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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>

<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.

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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>(26%)</td>
<td>(25%)</td>
<td>(24%)</td>
<td>(20%)</td>
<td></td>
</tr>
<tr>
<td>co. Cumberland (incl. Sydney)</td>
<td>58,108</td>
<td>73,538</td>
<td>81,114</td>
<td>108,982</td>
</tr>
<tr>
<td>(50%)</td>
<td>(48%)</td>
<td>(43%)</td>
<td>(41%)</td>
<td></td>
</tr>
<tr>
<td>Twenty counties (incl. Cumberl'd)</td>
<td>104,821</td>
<td>136,196</td>
<td>154,759</td>
<td>218,520</td>
</tr>
<tr>
<td>(91%)</td>
<td>(88%)</td>
<td>(83%)</td>
<td>(82%)</td>
<td></td>
</tr>
<tr>
<td>Pastoral districts</td>
<td>9,980</td>
<td>15,651</td>
<td>27,697</td>
<td>37,794</td>
</tr>
<tr>
<td>(9%)</td>
<td>(10%)</td>
<td>(15%)</td>
<td>(14%)</td>
<td></td>
</tr>
<tr>
<td>Totals</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.

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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

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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. ³ 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'. ⁴ 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. 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. Both Metcalfe and Munford make their argument depend mainly on a letter from Macarthur to Edwards dated 8 February 1837. 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. 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

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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.
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

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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. 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.

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". 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

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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.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'.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.'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.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,

¹⁸ Letter no. 41.
¹⁹ Letter no. 38.
²⁰ Letter no. 39.
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

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\(^1\) [Eagar] to the editor, 13 Apr. 1838, Monitor, 27 Aug. 1838.
entertained by the Colonial Office'. 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.

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'. The second was no doubt Buller's report, which was later published, undated, in the 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. 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

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2 This report was first published in the 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 Sydney Herald, 2 Dec. 1839.
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. 10 In fact, Buller's letter of 14 April does not mention Macarthur. 11 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, 12 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.\textsuperscript{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}.'

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.\textsuperscript{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

\textsuperscript{13} Ibid., 28 April, 1842.
\textsuperscript{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 snugger 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 appointments, 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 4</td>
<td>1 2 3 4</td>
<td>1 2 3 4</td>
<td>1 2 3 4</td>
</tr>
<tr>
<td>Chief Justice</td>
<td>O X X</td>
<td>X O X X</td>
<td>X X</td>
<td>X X</td>
</tr>
<tr>
<td>Bishop</td>
<td>O O X X</td>
<td>X X O X</td>
<td>X X</td>
<td>X X</td>
</tr>
<tr>
<td>Offic. of Forces</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colonial Sec.</td>
<td>X X X</td>
<td>X X X</td>
<td>X X</td>
<td>X X</td>
</tr>
<tr>
<td>Attorney-Gen.</td>
<td>X X X</td>
<td>X X X</td>
<td>X X</td>
<td>X X</td>
</tr>
<tr>
<td>Coll. of Customs</td>
<td>X O</td>
<td>X X X</td>
<td>X X</td>
<td>X X</td>
</tr>
<tr>
<td>Auditor -Gen.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Non-officials:**

<table>
<thead>
<tr>
<th>Govts. left</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>[0] 3</td>
<td>0</td>
<td>O X</td>
</tr>
<tr>
<td>Jones</td>
<td>0 0 0 0</td>
<td>0 0 0 X X 0 0</td>
<td>X X</td>
</tr>
<tr>
<td>H. Macarthur</td>
<td>0 0 0 0</td>
<td>0 0 0 X X 0</td>
<td>X X</td>
</tr>
<tr>
<td>King/Jas. M.</td>
<td>4 0</td>
<td>0 0 0 0 0</td>
<td>X X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Govts. right</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Berry</td>
<td>X O X X</td>
<td>X X X</td>
<td>X X</td>
</tr>
<tr>
<td>Blaxland</td>
<td>O O X X</td>
<td>0 0 0 0 X X 0</td>
<td>0 0 0</td>
</tr>
<tr>
<td>Jamison</td>
<td>X X X</td>
<td>O X X</td>
<td>O X X</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.

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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. However the land sales figures and the police and gaols figures are taken from abstract returns presented to council in 1844. 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>1838</td>
<td>£202,580</td>
</tr>
<tr>
<td></td>
<td>£116,325</td>
</tr>
<tr>
<td>1839</td>
<td>259,443</td>
</tr>
<tr>
<td></td>
<td>152,963</td>
</tr>
<tr>
<td>1840</td>
<td>311,749</td>
</tr>
<tr>
<td></td>
<td>316,626</td>
</tr>
<tr>
<td>1841</td>
<td>373,655</td>
</tr>
<tr>
<td></td>
<td>90,387</td>
</tr>
<tr>
<td>1842</td>
<td>367,214</td>
</tr>
<tr>
<td></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.
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.\textsuperscript{1} 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>
<thead>
<tr>
<th>Table I</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

\textsuperscript{1} T.M. Perry, Australia's First Frontier, Melbourne 1963, pp.106-7.
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'.

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>
<thead>
<tr>
<th></th>
<th>Camden</th>
<th></th>
<th></th>
<th>Picton</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>12</td>
<td>43</td>
<td>10</td>
<td>12</td>
<td>12</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>46</td>
<td>61</td>
<td>59</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>

<table>
<thead>
<tr>
<th></th>
<th>Berrima</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1846</td>
<td>1851</td>
<td>1856</td>
</tr>
<tr>
<td>A.</td>
<td>18</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>B.</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.

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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 Macarthurs' 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.

Ibid., 18, 28 Mar. 1843.
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).
See table III, below.
Cowper's speech at his nomination for Cumberland, 27 June 1843, SMH, 28 June 1843.
Macarthur's speech at Sydney, 30 June 1843, Australian, 1 July 1843.
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. 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. 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. 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'. They referred to him as 'our own peculiar property, and we are proud of him beyond what we can express'. 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'.

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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).
18 The Camden correspondent, ibid., 3 Aug. 1848.
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

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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>Macarthur</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Camden</td>
<td>5 (4%)</td>
<td>126 (96%)</td>
<td>131</td>
</tr>
<tr>
<td>Picton</td>
<td>24 (32%)</td>
<td>50 (68%)</td>
<td>74</td>
</tr>
<tr>
<td>Berrima</td>
<td>50 (79%)</td>
<td>13 (21%)</td>
<td>63</td>
</tr>
<tr>
<td>Totals</td>
<td>79 (29%)</td>
<td>189 (71%)</td>
<td>268</td>
</tr>
</tbody>
</table>

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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. 

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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, but at last he fixed on Thomas Barker, a conservative Sydney merchant who had been a nominee in the old council. 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. However, he called himself a conservative, and Antill afterwards explained that they had brought him forward to prevent some out-and-out liberal 'taking the county by storm'. As soon as Barker knew that he was opposed by a local man he retired, 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. By October 1856 Macarthur had already given him up as a slippery liberal, 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.\footnote{46} Meanwhile Macleay had persuaded William Wild, apparently a son of John Wild, to come forward.\footnote{47} 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'.\footnote{49} 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.\footnote{50} They also resented the fact that the whole representation should depend on him.\footnote{51} Their annoyance shows very clearly in the final figures, but they could not prevent Oxley coming in

\footnote{46}{Macarthur to Antill, 22 Dec. 1857, ibid.} \footnote{47}{Antill to Macarthur, 30 Dec. 1857, ML A2924.} \footnote{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.} \footnote{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).} \footnote{50}{'A Plumper for Oxley' to 'Sydney', 30 Jan. 1858 (written from Berrima), ibid., 8 Feb. 1858.} \footnote{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
Result of the 1858 election.

<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>

Totals           | 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;</td>
<td>113 (22%)</td>
<td>164 (32%)</td>
<td>228 (45%)</td>
<td>505</td>
</tr>
<tr>
<td>Murrimbah</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burragorang,</td>
<td>72 (72%)</td>
<td>4 (4%)</td>
<td>24 (24%)</td>
<td>100</td>
</tr>
<tr>
<td>The Oaks &amp;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appin</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>674 (41%)</td>
<td>511 (31%)</td>
<td>473 (28%)</td>
<td>1658</td>
</tr>
</tbody>
</table>

conservative. He had Macarthur's support without being too closely identified with him and with Camden. Morrice was a distinct liberal, and he received a very poor hearing at Camden and Picton.

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

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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 Sutor, 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>I. Gipps's opposition</th>
<th>II. Moderates</th>
<th>III. Gipps's supporters</th>
<th>IV. Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>1843-6</td>
<td>1846-8</td>
<td>1843-6</td>
<td>1846-8</td>
</tr>
<tr>
<td>W.C. Wentworth</td>
<td>12%</td>
<td>34%</td>
<td>J. Panton</td>
</tr>
<tr>
<td>R. Windeyer</td>
<td>12</td>
<td>13</td>
<td>A.W. Young</td>
</tr>
<tr>
<td>J.D. Lang</td>
<td>17</td>
<td>-</td>
<td>R. Therry</td>
</tr>
<tr>
<td>T. Walker</td>
<td>17</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>W. Dumasrsq</td>
<td>19</td>
<td>56</td>
<td>IV. Others$^1$</td>
</tr>
<tr>
<td>F. Lord</td>
<td>19</td>
<td>36</td>
<td>J.M.C. Airey</td>
</tr>
<tr>
<td>J. Wild</td>
<td>*20</td>
<td>22</td>
<td>B. Boyd</td>
</tr>
<tr>
<td>W. Lawson</td>
<td>21</td>
<td>55</td>
<td>T.E. Boyd</td>
</tr>
<tr>
<td>C. Nicholson</td>
<td>21</td>
<td>-</td>
<td>E.J. Brewster</td>
</tr>
<tr>
<td>D. Wentworth</td>
<td>24</td>
<td>-</td>
<td>H. Condell</td>
</tr>
<tr>
<td>W. Bowman</td>
<td>25</td>
<td>33</td>
<td>H. Dangar</td>
</tr>
<tr>
<td>W. Bland</td>
<td>26</td>
<td>32</td>
<td>S.A. Donaldson</td>
</tr>
<tr>
<td>R. Lowe</td>
<td>*29</td>
<td>20</td>
<td>C.H. Ebden</td>
</tr>
<tr>
<td>J.P. Robinson</td>
<td>*29</td>
<td>43</td>
<td>W.P. Faithfull</td>
</tr>
<tr>
<td>Sir T.L. Mitchell</td>
<td>*30</td>
<td>-</td>
<td>J.F.L. Foster</td>
</tr>
<tr>
<td>C. Cowper</td>
<td>33</td>
<td>41</td>
<td>P. Grant</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>A. Macleay</td>
</tr>
</tbody>
</table>

II. Moderates

| 1843-6 | 1846-8 | A. Thomson | - | - |
| 37 | 50 | W.H. Suttar | 38 | 55 |
| T.A. Murray | 39 | J. Coghill | 43 | - |
| W. Foster | 44 | W. Bradley | 44 | - |
| H.H. Macarthur | 44 | 85 | | | 

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$^1$ 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

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<tr>
<th>I. Oposition</th>
<th>II. Moderates</th>
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<tr>
<td>W.C. Wentworth 4%</td>
<td>W.H. Suttor 44%</td>
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<tr>
<td>R. Lowe 4</td>
<td>J.F.L. Foster 46</td>
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<td>J.B. Darvall 50</td>
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<td>W. Bowman 57</td>
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<td>G. Oakes 11</td>
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<td>J. Martin 14</td>
<td>III. Macarthurites, etc.</td>
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<td>G.R. Nichols 18</td>
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<td>R. Fitzgerald 20</td>
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<td>n T. Icely 85</td>
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<td>H. Moor 31</td>
<td>n A. Berry 88</td>
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<tr>
<td>J. Lamb 32</td>
<td>K. Snodgrass 89</td>
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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 (Suttor 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. 2 The second was on Wentworth's motion for adjournment, during the debate on Lamb's resolutions, 30 August 1850. 3 The third was on Parker's amendment to Lamb's resolutions, 1 October 1850. 4 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. 5

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

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2 SMH, 23 May 1849.
3 Ibid., 31 Aug. 1850.
others favoured the national schools.6

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. (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).

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6 Debates of 27 Nov., 2 Dec. 1851, SMH, 29 Nov., 4 Dec. 1851.
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.\(^2\)

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\(^2\) SMH, 30 Sept. 1856; speeches in parliament by Suttor and Lang, 3 Sept. 1857, ibid., 4 Sept. 1857.
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Total: 25
Table II: Supporters of the liberals

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<td>T.G. Rusden</td>
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<td>A.W. Scott</td>
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<tr>
<td>E.C. Weekes</td>
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<tr>
<td>J.R. Wilshire</td>
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</table>

Returned at by-elections

| J. Byrnes   | 0 | 0 | 0 |
| J. Campbell | 0 | 0 | 0 |
| W.B. Dalley | 0 | 0 | 0 |
| D.H. Deniehy| 0 | 0 | 0 |

Total before the by-elections: 21; and afterwards: 24 (Dalley replaced Parkes).
### Table III: Effective cross benchers

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</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.
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  uncat. MSS 326
  Am 43
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