revenue, except from the land fund (ibid., 2 Oct. 1852). (But Douglass voted with the government).

III. Divisions in which the liberals, government and Macarthurs opposed Wentworth.

1. 22 Oct. 1851: In support of the speaker on the composition of the committee for dispute returns (ibid., 23 Oct. 1851). (But Bligh, Jones and Flood voted with Wentworth.)

2. 28 July 1852: Against Martin's motion to legislate for official corruption in connection with tariff reform (ibid., 29 July 1852).

3. 21 June 1853: Against Martin's motion to supplement the salary of Sir T. Mitchell, the surveyor-general, from the land fund (ibid., 22 June 1852). (But Smart voted with Wentworth.)
Appendix 10

The state of parties under the Donaldson and Parker governments 1856-57

This appendix is meant to show the numbers in the legislative assembly who supported and who opposed the Donaldson and Parker governments, and the effective cross-benchers. There were 54 members in the assembly, and all are listed below except the speaker, Daniel Cooper. The divisions mentioned are all those which involved a direct censure on the government. Three of them, numbers 4, 5 and 11, resulted in a majority against the government, and the ministers resigned as a result.

An 'X' implies a vote for the conservative side and an 'O' for the liberal side. It will be seen that Donaldson and Parker had 25 supporters who voted with them almost all the time, while the liberals had 21 to begin with, and 24 at the end, following 4 by-elections. There were 7 effective cross-benchers, and the tables show how important their voting was in maintaining the various governments in power.

The members are grouped together entirely on the basis of voting behaviour, because contemporary ideas about the allegiance of the various members was not always very reliable. In April 1856, soon after the elections, Cowper made out a list of the house, dividing it into conservative and liberals, but he made some important mistakes (Hay, for example), and he did not allow for cross-benchers.¹ The Herald spoke of Suttor

¹ Cowper to Parkes, 23 Apr. 1856, MLA876.
and Lang as effective cross-benchers in September 1856, but statements
by both a year later seem to justify their inclusion among the
conservatives.²

² SMH, 30 Sept. 1856; speeches in parliament by Suttor and Lang,
Table 1: Supporters of the Donaldson and Parker governments

<table>
<thead>
<tr>
<th>Ministers</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.A. Donaldson</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W.M. Manning</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J.B. Darvall</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T. Holt</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G.R. Nichols</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>J. Macarthur</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>O</td>
</tr>
<tr>
<td>H.W. Parker</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Hay</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Others</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>T. Barker</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Bowman</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J.R. Brennan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>H. Buckley</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G.H. Cox</td>
<td>O</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P. Faucett</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Garland</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R. Hargrave</td>
<td>X</td>
<td>O</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.T. Holroyd</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>O</td>
</tr>
<tr>
<td>C. Irving</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G.S. Lang</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Lee</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>O</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G.W. Lord</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>G. Macleay</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W.S. Macleay</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Pye</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W.H. Sutter</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total: 25
Table II: Supporters of the liberals

<table>
<thead>
<tr>
<th>Ministers</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. Cowper</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R. Campbell</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Martin</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T.A. Murray</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W.M. Arnold</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E. Flood</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Forster</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S.D. Gordon</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R.T. Jamison</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R. Jones</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Marks</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G. Oakes</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H. Parkes</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W.R. Piddington</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Richardson</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Robertson</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>F.T. Rusden</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T.G. Rusden</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.W. Scott</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E.C. Weekes</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J.R. Wilshire</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Returned at by-elections

| J. Byrnes    | 0 | 0 | 0 |    |    |
| J. Campbell  | 0 | 0 | 0 | 0 |    |
| W.B. Dalley  | 0 | 0 | 0 | 0 |    |
| D.H. Deniehy | 0 | 0 | 0 | 0 |    |

Total before the by-elections: 21; and afterwards: 24 (Dalley replaced Parkes).
Table III: Effective cross benchers

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. Egan</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>O</td>
<td>X</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H. Hely</td>
<td>X</td>
<td></td>
<td>O</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H. Osborne</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>O</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>J. N. Oxley</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>O</td>
<td></td>
<td>O</td>
<td>X</td>
<td>X</td>
<td>O</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. H. Plunkett</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>O</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G. Sandeman</td>
<td>X</td>
<td>X</td>
<td>O</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Thomson</td>
<td>X</td>
<td>X</td>
<td>O</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total: 7

Divisions:

1. 29 May 1856: vote on the address in reply (3 divisions, Lang, Cox and Gordon not consistent) *(SMH, 30 May 1856).*

2. 5 August 1856: Martin's motion censuring the government on the state of the city sewers (ibid., 6 August 1856).

3. 8 August 1856: Martin's motion censuring the government on their departmental arrangements (ibid., 9 August 1856).

4. 12, 14 August 1856: Motions by Forster and by Donaldson on the nomination of judges to the legislative council (the two lists have been combined) (ibid., 13, 15 August 1856). Following the second division Donaldson's government resigned.

5. 17, 24, 25 September 1856: Two adjournment motions and one on the main issue during a debate on a no-confidence motion in Cowper's government (ibid., 18, 25, 26 September 1856). Following the last division Cowper's government resigned.

6. 10 February 1857: Martin's motion censuring the government in relation to the city commissioners (ibid., 11 February 1856).

7. 17 February 1857: Macarthur's amendment, against the adoption of a select committee report condemning the city commissioners (ibid., 18 February 1856).

8. 10 March 1857: Motion censuring the government in relation to the reform of the upper house (ibid., 11 March 1857).

9. 19 August 1857: Motion censuring the government on the appointment of justices of the peace (ibid., 20 August 1857).
10. 2 September 1857: Cowper's motion of no confidence in the government (ibid., 3 September 1857).

11. 3 September 1857: Vote on the second reading of the electoral bill (ibid., 4 September 1857). Following this division Parker's government resigned.
BIBLIOGRAPHY

Manuscript

In the Mitchell Library, Sydney:

Diary of George Allen, uncat. MSS 477
Australian Club records, 1836/3
Australian Patriotic Association, memoranda, C250
Autograph letters of notable Australians, A69, A70
Blaxland papers, C196
Bourke papers, A1733-A1741
Broughton papers, uncat. MSS 913
Collaroy papers, A2401, A2407
Deas-Thomson papers, A1513
Sir W. Denison, letter book, B205
Donaldson letters, A726-A728
Letters of the Donaldson ministry, A731
Papers on Education, etc., A357
Letters of Capt. Henry C. Hamilton, MSS 57/060 (mfm.)
Huon de Kerilleau papers, A3189
J. Lang papers, A2226
Macarthur papers, 1st collection, A2897-A3004, D185-D188
  2nd collection, A4175-A4366, D116-D117, D362-D365
  uncat. MSS 326
  Am 43
Sir W.M. Manning papers, uncat. MSS 246, 1107
Marsden papers, A1992, A1993, C244
Norton Smith papers, A5441
Parkes correspondence, A63, A876, A877, A920, A925
Petitions to the king, 1835-7 (papers relating to), A284
Piper correspondence, A254-A256
Riley papers, A106-A111
St. Johns, Parramatta, parish register (T.D. Mutch copy), A4381
Diary of A.B. Spark, A4869, A4870
Wentworth papers, A751-A758, A1440

In the New South Wales State Archives, Sydney:

Colonial secretary, particularly 2/7918, 4/2542, 4/7176.1
Treasury, particularly 4/30-4/33
Executive council, 4/1533, 4/1534

In the National Library, Canberra:

Bishop Broughton letters, MSS 1731
Broughton papers (mfm.)
Sir W. Denison papers, MSS 1957/1
Gipps-La Trobe correspondence (mfm.)
J.D. Lang papers, MSS 3267
At History House, Macquarie Street, Sydney (the property of the Royal Australian Historical Society):

    Diary of Judge Callaghan

In the Sydney University Archives:

    Nicholson papers
    University Senate minute book, 1852-3

At Manar, near Braidwood (the property of Mr. F.H. Gordon):

    Gordon family papers

In the Oxley Memorial Library, Brisbane:

    Leslie papers

In the British Library, London:

    Gladstone papers, Add. MSS 44355, 44527, 44528, 44738, 44744
    Peel papers, Add.MSS 40407, 40410, 40490, 40500

In the Clwyd County Record Office, Hawarden:

    Gladstone papers

In Derby Central Library:

    Catton papers

In the Department of Paleography and Diplomatic, University of Durham:

    Grey collection

At Hawkridge Farm, Bucklebury, Herts. (the property of Mrs. H. Coatalen):

    Hook papers

At Gala House, Galashiels, Selkirkshire (the property of Mr. Scott of Gala):

    Scott of Gala MSS

In the National Library of Ireland, Dublin:

    Bourke papers, MSS 8477
    Monteagle papers, MSS 13400

In the Kent Archives Office, Maidstone:

    Norman MSS

In the Manchester Central Library:

    Edward Edwards correspondence

In the Northumberland County Record Office, Newcastle:

    Blackett-Ord (Whitfield) MSS

In the Provost's House, The Queen's College, Oxford (the property of Lord Derby, and in the custody of Lord Blake):

    Papers of the 14th Earl of Derby
Contemporary books and pamphlets


Cunningham, Peter, *Two Years in New South Wales*, London 1827.


Lang, J.D., *Emigration: considered chiefly in reference to the practicality and expediency of importing and of settling throughout the territory of New South Wales, a numerous ... agricultural population*, Sydney 1833.

*An historical and statistical account of New South Wales, both as a penal settlement and as a British colony*, London 1834.

Lindsay, James, *A Sermon on the Advances in Knowledge, Freedom, and Morals, from the Reformation to the Present Times*, London 1818.


[Macarthur James], *New South Wales; its Present State and Future Prospects*, London 1837.

Macarthur, James, and Roger Therry, *The Speeches of James Macarthur and Roger Therry, Esquires, with a report of the proceedings at a meeting of the electors of Camden, held at Camden, February 6, 1843*, Sydney 1843.


Macarthur, James, and Henry Molesworth Oxley, *Election for West Camden: Speeches of Henry Molesworth Oxley and James Macarthur, Esquires, with a report of the election proceedings at Camden, 16th June 1856*, Sydney 1856.
Merewether, F.L.S., 'University of Sydney: Reminiscences of an original Fellow of the Senate, subsequently Vice-Chancellor, Acting Chancellor and Chancellor', printed for private distribution, Sydney 1898.

Mudie, James, The Felony of New South Wales, London 1837.

Rusden, G.W., History of Australia, Melbourne 1897.

Russell, William (Werriberrie), My Recollections, Camden 1914.

Silvester, E.K. (ed.), The Speeches, in the Legislative Council of New South Wales, on the second reading of the Bill for Framing a New Constitution for the Colony, Sydney 1853.


Therry, Roger, Reminiscences of Thirty Years' Residence in New South Wales and Victoria, London 1863.

Tingcombe, H., A Sermon preached in St. John's Church, Camden, on Sunday 28th April, 1867, on the occasion of the death of James Macarthur, Esq., Sydney 1867.


Whately, Richard, Thoughts on Secondary Punishment in a letter to Earl Grey, London 1832.

Later books and articles


Barff, H.E., A Short Historical Account of the University of Sydney, Sydney 1902.


Britain and Australia 1831-1855, Oxford 1967.


Carless Davis, H.W., The Age of Grey and Peel, Oxford 1929.


Clark, Manning, A Short History of Australia, Sydney 1969.


    The Australian People 1788-1945, Melbourne 1946.

    The British Empire in Australia 1834-1939, Melbourne 1949.

Fletcher, Brian, 'Grose, Paterson and the Settlement of the Hawkesbury', *JRAHS* 51, 1965.


Fraser, Peter, 'Public Petitioning and Parliament before 1832', *History* 46, 1961.


    *Mr. Secretary Peel*, London 1961.


Knight, Ruth, Illiberal Liberal, Melbourne 1966.

La Nauze, J.A., 'Australian Tariffs and Imperial Control', Economic Record 24, 1948.


The Squatting Age in Australia 1835-1847, Melbourne 1964.


Tuan, Mao-Lan, Simonde de Sismondi as an Economist, New York 1927.


Wilson, Gwendolin, Murray of Yarralumla, Melbourne 1968.


Unpublished theses


