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THE DEVELOPMENT OF THE LABOR MOVEMENT

IN THE SYDNEY DISTRICT OF

NEW SOUTH WALES.

Being a discussion of the relation between the Labor  
Movement and current politics from 1788 - 1848.

by  
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## FOREWORD.

Because of the uncertain uses of Fortune, once a goddess, to-day materialised into the Force of Competition, we are all monopolists seeking to create a scarcity and fix our price. This may be effected by controlling the market, or producing a superior value. The one, though common, is liable to grave abuses; the other is the prerogative of all genius.

Our concern in this thesis is with monopolies controlling markets. It is our business to inquire into a double Land and Labour scarcity, to trace an opposition extending over a sixty years' period, and to estimate the victor's price. This was fully paid at the end of a short but very bitter contest, in which the new form of an old monopoly was scattered to the winds by the overpowering strength of its opponent.

But there was no division for the Time-Spirit. The earth brooded over these living seeds until after many years and in our own day has arisen in Strength if not in Beauty, a movement strangely akin to that broken Past.

It is my knowledge of this kinship which emboldens me to offer this limited treatise on a long-buried subject. Perhaps this knowledge is also the justification of my understanding. For the rest, it is sincere in thought and observation.

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## CHAPTER I.

### THE CONVICT SYSTEM.

Despite the integrity of Australia's first governors, opposing forces were speedily set in motion, which by intensifying the many difficulties of the new convict colony, thwarted the central government, diverted authority and maintained discord. Foremost among such influences was the New South Wales Army Corps, the Governor's nominal and only weapon against the insubordination of the convicts, and the disobedience of the settlers. Established in England in 1789, it consisted of soldier-prisoners from the Savoy (a military prison of disgraceful character), and other men who, said Hunter bitterly, "have been considered as disgraceful to every other regiment in His Majesty's Service", and was commanded by officers at least as unscrupulous as clever. Whether Phillip's strong band could have controlled "all those old tailors and shoemakers, stay-makers, man-milliners, tobacconists, and pedlars that were called captains and lieutenants"<sup>1</sup>. is doubtful: but in the issue his departure was their chance, providing an opportunity for a three years' military despotism, directed only by that "rage for trade"<sup>2</sup>. which Collins so continually laments. Mrs. Macarthur explained in one of her letters that the military controlled the colony's trade, thereby preventing "monopoly and the imposition that would otherwise be practised by masters of ships."<sup>3</sup>. But well enough as this sounds, to substitute possible ephemeral combinations, by a fully-fledged monopoly which was secured in its later stages by a "combination-bond"<sup>4</sup>. was a proceeding of doubtful benefit to the colony. All goods brought to the colony were, as a result, sold first to the officers who "resold to all the colony at 100 per cent. profit, and often more."<sup>5</sup>. Rum bought at 1/6 could be sold for 30/-, and tobacco bought at Rio for 3d., could be sold for 3/6.<sup>6</sup>. Moreover, tobacco and particularly rum became practically the sole media of exchange, the demand for them thus  
furnishing/

furnishing to the enterprising militia an incalculable source of revenue. Rum could also be manufactured from wheat, grown upon the officer's grants of land by convicts who, so late as the time of Hunter, were fed and clothed by the Government.

"I never saw a place", declared Palmer, "where a man could so soon make a fortune, and that by the fairest means - agriculture. The officers have already done it, and this in 18 months."<sup>7</sup> And King out of the depths of a great bitterness writes to England of John Macarthur, the most gifted offender. "He came here in 1790 more than £500 in debt, and is now worth at least £20,000. His employments during 11 years have been making a large fortune, (2) helping his brother officers to make small ones, mostly at public expense, and (3) sowing discord and strife."<sup>8</sup>

To the same man, another opponent, Judge Advocate Atkins flings the cutting words: "Return to your original nothing! Believe me an honest and industrious stay-maker is a more honourable and more useful member of society than such a man as I now hold you to be."<sup>9</sup>

Against such a combination and such a leader, "the would-be arbiter of the colony",<sup>10</sup> it was impossible for either Government, small settlers or convicts to make progress. More natural was it for the corruption to spread downwards, through the officers to the smaller settlers, and through the ranks of the corps to the convicts with whom the members of the corps did not think it shame to associate. Inevitably the community was involved. But while recalcitrant Governors might be opposed, settlers won over by judicious patronage (so that only once do we hear of a combination among them, called "The Fraternal Society of Norfolk Is.",<sup>11</sup> which was immediately suppressed by the Governor), and the corps might be placated by a share in the actual business of plunder,<sup>12</sup> the labouring classes were a much more troublesome proposition.

Though, prisoners from the hulks and felons for whom a nation had no use, these men were the sole source of labour power and actually in possession of a considerable economic weapon. In this rich but merciless country either men laboured or the settlement starved. The members of first fleet had pitched their tents by the banks of a creek in the midst of a busy facing the sea, and obviously there was nothing for it but to cut down trees, grub out roots (burning out stumps had to be discovered) and dig up ground for cultivation. Later when more fertile soil was discovered on the Hawkesbury, and tiny settlements formed, there were roads to be laid, fences and barricades constructed against dangers within and without, log huts erected, and a thousand and one obvious forms of wealth to be created by sheer labour power. The capital forms of the colony were in the gift of its first workers, the convicts.

How was this power to be controlled?

It was not a military problem, though perhaps many of us have imagined it was merely a matter of crime and its punishment. It is true that countless instances of brutality could be adduced to prove that a large proportion of the convicts were lashed, tortured and killed to exact obedience and to set an example. But, as Barton has pointed out, these punishments were in accordance with the prevailing English code, and really an extension of a habitual attitude.<sup>13</sup> The system was economically disastrous, and if carried to an extreme point meant ruin for the colony. Under it, men grew sullen or rebellious, and simply refused to work. This blank refusal, or successful go-slow policy had a great deal to do with the early crises, combining with the inexperience of masters and men, the uncertainty of the seasons, and the Hawkesbury floods, to place the colony on what was often a starvation diet.

Moreover, if men were forced to work from dawn till dusk, through noonday hours whose fierce heat was undreamed of

in England's benignant climate, scantily fed, sometimes naked,<sup>14</sup> and under threat of the whistling lash, the white slaves died like flies. The sun blazes fiercely enough to-day upon men who work by a desolate railway station not very far from one of the branches of the Hawkesbury: do these workers know that it was truly written of city-bred Englishmen that "about 800 died in 6 months at a place called Toongabbie?"<sup>15</sup>

Yet fatal as were the effects of convict discipline upon men and taskmasters equally, the nature of the evil, and the necessity for more merciful treatment were not clearly perceived, and we see an irregular use, abuse, and neglect of punishment according to the relative insight of the authority concerned. It was only the irregularity of the system, terrible enough in the abuse which was, after all, the means of saving the colony from utter starvation.

Clearly the problem was economic. It was to provide men with an incentive, and with reward tangible enough to evoke a willing and ungrudging exercise of labour-force: in fact to determine the wages of labour.

But let us remember that the convicts were primarily "government men", working for the central authority. If the officers had been provided with their own labour, these 'government men' could have engaged in public works, cultivated the Government Domains producing food both for themselves and for an outside population, and perhaps for export. Each convict might have possessed his own plot of land on a perpetual lease from the Government (Phillip half dreamed of it), and a satisfied and contented yeomanry been created. A practical opportunity for the trial of State Socialism lay ready to hand.

But the officers were not provided with labour, and were forced to depend on convict labour. Yet these same convicts were urgently needed by the Government to engage in the public works so necessary for the stability of the settlements. Obviously a compromise must be arranged - and arranged it was, in the

time of the first Governor. The convict's time was split into sections, part being devoted to Government work, and part to work for the settlers. Because of this, and also because the convict would work better, the Government system was based on taskwork. But since numbers of men competing in a gang would perform the task in an average time, the task work grew to be regularised by a customary time of performance more or less binding on the convict. The "government task" was thus not only piece but time work, along the same lines as the "task" of the modern Taylor system. Where a man could not, or would not perform the given work in the given time, the latter was sacrificed, and the man compelled to finish the task "in his own time".<sup>16</sup> The convict's own time was that portion of his day, when freed from Government labour, he might if he pleased work for the settler.

Clearly it was to the interest of the settler to see that the convict had as few Government tasks as possible, so that the time gained might be employed on his farm. The settlers' fields, granted for nothing were crying out for labour, and there was no labourer but the convict.

This is the explanation of the numerous regulations which the Government found itself forced to pass concerning the hours of labour.<sup>17</sup>

Phillip's first regulations concerning the hours of labour, show this curious custom fully established. Government labour was from 5-9 a.m., and from 4-5.30 p.m.<sup>18</sup> Evidently he altered these, because when the military government made its first labour regulation, as soon as Phillip had left, so that "the convicts had more time given them to bear the heat of the day and make themselves comfortable at home",<sup>19</sup> the original labour hours were re-introduced. The periods varied during summer and winter, making in all about 7 hours Government work in summer, and 6 hours in winter (during the Military Government). As can be seen from Phillip's regulation, the time was divided

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into two shifts, leaving the intervening periods of 7 and 6 hours for the settlers' work. Collins' merciful explanation<sup>20.</sup> is of course a verbal diplomacy.

Hunter's regulations may be taken as a standard for future guidance. He abolished the shift plan, and insisted that Government work should be done in a block from dawn till 1 p.m.<sup>21.</sup>

The ordinary Government convict was, by the regulation of October, '95, forced to work generally 10 or 11 hours a day. This settled later into a fixed 10 hours.<sup>22.</sup> There seems to have been doubt about the convict's week-end. At first he was given all Saturday and Sunday for himself, but later Government work was performed on Saturday morning.

Wearisome as these detailed considerations may seem, yet they indicate a very important feature of the convict's life, namely, his "time" rights. He might be forced to work for the government, but at least his hours were definitely limited, and there was special provision for free periods.

More interesting still, during such free periods he was paid, generally by the piece. Naturally the settler's only means of obtaining good work, was to recognise a wage system and competitive payments. The prices asked by the labourers were considered very high, although, to modern eyes, they are but reasonable. Hunter, however, became really alarmed at the magnitude of the sum demanded, and determined in '95 to fix wages. Collins details the situation. "A combination appearing among the labouring people to raise the price of reaping for a day, the governor, being as desirous to encourage industry as to check every attempt at imposition, thought it necessary, on comparing ours with the price usually paid in England, to direct that 10/- and no more should be demanded or given by any settler, under pain of losing the assistance of the government, for reaping an acre of wheat. It was much

feared/



"feared that this order would be but little attended to, and that some means would be devised on both sides to evade it."<sup>23</sup>.

The fear was justified, and the settlers themselves were constrained to protest against imposition. In January, '97, Hunter issued the following Government and general order. "It is the Governor's desire that the settlers in each district do appoint among themselves quarterly meetings for the purpose of settling the rate of wages to labourers and others whom they have occasion to hire: that an agreement for this purpose be drawn up in writing to which each settler in the district is to subscribe his name: that a penalty for any breach of this written agreement be fixed by the general opinion, and inserted in the writing, and which in case of forfeiture will be recovered by a civil court: that they resolve together for what purpose such forfeiture shall be applied for the general benefit of their own district."<sup>24</sup>. A copy of this remarkable agreement was to be transmitted to headquarters, and "the rate of wages they have, or may from time to time establish." On 10th March, 1798, Hunter published a detailed wage statement being enabled from the rates delivered to him from the different districts to fix a mean rate, which he conceives to be fair and equitable, between the farmers and the labourers.<sup>25</sup>. It consisted of a list of over twenty simple farming operations, against which was placed the piece-work price.

In addition, however, time wages and rations were given, and for the first time a free labourer was distinguished from a Government man, by being paid 2d. more per day. The Government man was to be paid 10d. per day.

With very few alterations Hunter's scheme was continued, so far as it applied to convicts, until, in December, 1816, "upon the establishment of the Colonial Bank, and the consequent suppression of that vile medium of circulation termed the colonial currency, between which and British stg. there used to be a difference of value from 50 to 100 per cent.,<sup>26</sup>. the price of labour/

labour was also corrected. Still, however, Macquarie's order publishes a detailed list of prices for specific farming operations, and the established rate of wages is still £10 a year. After 1819, however, the piece work prices are not published in Tegg's Yearly Almanac, and after 1823, the yearly wages do not again appear. By this time Bigge's investigations had been the means of introducing a sterner policy of convict discipline, and convicts were disallowed from claiming wages.<sup>27</sup> The decade following was a period of horror for the convict, who had no right to claim even the clothes that he wore. Moreover, the extension of the system of private assignment, so strongly recommended by Bigge, carried with it gross abuses, rendering the convict in every truth the slave at whose treatment history has shuddered. The loose and easy times of Macquarie had given way to theories of adamant.

Bourke's more merciful regulations in 1835 limited the summary powers of magistrates with respect to convict servants,<sup>28</sup> gave to the latter certain human rights of food, shelter and clothing and insisted on the rights of the central authority.<sup>29</sup>

In 1838, assignment ceased, and in 1840 the last convict arrived. But up to the period of Bigge's investigation, the remarkable feature of the convict system was its looseness and irregularity. We have been at some pains to describe the details of the labour system, so that the convict's separate functions might be observed. We have seen that his two labour periods were definitely separated from each other, and that in each he had privileges which became rights. As a Government man, he received no wages for a forced task, the visible token of servitude. But, as a competitive labourer, he received a definite wage allowance, such as any wage labourer might obtain. Moreover, the fixed wage was necessarily a minimum. Labour was too scarce for Hunter's regulations to be obeyed by men who were free to take or leave work as they pleased, and what

attempts were made to enforce these fixed wages were, after all, a recognition of the convict's right to receive them. The regulations were certainly not a success in the earliest period. The following table illustrates the difference between the price paid, and the established rate in July, 1800:

| Piece Work.  | Price Fixed. | Paid.                                      |
|--|--------------|--|
| For falling off, burning off and breaking up an acre of ground .. .. | £2:18: 0     | £5: 3: 0                                   |
| Reaping wheat per acre .. ..   | 10: 0        | 13:11 (Parramatta)<br>2:11: 6 (Hawkesbury) |
| Sawing plank per 100 .. ..   | 7: 0         | 1: 1: 3                                    |
| <u>Time Work.</u>  |              |  |
| Day's wages with board .. ..   | 1: 0         | 5: 0 <sup>30</sup> .                       |

With more settled government, these high prices (though it must be remembered that the stated money values represented any commodity, preferably rum) fell considerably. But, even in 1820, the Government statement is by no means invariable, and fluctuates according to the pressure of circumstances. Hannibal Macarthur's evidence in this connection is interesting.

Question:

Do the wages of labour continue to be regulated by the schedule that appears in the Almanac of this year?

Answer:

The magistrates would settle a dispute for wages by this schedule except where a positive agreement appeared: but it does not exhibit an exact statement of the usual wages of labour. For instance, thrashing and cleaning wheat is 10d. and marked in the schedule 8d. Fencing and ralling are 6d. less than the price commonly given, and this applies to most other items.

Macarthur also states that he has been forced to devote no less than two-thirds of his time to magisterial business, the greater part being concerned with disputes between masters and servants.<sup>31</sup>

It is evident then that the convict labourer combined the functions of serf and freeman, within a curious economic frame: that government regulation was of little practical value, guiding rather than ruling, and that the duality had arisen, and the regulations proved ineffective, because of the scarcity of labour. A natural monopoly exacted its own price, of regular hours, government tasks, and of a wage system. All this had been possible because of the continual call which the original monopolists had been able to make, through power generated by trade fortunes, and by a three years' military government (during which land was given away wholesale to military officers), upon the central authorities; Hunter, King, Bligh and Macquarie might come and spend their very life blood in fighting for the health of a country not their own, and fail! Hunter whimpered, and King, strong man as he was, grew desperate. Bligh for all his noise was beaten, and even politic Macquarie with his brand new regiment, destroyed what he had accomplished in the dissolution of the New South Wales Corps, by granting a rum monopoly - Curious it surely was, that the only hope of opposition lay in the labour monopoly which owed its very weapons of wage-status and positive independence to the call of the monopolists themselves.

Consider this convict material, "a jumble of thieves, cut-throats, swindlers, forgers, rebels, poachers, ruined gamblers and fraudulent debtors."<sup>32</sup> Although political prisoners like the Scotch Martyrs, titled gentlemen like Sir Henry Browne Hayes, and peculiarly intellectual and refined prisoners like Dr. Bland were not generally set labouring, but granted farms or official work such as suited their tastes, yet the settlement was so small that the stir of rebellious thought could not but trouble all ranks of society. The complaints of Hunter, "a nice sensible old man", too honest and well meaning and stupid to do more than write home pathetic letters about the wickedness of all classes, the annoyances to which King was subjected, and

the famous quarrel between him and the wily Macarthur, which ended in the latter's defeat turning to a victory procuring him 5,000 acres at Camden, and the goodwill and positive admiration of a nation of clothiers: the much more exciting Bligh-Macarthur imbroglio, and the inevitable triumph of the rebellious officer, by which in truth, he became arbiter of the colony: All this was quite surely, as Mr. Evatt points out, the challenge of a new order. This is a land where, from the beginning, authority was opposed by power and where a new man with this crew of "huxter officers"<sup>33</sup> might set government after government by the ears.

During the nineties came the Irish convicts, rebellious through sheer heart-break for the efforts that had failed, to prevent the fatal Union of 1801. The wisest of them like Holt became law-abiding and flourishing, but there were numbers of the Defenders who could not thus lightly forget their 'republican' sentiments. These fomented the Castle Hill mutiny - a political and not an economic episode. Sufficient evidence this, that the labourers in the new country were by no means cowed by the severities of the 'system'.

For however arbitrary in the order, authority was extremely lax in the execution. The convicts and the military associated, as was natural, on almost equal terms, except that in case of a difference the military took what the convicts considered an unfair advantage of their position.<sup>34</sup> It was even at one time suggested by the Home Government that convicts should be asked to enlist in the New South Wales Army Corps, since the numbers had been greatly diminished,<sup>35</sup> and well conducted convicts had it in their power to become almost what they pleased. The watchmen of the stores, the keepers of the toll gates, the night wardsmen and constables, clerks and officials were nearly all convicts, many of whose sentences had not expired, and whose good conduct, even, had not been proved. The commutation of sentences to shorten terms was looked upon, not as a privilege

privilege but a right, and the Government eventually codified rules which were found to be an incentive to the performance of good work. Convicts possessed personal property and land; they bought and sold, sued for debt (though this was infrequent) and entered into contracts. Until 1823 the convict was either in fact, or potentially a free man. He was not a slave, not a serf, but a "labourer". And always over the edge of a temporary subordination, beckoned freedom. Free-born, he died free after the appointed sentence had run its course.

Of all 'labourers' the mechanic was most highly prized and his services greatly valued. So late as 1835 Bourke uses the old method of valuation, whereby a mechanic is set down as worth either two or three labourers.<sup>27</sup> An ever present problem with the Government was how to use to best advantage the limited numbers available. Not until the immigration of 1840 was the colony satisfied that it had enough of these skilled workers, and not until 1843 did it acknowledge that there were too many.

But before these dates the mechanic was a very valuable possession, and it was only with the utmost difficulty that settlers were able to obtain assigned mechanics. The Government needed all it could obtain, and assigned them with much reluctance. The mechanic's wages were high as compared with the labourer's, being recognised as 3/- for a day's labour, and 5/- including board. They worked ten hours a day and six hours on Saturday.<sup>36</sup>

This labour aristocracy was always exceedingly independent and often insolent, creating a danger centre in the labouring classes which the Government viewed with uneasiness. The mechanics retaliated by doing their best to avoid Government work, with its continual danger of prison compounds or road gangs; and many concealed their trades, despite the risk of punishment.<sup>37</sup>

Tradesmen whose services were not required by the Government, such as "tailors, shoemakers and others" are most frequently selected by overseers and clerks in different offices at Sydney, on condition of paying them generally a weekly sum of 10/- reduced to 5/- if the convict gives up the Government ration.<sup>38</sup>

Convicts who had money were in the habit of paying needy freemen to gain them as nominal assignees, and then to practise at their trade as they wished.<sup>39</sup>

Of free labourers under the convict system there is not a great deal to be said. With a mistaken notion of the importance of the subject, I at first spent much time in an attempt to differentiate the convict from the free labourer. But I was gradually convinced by the evidence, that no vital distinctions were made between the two, and that, on the contrary, there is a continual tendency to merge both under the term 'labourer'. Collins points out that "in the infancy of the colony, but little was to be gained by their being restored to the rights and privileges of free people",<sup>40</sup> and, although the Government was naturally forced to recognise the freeman's status, yet he was found to be a continual source of trouble, disreputable in habits, and lawless in character. He is, in fact, the rebel of the community, refusing to occupy the land which was given away to any deserving expirée, and living by his wits.

For the germ of the labour movement, we do not look to the freeman, but to the Government convict, particularly to the mechanic, with his regular hours, his definite wages, and his economic worth. This restless and favoured labour aristocracy was already instinct with a strong labour consciousness, generated by a continued opposition to monopoly and extortion. These were the men likely to grow indignant under summary punishments of 25 to 50 lashes for idleness,<sup>41</sup> and to resent the payment of honest work in rum, tobacco or wheat,

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which was a glut on the market. The mechanics suffered least, but their superior intelligence was most conscious of abuses.

Bigge's complaint (guided, so it is hinted by the influence of the Macarthur faction) was that "sufficient attention had not been paid to the superiority that it is so essential to preserve in the relation of master and servant."

His judiciously chosen phrases clothe the real centre of the trouble. Instead of being cowed, the labourer was defiant, and even magisterial punishments, such as were revealed in the "Torture Proceedings" of 1826,<sup>42</sup> had been ineffective in amending his conduct. The cry of "convict - discipline", which Bigge set rolling down the twenties and thirties was nothing but the agitation of an "exclusive party" in terror for a system which had failed.

It is because of this thirty years' history that I am disinclined to agree with Mr. Northcote in neglecting the convict as a factor in Australian social development. It seems to me that, up to 1822, the convict is no less to be reckoned with, than the free labourer after that date, and that the line of descent runs clearly from the 1822 convict to the free immigrant, who encouraged by favourable reports of the proposed new system now begins to arrive. The policy following on the adoption of Bigge's Report marks a fundamental change from a convict settlement to a new colony for free-born Englishmen. We can afford, in this discussion, to neglect the slave system now introduced. It runs its own evil course, hardening the masters but not greatly affecting the Labour Movement.

We turn to the free immigrants who joined with the yearly quota of ex-convicts, now begin to press heavily upon the unoccupied lands round the small settlements, each new farmer being forced to select land at a further distance from the township. But many were unwilling to become pioneers, through personal fear or family responsibilities; others again possessing a natural aptitude for trade, regarded Sydney as their



rightful dwelling place. Moreover, the wages of a skilled labourer were high, and at this period considerably more than were given in England. Willingly or unwillingly, the free labouring class begins to arise through the sheer pressure of population bearing down upon a land monopoly which cedes never an inch, and drive<sup>s</sup> back the population into the city. That the ebb and flow did not pass unnoticed is proved by a reference in 1836 to the claim of disappointed emigrants in 1828 "who, through the malversations of the Darling Government with every rightful customary title, never received to this hour, a single acre."<sup>43</sup>.

The new world meets the old, bitterness and independence go hand in hand with a traditional submission, already half banished by the great adventure of a long voyage, across troublous seas to a new land. We do not argue that the Australian Labour Movement was due either to the "currency lads" or to the immigrants. Much was due to the influence of a thirty years' convict system under the conditions we have described. But the curious feature about the convict and the expirée is that, though strong in the spirit of antagonism, he is generally unable to help himself. Free enough to kick against the pricks, he was not able to revolt successfully, and (so far as I have knowledge) attempted only once a political and not an economic revolution. He was both a free man, and a Government man, free to obey but not free to command. Like the system, he had become centralised. It was the creative element which the convict lacked. Others might help him, himself he could not save.

This is the reason that movement centres generally around the more arresting figures of the newly arrived immigrant. What the emancipist lacked in direction and management, the emigrant who had braved so great dangers was able to supply. Movement, direction and decision were his contributions, but the peculiar form and colour had long ago been set in convict moulds. Of this our whole argument shall be the proof.

CHAPTER II.

THE IMMIGRANT MECHANIC.

However regulated, emigration was a giant business concern, from the publication of pamphlets describing the nature and attractions of the appointment of agents, the chartering of ships, the furnishing of supplies, the port of call arrangements, and the despatch of the human cargo. As a huge international connection, its life-blood was the money, patronage and perquisites furnished by Government, some to lose, others to gain a population.

Somewhere in dusty piles must lie the history of this great movement, heretofore, so strangely neglected. Somewhere, too, there must be histories, many of them we fear, shameful, of the connections between Government officials, landed proprietors and emigration agents. Yet not until the human motives behind this great exodus are rightly understood, will our own history lose its obscurity.

We know surely that there were interests, and those important ones concerned in the business. An interesting petition was submitted to Stanley in February, '43, pointing out the great distress which had been caused by the cessation of emigration in '42, signed by no less than 31 English Companies and a number of individual firms.<sup>1</sup> Ten years earlier there were possibly not so large a number involved, since Australia had only just begun the reckless policy of spending the newly established land fund upon emigration. But, even at this date, we cannot afford to neglect the business aspect of the question.

In '32 the Emigration Commissioners of the Colonial Office were issuing papers comparing detailed statements of wages and prices in British North America and Australia exaggerating wages and depreciating prices.

In '33, Stanley issued a despatch stating wages and  
prices/

prices in Australia, although as the Gazette solemnly averred, referring to pages in Parliamentary papers, "he had been previously informed by the Government of New South Wales that the wages paid in the Colony were by no means so high as stated in the printed paper issued by his department."<sup>2</sup> & 4.

And in '37 the Australian Government was publishing a '33 wage-statement as representative of Australian conditions.<sup>3</sup>

It would not, however, be fair to cast all the blame either on the business men concerned, or the Government authorities. The actual work of persuading emigrants was done by agents who, in extravagant language, and by the aid of highly coloured hand bills, easily described the advantages of a country they had never seen, much indeed would be spoken of which the agent himself believed to be true, and more would be left the imagination where it was to the agent's interest to remain silent.

But in any case, it was not an easy task for any of the persons concerned to follow clearly the constant changes of policy introduced with each successive governor; or to realise how quickly, in this new land where all was in the making, plenty followed upon scarcity or a drought brought on a financial crisis.

The temptations to exaggerate were possibly enormous, but the difficulties of a truth-teller were perhaps equal.

But these philosophical conclusions did not help the immigrant who came out expecting to find a land flowing with milk and honey. There is a striking agreement among writers, that above all it was land that he sought, particularly during the twenties, thirties and forties. Mrs. Chisholm,<sup>5</sup> Samuel Sidney<sup>6</sup>. and Tlhotsky<sup>7</sup>. are all emphatic in their declaration that the emigrant sought land, and not a mere repetition of the wage-system in the old land. He came, with splendid hopes "to better his condition". It was men, dissatisfied with the condition of dependency, anxious themselves to become small landowners who emigrated to Australia.

"If there is any regulation that more immediately affects any recently arrived emigrant", said Thotsky, "it is certainly that regulating the disposal of crown and waste land." And it was the '31 regulations which finally made this would-be yeomanry impossible.

We have already shown that alienation of the land was the condition for the appearance of a free and respectable labouring class: To this situation, point is now given by the thwarted hopes of the '31 and '33 emigrants, and a critical stage in the history of the Australian Labour Movement is reached.

This critical moment has two aspects. The definite alienation of the land was sufficient to create a widespread dissatisfaction and discontent, but determination was given to the impulse by the beginnings of systematic immigration; and we have the strange but not unnatural spectacle of immigrant of but one or two years' standing, protesting against the extension of the same movement which had brought them to these shores.

The working of these motives is illustrated by the action of Emigrant Mechanics in the early thirties. It was in 1831 that land was declared, in accordance with the vicious Wakefield system, to be no less than 5/- per acre - "Too cheap for the rich jobber and speculator, it was not cheap enough for the poor emigrant".<sup>8</sup> Even for a man willing to pay, what land was applied for was an immense distance from Sydney, not transferable from the power of the Crown for periods varying from one to three months, and liable to be snapped up in spite of the emigrant's previous application, by any wealthy squatter. The mode of payment, a logical application of the Wakefield principles, was manifestly unjust to the poor man, involving a 10 per cent. deposit and the settlement of the residue only one month afterwards. The clear intention of the Act was to prevent the poor man from becoming a landowner. Bourke could not help himself in the matter, though later he was strong enough to refuse Glenelg's request to raise the price to 12/- per acre.

Gipps perforce obeyed and in 1843 raised the price to 20/- per acre. It was manifestly against his judgment, but he dared do no otherwise.

Once Mrs. Chisholm approached him on her pet subject, the granting of small holdings to the poor man. Gipps courteously enough answered the brisk and indefatigable little lady - "Mrs. Chisholm, I may entirely approve of your plan, but I am sent here to carry out the Wakefield system."<sup>9</sup> From the Governments then, our emigrant had but little practical sympathy.

It was also in 1831 that Lang's Scotch mechanics arrived, under one of the best immigration systems that could possibly have been devised. The redoubtable Doctor, who combined a great deal of shrewdness and practical sense with a hot-headed advocacy of the rights of the Scotch,<sup>10</sup> being at a loss for respectable workmen in Sydney, skilled enough to build his Australian College, naturally turned to Scotland for a supply of emigrants. The clergymen and elders of parishes in Edinburgh, Glasgow and Greenock having certified regarding the moral worth and ability of 140 persons, including the wives and children of the mechanics, the men came out under a contract with Lang to engage in the work of building the college, agreeing to pay back in instalments the passage money. The success of the scheme was evidenced by the greater part of the money being paid back within a few years. Moreover, the favourable reports of the first immigrants induced others to follow with the result that, in 1833, no less than 1,538 persons had been assisted.<sup>11</sup> These men formed a steady, industrious and intelligent centre in the life of the Sydney community, the greater number rising in course of time to be master workmen, civic dignitaries and even landed proprietors. One man, Mr. David Taylor, arrived in '32 with only £15 in his pocket.<sup>12</sup> A native of Stirling<sup>13</sup> with some practical experience in municipal matters,<sup>14</sup> after working successfully in Sydney as a government contractor,<sup>15</sup> he rose to be a Councillor in Sydney's first municipal corporation,<sup>13</sup> and doubtless the history of this  
"philosophical/

"philosophical stonemason"<sup>16</sup>. could be repeated many times over.

But, in 1832, the works at the College stopped, and the mechanics were thrown out of work. Land was unobtainable, and other jobs at the same high rates of £2/-/- a week did not immediately present themselves. In the meantime, the '33 emigrants were beginning to arrive, and the mechanics as a body began to feel the pressure of competition. A body referred to as the "Society of Emigrant Mechanics"<sup>17</sup>. met together to discuss the situation. It was determined to call a public meeting of the working classes generally of Sydney,<sup>18</sup>. to discuss the propriety of petitioning the Secretary of State for the Colonies, and also the Commissioners of Emigration on the notable subject of "Emigration to this Colony". Several meetings were held from June to October, 1838, out of the divided counsels of which finally emerged a plan which would have some effect in easing the labour market. Members of all the different trades in Sydney were invited to submit to a central committee of "working mechanics" (including both emigrants and emancipists) a statement of the wages actually received. A full and exact document was drawn up, "the probably demand for labour estimated, and full and authentic information on other points affecting the interests of the working classes" was forwarded to the Mother Country for the information of intending emigrants "leaving it to their own discretion to emigrate or not." This statement was widely circulated and was used by the Government in 1837.<sup>19</sup>

The plan of petitioning the Home or Colonial Government on emigration was abandoned, but much excitement was caused in Sydney by a proposal emanating from these meetings that the Government should be petitioned "not to grant any more prisoner mechanics to persons holding situations under the Government", and "the slightly different proposal that the "Government should remove all prisoner mechanics and tradesmen whatever" from the town of Sydney. The emigrants raised very little objection to

emancipists, and rarely, if ever, refused to <sup>a</sup> amalgamate, but a great deal of animus was spent on the very real disadvantage endured by free men who competed with convict labour. Here is the beginning of the Australian campaign against a lowering of the standard of life! The attitude of opposition was a necessary means of self-preservation, forced upon the workman by the constant flow of immigration. To judiciously regulated immigration he tried very hard not to object, but when the pressure of the immigrants forced into active competition convict and free labour, thus degrading the standard, the workman was up in arms. The very freedom of the old convict system, with its customary wage basis affecting still the privileged city mechanics, was a double menace and a direct insult to the free mechanic striving "to better his condition." It was, with the Government a financial matter, for the assigned city mechanics were supported by English funds. But this explanation is no excuse. The Government cannot be acquitted of blame, for refusing so persistently to comply with the mechanics' demands. The welfare of the people should have been a paramount consideration in this new country, even if the financial policy itself had to suffer. One doubts, however, whether, after all, the assigned mechanics were worth fighting for, and whether, in the end, it would not have paid the Government to accede to the mechanics' demands. It was merciless to encourage free immigration and assignment at the same time. The combination of these two, was indeed responsible for much of the bitterness, which ultimately diverted the Labour Movement from its rightful course, enabled the squatters to defeat the Government, and sent Gipps home to die.

CHAPTER III.

CO-OPERATION.

The early proposal to petition the Government concerning the competition of convict mechanics being defeated among the mechanics themselves, some more successful means of relieving the situation was sought. It was natural that these constitutional spirits should think of establishing a benefit society, copied from what was known of "similar societies in England", by means of which they could rule and relieve their own condition.

A curious feature in the preliminary discussions on the subject was that the Society was designated "The Trades Union Benefit Society", and was reported by the Gazette as a society similar to one which the boat-builders had unsuccessfully attempted to establish over three years ago, except that it included other trades beside the ship-wrights.<sup>1</sup> But, once the society was formally constituted, the word "Trades" disappeared, and the title became merely the "Australian Union Benefit Society" (A.U.B.S.). In the M.S. minutes of '34, the same distinction is observed on a page which the Secretary entitles "Minutes of an Adjourned Meeting of the Australian Union Benefit Society". Through the word "trades" a line is drawn. The mistake does not again occur in the books of the society.<sup>2</sup>

In the same month (March, '34), there had been talk of establishing a newspaper called "The Australian Union" to be owned and published by an Association, the members of which were to contribute £1 shares, "constituting the holder a proprietor, and giving him a voice in the election of the committee of management, each proprietor pledging himself to become a subscriber." The Journal was "to advocate the cause of the People, the good of the many, in opposition to the interests of the few."

It seems reasonable to believe that the early scheme

had/



had been to establish a "Trades Union Society", as a fighting organisation for the working people (who, by now, were feeling so deeply aggrieved) with an accredited newspaper of which a certain Nathaniel Lipscomb Kentish was to be the elected editor.<sup>3</sup> But the advice of more conservative spirits carried the votes, and turned the Society into a Union merely "for the relief of the working classes in New South Wales in the times of sickness, and other pecuniary distresses." A full copy of the '34 Rules is not extant, but, by the Revised Rules of 1840,<sup>4</sup> the Society gives benefits for sickness, death, death of a member's wife, as well as a superannuation allowance. The Committee of Management, consisting, at first of twenty-eight members, met quarterly, while the ordinary members of the Society met monthly to pay their 3/- subscriptions, and discuss the work of the Society. A General Public Meeting was held every year. The Society was under the patronage of Governor Bourke, and was enrolled in 1834 or '35 at the General Quarter Sessions under the English Friendly Societies Act.<sup>5</sup> During the next twenty years, the membership of the society varied from 78 to 105,<sup>6</sup> consisting especially in the thirties of men who played a prominent part in the life of Sydney. Hence, although the Society has always been conservative, devoting itself only to its stated functions, it was a definite rallying point for leading members of the working classes. Formed, as the minute book states, "from a feeling of independence among its members", it included men from overseas as well as emancipists. Convicts were never admitted, although once or twice the question was mooted. After its successful formation, a medal of Australian workmanship was presented to Mr. Edwards, "a clever engineer", then Secretary, which well represented the spirit of the Society.

"On the one side, there is in rich embossed work, the Eye of Providence with its rays reflecting on a device of four united hands, in which are contained the Rose, Shamrock

Thistle/

"Thistle, and Maize Stalk, respectively, surrounded by a laurel wreath, and superscribed by the motto, "United to relieve, not combined to injure."<sup>7</sup>.

As an insurance society, the Society has been most successful, and while its present membership is only 129, the credit balance for 1918 reaches the astonishing figures of £9,300.

One of the enthusiasts who took a large part in the formation of this Society, was an erratic, radically-minded individual who boasted the title of "Nathaniel Lipscomb Kentish, Land Surveyor and Civil Engineer, many years a Government Surveyor in the Australian Colonies, and formerly Professor of Surveying and Ichnographical Drawing in the Royal Military College of England."<sup>8</sup> At this period he was an immigration agent, a pamphleteer, editor from 1834-'37 of an irregularly published paper called "The Sydney Times", and prime mover in any scheme whatsoever which smacked of speculation. Eventually, he was disowned by his old associates: the Patriotic Association declared that "he has made himself, by forcing his literary efforts and patriotism on the public, the ridicule of the public, and the bane of the cause he has taken in hand";<sup>9</sup> he was dismissed from the Government service in New South Wales, cautioned by the "Herald" to "eschew meddling with public companies",<sup>10</sup> and he and his family wandered over the "three several colonies"<sup>10</sup> in search of unwary individuals who might be interested in speculation. After numerous attempts to found bogus companies, he ended as a begging-letter writer.<sup>10</sup>

Yet Kentish was taken quite seriously by colonial society in '34. He was gifted with some ability, and his writings, though generally hopelessly diffuse, are not lacking in penetration. He was possessed, moreover, of "indomitable energy, and a warm interest in his project."<sup>11</sup>

In the latter part of '34, Kentish and Bibb, an ex-member of an English working-man's co-operative society,<sup>12</sup> who later became a leading Sydney architect and surveyor,<sup>13</sup> and a

few other respectable democrats also members of the A.U.B.S., being concerned about the high price of bread, met together with some other citizens to discuss the matter. It was determined to form a society for the sale of cheap bread, and a public meeting was called of the respectable inhabitants of Sydney (the word is continually insisted upon in a society which has not yet shaken itself free from the trammels of conviction). At a somewhat noisy meeting, a committee of twenty-one was formed to govern a society called "The Wheat and Flour Company", established "mainly to relieve the poor, yet the capitalist will also derive advantage from becoming a subscriber."<sup>14.</sup> The Committee included the names of W. C. Wentworth, Hipkiss, Bibb, Kentish and John Thomas Wilson. The latter was another queer character, though at this time a member, and later treasurer of the A.U.B.S. But he was a thorough-going scoundrel, and twice swindled the good easy folk of Sydney, the second time to the extent of £40,000.<sup>15.</sup> Indignant creditors equipped "The Rover's Bride" and sailed forth to pursue him on the high seas. But, after cruising off the coast of New Zealand, and then darting off to the North Pacific Island, they seem to have given up the chase.

As can be seen, the committee was variously constituted, the managing directors who were appointed quarrelled with the members of the society, and, after a short existence during which prices were not lower than those of the monopolists, it failed. Kentish quite clearly pointed out that the reason for its failure was that the two principles of a joint stock business, and a working man's co-operative society had been confounded.<sup>16.</sup>

What Kentish, Bibb and several of the members of the company had desired, was a non-competitive, non-interest bearing association, the members of which, by combining £1 shares, would bring together sufficient capital to supply themselves with cheap bread. What had actually happened was that £5 shares had been subscribed for, bearing a 15 per cent. interest; and that the management elected by the society had sought outside markets and engaged in competitive business. Moreover, the relation  
between/

between the society, the committee of management, and the managing Directors had been indeterminable. Kentish possibly confused matters by imagining into existence another society called "The Wheat Growers' and Consumers' Society to unite the grower with the consumer by the strong bond of their joint and common interest to the exclusion of the middleman."<sup>17</sup> Such a society, if constituted, would have involved nothing less than the beginnings of a social revolution on the pattern of the short-lived English models. But little active interest was taken in the proposition, and Kentish's paper lapsed.

But failures did not daunt this valiant Don Quixote, and in August, '36, with a flourish of "Resurrectus sum", Kentish, again an apostle under the guise of an editor, condemned monopolies, projected wild schemes of two more Flour Companies, and talked of Life and Fire Assurances. His paper died in July, '37.

But the interest he had failed to wake to action still lingered, and when, in 1839, the working classes were suffering sorely from the price of necessities, when the general public were holding public meetings, and the Benevolent Society lists were full, a public meeting of the working classes only was called. At this meeting Bibb was present, and Henry Macdermott, who was, for the next six years, to be hailed as the people's leader, "was vociferously called to the chair."<sup>18</sup> Macdermott was a member of the A.U.B.S., and had known Kentish (who had been before the public eye only the year before). It was proposed that a "joint-stock society called "The Union Association of Sydney for the Relief of the working classes" be formed to consist of a capital of £5000, the shareholders to be "mechanics, tradesmen and members of the working classes and such other persons as would conform to their rules." A plot of ground was to be purchased, and a steam mill erected "with sufficient engines for grinding and dressing flour, and making it into bread." Here, wheat bought at cash prices was to be manufactured into bread and disposed of at 10 per cent. above cost price to shareholders.

An office was established, but we hear nothing further of the great scheme. The beginnings of co-operation are buried in their own pretensions. Co-operation failed because the schemes proposed were too large, and because the distress which projected a movement never lasted long enough to keep people vitally interested. Had Kentish been more reliable and something less of an adventurer, his first scheme might have prospered, for there were 500 people at the initial meeting, and Kentish's own ideas seemed clear enough. But since he failed, to begot confidence, the interest in co-operation passed with the crisis which had created it. At the '39 meeting, there was a great deal of sincerity and evident earnestness exhibited, but the scheme was obviously impossible. For lack of a cautious and experienced leader, the movement failed. Australia seems indeed to have caught the spirit of Robert Owen's co-operative movement, without more than half guessing at its substance.

A few of his disciples she had perhaps already received, for, in June, 1840, there is a small "Owenite" or "Socialist" society existing in Sydney.<sup>19</sup> The Society, however, does not seem to have flourished, and its members, according to an eye-witness, were few. Its aims are not clear; if co-operative, this was subordinate in the public estimation to its adoption of the vaguely revolutionary, heterodox, and teaching . . . . One of its rules was that no "religionist" need apply. Of its members was doubtless one Sloman, popularly known as "the King of the Cobblers", a member of one of Sydney's Total Abstinence Societies, and something of an oddity in trade circles. He once created in court what must have been for him a truly gratifying sensation, when, to the unbounded astonishment of everyone, he declared himself indifferent to the Bible oath, as he "disbelieved the contents of the book altogether." The Chairman inquired how long it was since he had come to that singular conclusion, where Mr. Sloman replied that it was the result of long and serious consideration. On being asked whether he was an Owenite, he  
replied/

replied that he certainly considered the principles inculcated by Robert Owen were better than any others, and he decidedly approved of that part of the doctrine which held mankind as creatures under the unavoidable influence of circumstances. He admitted, however, that he believed in the existence of a Supreme Being and a future state, in consequence of which, the Chairman remarked that his evidence might be taken, as even that of pagans had sometimes been.<sup>20.</sup>

One of the members of the society whether Sloman or not, is not clear - writes exceedingly frank and able letters to the papers, protesting against the popular conception of Owenism as synonymous with licentiousness.

"I, sir, have personally known Robert Owen for the space of three years in London, and was a member of his Social System. I took great pleasure in calling him father, for he was more than father to many of us.

"Until you know Robert Owen, abstain from epithets which reflect no credit on you, nor disgrace on him. That man who attempts any innovation is sure to meet with opposition from those whose interest it is, to let the world go on as it does."<sup>21.</sup>

It is likely that this small society made common cause during the next few years with the Trade Unions, or rather with the Operative Movement which the Unions led.

CHAPTER IV.

TRADE UNIONS.

In April, 1802, "whereas two attempts have lately been made to revive seditious meetings", a Government order was based on Geo. III, 36.8 ) forbidding "meetings of more  
37.123 )  
than 12 persons to be holden." Such meetings, without permission and public notice, will be deemed unlawful assemblies!

There is reason to believe these regulations were passed, because of the insubordination of the Irish convicts and were thus political and not economic. Although the phrase "unlawful combinations" appears, I do not find that it refers to combinations in restraint of trade. The regulations were a precedent for a curious bill passed by the Council in 1846, entitled "the Party Processions Bill", and aimed against the proceedings of St. Patrick's Society on the Saint's day.<sup>1</sup>

We are, I think, correct in stating that no Anti-Combination laws for the purpose of regulating industrial bargaining, were ever passed in this country. Certainly, if there were government orders they were of no importance. The Masters and Servants Acts (q.v. Chap. V.) were more a statement of rights, and a method of individual compulsion than a weapon against combined action. It was within the law for societies to be formed, although aggressive action was viewed with suspicion, and, as a last resort, the Masters and Servants Acts were used to prosecute individual strikers. But there is no instance of a trade society, or a trade combination having been either suppressed or prosecuted.

The first strike of moment in the colony occurred in 1829. A hubbub had arisen regarding currency values, caused by large importations of Spanish dollars, which had been thrown on the market at a reduced rate, and set up varying standards among different sections of the people. The Chamber of Commerce,  
having/

having failed to come to an agreement with either of two sections of merchants, public business was suspended for two days.

It was natural that mechanics, bewildered by varying estimates should demand as their right in sterling what before they had received in currency. It is true that this meant - other things equal - an increase in real wages. But, when other sections of the community were attempting to turn the situation to their advantage, the mechanics cannot justly be blamed for setting their price.

"A new and startling note", characteristically explained the Gazette, "labourers in many instances have combined to resist the commutation of wages." Said a correspondent: "A blow is struck at the very root of the prosperity of the colony, when already the high price of labour is the bane of this colony."

It was the Typographers of the Australian who led the movement, "demanding an advance of 15 and 17 per cent. in currency, and, when refused, struck work and left the employer suddenly without a hand to carry on the necessary work."

The Australian, usually published three times a week, did not appear on Monday, 30th November, and, on the following Wednesday, consisted only of a sheet of advertisements and an explanation. The police were appealed to, but, with little success, their sympathies probably being with the strikers.

In addition, the Gazette of December, 10th, reports that, at a meeting of journeymen carpenters held a few miles out of Sydney, it was resolved to strike until the masters should consent to pay in sterling what had been received in currency. While, finally, the crew of a whaler refused to sign the ship's articles until their demands should be complied with (Gazette, December 19th).

And, possibly, there were other trades concerned, for the public excitement seems to indicate a more or less general movement./



movement. Not until December 24th, did the Government intervene, fixing the values of the dollar and rupee as a measure provisional to their total abolition.

But no trade societies resulted from this excitement, and it was not until July 16th, 1831, that the Gazette reported the carpenters to be on the eve of establishing a Benefit Society, with the significant statement, "There is already one in existence at Swan River."<sup>2</sup>

But there is no evidence that the projected New South Wales society ever took shape. About 1830, the shipwrights had also attempted and failed to establish a Benefit Society.<sup>2</sup> Curiously enough, as a link with this projected carpenters' society, is a Joiners' Society in July, '35, which did not persist.<sup>3</sup> Members of both trades formed a society in April, 1840,<sup>4</sup> which, with a year's break,<sup>5</sup> continued until 1846.<sup>6</sup> There are records on the books of this society of successive attempts to form a society of Joiners exclusively, in April, '49,<sup>6</sup> and of 'Carpenters and Joiners' in May, '51.<sup>6</sup> But the Society did not actually continue its existence until October, 1853.<sup>7</sup> With another break from '58 to '61, we touch the present society of Progressive Carpenters and Joiners, thus definitely linking up past and present unionism.

The earliest trade society which I have been able to trace is a Cabinet Makers' Society, formed among the Emigrant Mechanics of 1833.<sup>8</sup> This "club" or "society" is confessed by one of its members to be established for the maintenance of London piece-work prices, as well as "to insure their tools from loss by fire, and assist the widow and orphan in distress." It is possible that the prices were taken from an "Edition of the London Cabinet Makers' Union Book of Prices published in 1824", or from "later supplements and index keys to the work."<sup>9</sup> As a result, the price of certain articles of furniture rose slightly. A chair which had cost 30/- was now, and apparently on this account, /

account, 32/- . Sydney gossip runs to the effect that "the mechanics have formed themselves into clubs to which they pay a weekly sum, in order to support the body if out of work."

It is hardly necessary to point out that, if we take Webb's definition of a Trade Union as standard, this Cabinet Makers' Society comes within the generalisation, "a continuous association of wage-earners for the purpose of maintaining or improving the conditions of their employment."

In the same month there is some uncertain evidence connected with the efforts of "the body of coopers", who, "in unison with their brother tradesmen have held meetings for the purpose of promoting emigration."<sup>10</sup> There is no further evidence regarding this body, but it possibly existed as a local trade society for an indefinite period. Some of Lang's mechanics had come from Glasgow where such a body of journeymen Coopers "traces a continuous existence from 1752".<sup>11</sup>

The Cabinet Makers' Society, or more correctly, the Cabinet Makers' and Upholsterers' Society, seems to have remained in existence definitely until '46,<sup>12</sup> and possibly later. Among the members of scattered facts relating to its history, none points to a break.

But the strongest of all these early societies was formed three years later, when the Typographers in January, '35,<sup>13</sup> established a fighting union, always remarkable for its aggressive spirit. It has a definite nine years' history, until June, '44,<sup>14</sup> at least.

Somewhere about the same time "a few years back" from '39, the Shipwrights' Benefit Society was formed, including in '39 almost the whole of that useful class of men who reside in Sydney." The Society is in full existence in December, 1840.<sup>15</sup><sup>16</sup>

In January, '37, the Coachmakers' Benefit Society was formed,<sup>17</sup> possibly still in existence in 1840.<sup>18</sup>

In March, '37, a combination took place among the seamen,<sup>19</sup> and, in December, '39, "upwards of 60 members were enrolled",<sup>20</sup>

enrolled",<sup>20.</sup> to form a proposed Seamen's Benefit Society. But the trade is uncertain, and regular meetings would have been difficult to arrange. In any case, I have found nothing concerning the society. In 1840, after the crisis in '38 and '39, several societies were formed, in addition to the Carpenters' and Joiners' Society, already mentioned.

In March, 1840, the Engineers, Millwrights, Founders and Smiths established a Society.<sup>21.</sup> It is not clear when the society was dissolved, but, in 1845, the Millwrights and Engineers' Benevolent Society was formed,<sup>22.</sup> continuing until, at a special General Meeting in September, 1850,<sup>23.</sup> the Society was dissolved by mutual consent. A month after, the Engineers, the Operative House Painters, Plumbers and Glaziers held a meeting,<sup>24.</sup> and a week later the House of Call was notified for the information of the public.<sup>25.</sup> The Society still exists in June, '44.<sup>26.</sup>

The Union Society of Operative Cordwainers formed in June, 1840,<sup>27.</sup> and probably some time in the same year, the Boot and Shoemakers of Sydney formed a Society,<sup>28.</sup> continuing, at least, until June, '44.<sup>29.</sup>

This trade had struck for an advance so early as '31.<sup>30.</sup> In December, 1840, the Society of Assistant Drapers is in active existence,<sup>31.</sup> continuing until January, '45.<sup>32.</sup> In March, '48, an Association is again formed, which does not, however, continue the traditions of the earlier society.<sup>33.</sup> It seems probable also that a strike of the Tailors in August, 1840,<sup>34.</sup> was the beginning of a society in existence in '43<sup>35.</sup> and '46.<sup>36.</sup>

In June, '42, the Journeymen Plasterers formed a Benefit Society,<sup>37.</sup> which is in active existence in May, 1843.<sup>38.</sup> It would be interesting if this proved to be the modern society of Plasterers which was in existence in '56, but whose date of origin is not known.

In December of the same year, the Slaters and Shinglers founded a society,<sup>39.</sup> In February, '45, the "Trades Union" of

Weavers, /

Weavers, Spinners and Warpers is in existence,<sup>40.</sup> and in June, 1850, the Hand Loom Weavers of Sydney write a letter as a "body of Mechanics".<sup>41.</sup> In March, '43, the Stonemasons are in active existence,<sup>42.</sup> and continue at least until September, '46.<sup>43.</sup> In December, '48, the Operative Stonemasons called a meeting of the Trade,<sup>44.</sup> but the Society was not reformed until '53. In August, '45, the Woolstaplers' Society of New South Wales was established.<sup>45.</sup> In November, '49, a meeting of Fellmongers and Woolsorters does not show clearly whether there is or is not a society in existence.<sup>46.</sup> In September, '46, the separate societies of the Sawyers, Bakers and Tailors assist in providing strike funds to the Carpenters and Joiners' Society.<sup>47.</sup> The Bakers had struck in May, '41, and also sent a memorial to the Governor,<sup>48.</sup> so that possibly they formed at this time, continuing as the above entry shows until September, '46. Of the Sawyers and Tailors I have found nothing more except that they were "trade societies."

'47 is a blank year, showing the formation of no societies, and the evidence of no union action. Uncorrelated activity there must have been, but it is not projected into the public arena. It is the year of dead or dying societies.

The year, '48, is the turning point, when the working classes turn from the old unionism to the new. Immigration floods over the shallows of the middle forties, and forces the working classes to think once more. The faint attempt of the Stonemasons Society in December, '48,<sup>49.</sup> and the equally futile attempts to form a Joiners' Society in May, '49,<sup>50.</sup> and a Carpenters and Joiners' Society in May, '50,<sup>51.</sup> are the stirrings of a new birth, brought to fruit in the establishment of the Sydney Typographers' Society in the latter part of 1851.<sup>52.</sup> Though the new movement overlaps the old, and the gold discoveries impede the working of old and new societies, the division is clear. With the Sydney Typographers' Society, modern unionism,

which/

which is not our story, is set on its path. <sup>53.</sup>

Let us turn back and survey the position.

During a period of 15 years from 1833-1848, we have watched the irregular appearance and disappearance of no less than eighteen, and perhaps twenty, trade societies. Although the history of all these societies is incomplete, it is clear that some societies remained in existence for the greater part of the period under survey. There is no evidence to prove that the Cabinet Makers' Society of '33 was not the Cabinet Makers' Society mentioned again in '39, and at varying periods afterwards till '46. Thus the Society existed for, at least, thirteen years.

The Typographers' Society has a definite nine years' history, the Hand-Loom Weavers' eight years, the Tailors' six years, the Engineers' a broken existence of, say, four years in the first period, and certainly five years in the second. The Shipwrights' Society has perhaps three or four years' history. The Operative House Painters, Plumbers and Glaziers definitely existed for four years, the Plasterers for three years, the Stonemasons for three years.

The Assistant Drapers, who naturally stand apart from the history of the other trades, are an interesting society in their first five years' period, insisting, with very little success, that the hours of work should be shortened.

And the core of this movement is contained in the years '40-'43. It is during these years that the greatest number of societies are formed, and that the bulk of trade union action takes place. Here lies our study of the relation between trade union action, and society.

First, however, let us survey the internal constitution of these unions, and attempt, from the scattered facts at our disposal, to gain some idea of how the societies worked. The membership of the societies probably varied a great deal. Sydney's population was increasing at the rate of 10 per cent.

a decade, and particularly from '38-'41, immigration was resorted to with such success that "the entire face of colonial society became at once changed", so that it seemed to people almost as if "they had gone to bed in Botany Bay and awakened in England"<sup>54</sup>. - This constant flow, added to a less constant exodus is the reason for the constant breaks in the history of early societies. But however the membership varied, it was always small.

In January, '36, the 1st Anniversary of the Compositors' Society was commemorated at the Golden Anchor, Bridge Street, by thirty members.<sup>55</sup> In May, 1838, at a General Meeting of the "free compositors of Sydney", upwards of fifty members attended.<sup>56</sup> In the same month, it was estimated by the Committee of the Journeyman Compositors that the number of workmen in Sydney was: 44 free compositors, 8 assigned compositors, 13 apprentices, and 4 men unemployed. Thus, out of a possible 48, the larger proportion (30) were in the Society. A year later on March 16, 1839,<sup>57</sup> the Compositors estimated "that the present strength of the business including Free Compositors, Assigned Servants and Apprentices", was from 80-90 actually employed. There were also several compositors following other employments, and two or three out of work, owing to the fact that about twenty compositors had arrived in the last year from various parts of the world. Doubtless the claim of any of these twenty to enter the Society would have been admitted.

Finally, then, at these periods mentioned the Society included the greater proportion of the free compositors of Sydney, its numbers varying from 30-50.

In April, '41, at the 1st Anniversary Dinner of the Operative Carpenters and Joiners held at Mr. Barker's Crown and Anchor, George Street, "about thirty of the members sat down to an excellent dinner, provided by Mr. Blyth, pastry-cook of George Street, which reflected great credit on him."<sup>58</sup> In August and September, 1846, the Society of Carpenters and Joiners, in

the first week of a strike, paid relief money for 28 men, in the second week, to 62 men, and, in the third week, to 71 men.<sup>59.</sup> Apparently, one set of men after another downed tools. Whether the 71 were full members of the society is not clear. It is more likely that the original 28 were society men, whereas the others were outside members of the trade. The Society was aided in the struggle by six other "Trade Societies", and by contributions from "Employed Men." The Shipwrights' Society in June, 1839, counted as members "almost the whole of that useful class of men who reside in Sydney."<sup>60.</sup>

At the 1st Anniversary Dinner of the Millwrights and Engineers' Benevolent Society in '46, at Entwistle's Hotel, York Street, "about forty members and visitors sat down to a sumptuous repast."<sup>61.</sup>

Evidently, then, the membership of the Societies varied generally between, say, 25 and 60 members, including, in some instances, the greater part of the trade. The proportion of unionists to the operatives generally can never have been large. For instance, in December, 1840, there were ten unions in existence;<sup>62.</sup> suppose each of these had an average of thirty members, the total number of unionists would be only 300. These, however, were the men who convened a meeting of some thousands. The largest operative meetings, of which we shall have to speak, varied from 3,000-5,000.

Concerning the union funds there is also some slight evidence. In June, '39, the Shipwrights' Benefit Society established a few years since, had "greatly flourished, so that its funds amounted to nearly £400, notwithstanding that considerable deductions have been made during the past year for necessary disbursements."<sup>63.</sup> Doubtless many of the Sydney societies were not unlike a Launceston society, which, in January, '44, had a membership of only twenty, but funds to the amount of £300.<sup>64.</sup> Certainly, ten Sydney societies were flourishing enough in December 1840, to subscribe £50 for the Duncan medal.<sup>65.</sup> The Carpenters

and/

and Joiners were rich enough in September, '46, to subscribe £26: 7: 3 "from the funds of the Society", to pay back £10:14: 6, and to offer to pay £9: 7: 3. This latter, the Tailors, Bakers, and "Cabinet Makers" heriocially refused to accept.<sup>66</sup> The situation of the other Societies is shown by the following unique entry, appearing in the Carpenters and Joiners' Books. One copy verbatim:

Monies Subscribed by the Trade Societies - 1846.

|              |   |               |
|--------------|---|---------------|
| September 7  | Recd. from the Tailors .....  | £2 8 6        |
| " 14         | " " " " .....   | <u>2 6 0</u>  |
| " 28         | Paid back to the Tailors .....  | 4 14 6        |
| " 8          | Recd. from the Sawyers .....  | 2 3 6         |
| " 29         | Paid back to the Sawyers .....  | 2 3 6         |
| " 5          | Recd. from the Cabinet-Makers ..  | 2 6 3         |
| " 29         | Cabinet Makers Refused .....  |               |
| " 12         | Recd. from the Bakers .....   | 5 0 0         |
| October 3    | Bakers Refused Payment .....  |               |
| September 14 | Recd. from the Stone-Masons ...   | 3 6 6         |
| October 3    | Paid to the Stone-Masons .....  | 3 6 6         |
| September 12 | Recd. from the Nailers .....  | 2 1 0         |
|              | Nailers Refused Payment .....   |               |
| September 7  | Recd. from the funds of the<br>Society of Carpenters and<br>Joiners ..... | 9 3 8½        |
| " 14         | Recd. from the funds of the<br>Society of Carpenters and<br>Joiners ..... | <u>17 3 7</u> |

When, in '43, Duncan's "Weekly Register" was established "the shoemakers were seduced into a collection of £10: 2: 6 in his favour. The United Painters subscribed £5 for him at a pot house; and a sum of £20 for his use was nearly voted by the Associated Stone-Masons, and was lost by only one vote. The Carpenters were also prepared to enter into a subscription, except that some cranky fellow suggested that they should wait before they sought Mr. Duncan's advocacy."<sup>67</sup> The Guardian newspaper of '44 seems to have been helped considerably by votes from trade societies, and on May 18th, '44, a vote of thanks was passed "to



"the society of Painters, and the Carpenters' Society," for pecuniary assistance afforded.

Obviously, the regular funds of the Societies were fully adequate to any emergency, and the members could be depended upon where a special levy was requisitioned.

Let us now inquire into the functions of these Trade Societies, to which small regular funds were subscribed monthly by associated members of the various trades.

Primarily, they were benefit societies. The "good easy going folk of Sydney", did not find fault with their formation, but rather approved of unions to protect the destitute but respectable working man. The Prospectus of the A.U.B.S., with which many newspapers and members of the general public constantly identified the trade societies, exactly illustrates the workman's justification. "The many advantages that have been found to accrue to the working classes of the people of the Mother Country from the formation of benefit societies, cannot but excite the feeling of fond anticipation that the formation of a similar society in Australia will be found equally successfully.

"Separated as we are from the land of our birth, from our friends and from all chance of relief from those Benevolent Institutions which abound in Great Britain, we can perceive nothing to cheer us in the prospect of sickness and adversity, except through our united exertions to save from our weekly gains such an amount as may form a fund to relieve those unable to provide for themselves the common necessities of life. Formed into such a society we cease to be strangers and friendless in this land of our adoption."<sup>68</sup>.

Naturally, however, once a Benefit Society was confined to a trade, it was liable in any period of trade pressure to enter the more purely industrial arena. Moreover, while it was possible for a Benefit Society to give sick and death and perhaps even loss of tools benefit, it was a doubtful policy to give

unemployment/

unemployment benefit. The A.U.B.S., so far as one can judge, set its face wholly against the unemployment benefit. Another instance of the distinction occurs when, in August, '46, the Committee of the Australian Clerk's Benevolent Fund Society, which had been formed amid general approbation in '44, and gave unemployment sick and death benefits, decided to abandon the unemployment fund, "not only because so few members joined it, but because however beneficial its operations might be to those who should join it, still it involved principles which might prove unsafe in their results."<sup>69</sup>.

It must be also remembered that colonial papers have always devoted a great deal of space to items of English news, the more so at a period when a small community grew very weary of its own local news. Thus colonial society watched the rise and fall of English Unionism in the late twenties and thirties, and workmen, who were not themselves emigrants, became familiarized with the principles of industrial action. Naturally the distinctions between Benefit Societies and Trade Unions would always be more obvious to the workmen than to the general public: and it is possible for newspapers to applaud the formation of a workman's benefit society, which the workmen know quite definitely to be a trade union. All these are general speculations, but they indicate my attitude to the questions whether our unions were imported like the Amalgamated Engineers of '52 (which was formed on board ship), or whether they arose naturally within the colony. All evidence points to their natural origin. Men who came out here "to better their condition", by taking up land, did not bring their unions with them. Labour associated because of economic pressure within the community, and the industrial functions evolved in order. The projected Carpenters and Joiners Benefit Society in '31 seems to me to have been formed for benefit purposes and not necessarily for industrial action. On the other hand, the Cabinet-Makers' Union was formed among Emigrants whose ideas were clear with regard to the distinction between "benefit Societies" and "Unions". But the projected  
Sydney/

Sydney Joiners' Benefit Society of July, 1835, is "intended to raise a mutual fund to repair losses of tools, occasioned by fire or otherwise, and also to provide for the respectable interment of its members, etc":<sup>70.</sup> when will be submitted a prospectus and a code of Rules and Regulations, previous to their being legally enrolled."

The project was to enrol as a Friendly Society under the same English law by which the Court of Quarter Sessions had legalised the position of the A.U.B.S. More remarkable still, in November, '41, the rules and regulations of the Sydney Operative Carpenters and Joiners' Society were allowed and enrolled by the Court of Quarter Sessions.<sup>71.</sup> This is all the more interesting because in March, 1840, the Society had been engaged in a strike. A letter from one of the joiners justified the strike, remarking that the Society is "for the protection of our Trade and Tools", "and that a discerning public will judge whether the wages demanded are unreasonable."<sup>72.</sup> No incongruity is perceived between the function of "protection of trade and tools", and aggressive action.

Indeed, this interesting Society seemed to regard itself as under the special protection of the Court, and one of its rules was that "if any member of the Society loses his tools by fire, accident or theft, upon making affidavit of the fact before a magistrate, the Society will provide him with another set of tools." In '42, a magistrate to whom a member of the Society had, during the week, applied, refused to take the man's affidavit, and Duncan declares that it had always been a "complete nullity".<sup>73.</sup>

In May, '43, the Journeymen Plasterers likewise presented their rules for the approval of the Bench, "but the chairman informed them that he did not think such approval would be given - the population of Sydney not being sufficiently large to encourage the establishment of Benefit Societies for the particular trades."<sup>74.</sup> The employment benefit must have been on the rules of these

Societies, and must have been passed in '42 by the Court of Quarter Sessions, omitting the rules of the Carpenters and Joiners' Society. But these incidents had brought the working of the English Act into such doubt that, in November, '43, Wentworth brought in a "Friendly Societies Bill", "in strict accordance with those of a similar nature in force in England, which had for its object the regulation of those Societies already in existence in the colony, and of others which might hereafter be formed."<sup>75</sup> In the enunciation of the benefits recognised, unemployment might come under the clause stating that a Society could be formed "for any other purpose which is not illegal." But this chance for the unions was swept away by the declaration "that no secret society having signs, countersigns, passwords or numbers nor any trade society shall be entitled to the benefit."

This clause was not removed until a new Friendly Societies' Act in October, 1853, repealed the old Act. Wentworth's motives in bringing in the Act are doubtful. There is nothing in his reported statement to indicate that he was acting against the interests of the Trade Societies, and we know that he was always interested in the progress of the A.U.B.S.,<sup>76</sup> but it is surprising that he declares, merely "the two principal societies of the kind already formed were the Sydney Total Abstinence Society and the A.U.B.S., both of which were in a prosperous condition." He must have been aware of the existence and claims of the trade societies, not only because of their applications to the Quarter Sessions, but because of the antagonism which the societies had fomented with regard to Wentworth himself.

Whatever his motives, the Bill was passed, and trades unions denied the right of developing along Friendly Society lines.

But in a period when so conservative a Society as the Carpenters and Joiners would strike, there were other Societies which avowed their intentions more openly. The Compositors are a special example of the aggressive union. A more intelligent class of men than in any other trade, their insubordination was notorious, and it is possible that action, which other trades were careful/

careful to hide, they took pride in bringing before the public notice.

The preamble to their rules declared "that the present and prospective interests of the Trade require union: nay, inequality of prices, wilful misinterpretations of the scale, or the chicaneries of unjust employers can be applied. The chief aim of this union is the protection of the wages of labour."

An elaborate constitution with at least 23 rules was drawn up, and for any member "who, though adhering to the customs of the trade, be tyrannically discharged", a scale of unemployment benefits was declared.

The Society's ruling was absolute.

Rule XXIII. "Whatever the grievance complained of may be, no member shall of his own account leave his employ without first bringing his case before the Committee, by delivering the facts in writing to the President, who is empowered to summon a committee forthwith to investigate the complaint who shall lay their opinions before the next monthly meeting for a final decision."<sup>77</sup>.

It will be observed that this strong authoritative union insists upon trade regulation, not only with reference to a price schedule, but also in any grievance between an employer, and a union member.

The strength of the Compositors was, in great part, due to the force of the Secretary, one Peter Tyler, a "red-hot radical", reputed to be a Chartist, and a "mop", with an unusual bitterness against the employing class. He wrote long letters to the papers, and involved the Society in, at least, two strikes. The first, probably in '37, or '38, was a successful attempt to raise the compositors' wages from £2/-/- to £2/5/-.<sup>78</sup> Another strike was contemplated some time later, but the Society found itself without sufficient funds.<sup>80</sup> It was seriously hampered by the continual arrival of immigrants, and a long standing annoyance was turned to exasperation when, in May, '38, the "Australian" advertised/  
advertisd/

advertised that, from 31-40, compositors might find employment in Sydney. Letters were immediately written to the Journeymen Compositors of Great Britain and Ireland, contradicting the statement, and giving copious details concerning the actual position.<sup>81.</sup> Again, in March, '39, letters were written which were said to have checked the emigration of a number of compositors.<sup>82.</sup> But, in the meantime, the employers at the "Herald" office, fearing an increase in wages, began to engage extra apprentices whereon the Compositors held a general meeting in January, 1840, and passed and forwarded to the "Herald" a resolution detailing the proportion between apprentices and journeymen printers, and "respectfully soliciting" an answer before a fixed date.<sup>83.</sup> No answer having been received, the "Herald's" compositors struck work. Two "Gazette" compositors who had joined the fray were sentenced to two months' hard labour for absenting themselves from work without leave, and another compositor who pleaded sore eyes as an excuse for absence from work, was sentenced to 14 days' hard labour in the house of correction.<sup>84.</sup>

The "Herald" appealed to the Government and was supplied with convict compositors to take the place of the strikers.<sup>85.</sup> The aggrieved society sent deputations with two successive memorials to Gipps, but on the second occasion, "His Excellency replied that he knew nothing about it", and left the room abruptly.

As a last resort, a month after the strike had commenced, 10-15 journeymen compositors advertised their willingness to enter into engagements with Master Printers in Port Phillip, Launceston, Hobart town, South Australia and New Zealand. They explained this advertisement was "in consequence of the refusal of some of the Master Printers of Sydney to come to a fair understanding: in consequence, too, of the Government assisting them with convict labour, and the resumption (in fact) in Sydney of the assignment system."<sup>86.</sup>

A similar spirit is displayed by the journeymen bakers, who struck because of two firms, one attempted to reduce wages, and the other to cut down the number of employees while expecting the reduced number of men to do the same amount of work.<sup>87.</sup>

In the one case, the men's demands were acceded to, but, in the other, refused. Then, declares the scribe graphically, "when the men, as a matter of course, turned out", the Government, again appealed to, again supplied convicts to do the work.

A memorial was presented to the Governor, and later His Excellency was waited upon, but without result.

A journeyman baker writes emphatically - "We wish His Excellency, or whoever may be concerned, to know that it is not agreeable to the spirit of the British laws that the privileges of tradesmen should be so encroached upon. Such things would not be tolerated in England, and we wish most respectfully to submit to His Excellency the impropriety of sanctioning such proceedings here."

An interesting and probably typical union is the Operative Boot and Shoemakers.<sup>88.</sup> The union, either alone, or in collaboration with the small masters, had drawn up a price statement, which a few of the small masters had signed. But Sloman, the "king of the cobblers",<sup>89.</sup> seems to have signed the document in the hope of gaining better workmen. "Having enticed", as the union indignantly declares, "these best workmen from other shops," he gave them the agreed price rates, but recouped himself by keeping the men "little more than half employed."

"Gentlemen", appeals the Union to the small masters, "can such inconsistent conduct be looked upon by a respectable body of masters and men, and passed by without notice?" And to satisfy the awakened curiosity of the law-abiding small masters, the Union published a letter from Sloman wherein he unfairly claimed "that no other shop can be called a legal shop but mine.

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"You all ought to be ashamed to work for Flecher or Vickery or Wilcox or Toole or old Turley or Pritchard. Some of you work for masters because they give you the 10/-, but what do they give other men? You that work at that rate are the greatest scabs."<sup>90.</sup>

A strong sense of the common interests of masters and operatives is also instanced by the temporary Union of the Cabinet-Makers and Upholsterers with the masters to discuss the question of protection.

In December, '42, the Masters were asked to attend a general meeting of the Union, and discuss the causes of the present stagnation in trade. It was decided that the competition of American goods was unfair, as it was suspected that the goods were made with prison labour. The American Consul protested against this insinuation, but Gipps, who received a deputation with a memorial, declared that he would do his best to see that the colonial 15 per cent. ad valorem duty on imported goods was enforced. The Americans had often escaped the duty by packing one piece of furniture inside another.<sup>91.</sup>

The other trades were struck with the wisdom of the Cabinet-Makers' plan, and several private meetings of the trades were held to consider the wisdom of following the Cabinet-Makers' policy.<sup>92.</sup>

Protection is also a plank in the platform of the Mutual Protection Association.

Several societies were formed, not so much for mutual benefit or aggressive action, as to protect themselves against the competition of unskilled men. This was the avowed reason for the formation of the Slaters and Shinglers,<sup>93.</sup> the Painters, Plumbers and Glaziers,<sup>94.</sup> and the Fellmongers of New South Wales, who provided for the issue of "certificates, graced with a characteristic engraving and subscribed by the Chairman and Secretary of the Society."<sup>95.</sup> It is fitting that this very jealous and exclusive trade should be the first to protest in November, '49, against



the employment of some 18 or 20 Chinese in the Waterloo Mills;<sup>96.</sup> these men who had been employed for some time washing wool had lately "been pleased to work along with European workmen, so that, by observing the manner in which the skin was fellmongered, etc., they might be initiated into the trade." The Fellmongers were so indignant that they called a meeting of the different trades, and a vague proposal to form a "working-man's Association" was discussed.

It is possible also that the Hand Loom Weavers united against unskilled competition. The trade was gradually being ousted by unskilled labour, and by the appearance at the steam-loom weaving. The first steam mill came in 1839, and, during the forties, two of the old firms disappeared. In June, 1850, the Hand Loom Weavers write a pathetically futile letter, arguing that there are too many accidents in the steam mills and that, in any case, the work is not so good as hand work.<sup>97.</sup>

The Shipwrights, too, though formed at first mainly as a Benefit Society, became successful enough to grow exclusive. In December, 1840, three shipwrights were brought before the Court as a test case under the newly passed Masters and Servants Act, charged with absenting themselves from hired service. The evidence of the Master of the ship was taken (while the servants' evidence was excluded - this was not, however, a general custom during the next five years), who deposed that a certain Pattison had been placed over the men as foreman, but the prisoners refused to work under him "because he was not in their club." Pattison also deposed that "he was not a member of the Shipwrights' Club: he once was, and he believed the prisoners were at the time."

The prisoners were fined £5/12/- each, being the damage sustained by the plaintiff, together with costs (gaol in default).<sup>98.</sup>

This very interesting incident is the only case I have met of Union v. Non-Union labour. I do not think it can have been general among the trades. It was the Shipwrights' unusual position in having as members "almost the whole of the trade", that gave them power to dictate.

Moreover, the flight during these years was against convict/  
convict/

convict and coolie labour, and had not yet narrowed down to a Union v. Non-Union basis.

The Assistant Drapers are the only Association to fight for shorter hours during the period under survey. Their object was to reduce hours from 14 to 12, but a petition to the masters in '40,<sup>99</sup> was defeated, and the subject lapsed until '44, when 87 Assistant Drapers combined, roused the town to indignation and held public meetings, at one of which Bland, Lang and Lowe all spoke. A petition was presented to the Master Drapers, signed by 1,729 people, and eventually all the masters agreed to the terms. But in January, '45, one of the Drapers broke the agreement, and 12 Assistants struck. The Master told them they need not come back.<sup>100</sup> After this, the Association disappeared, and a successor in later years has no industrial functions whatsoever.

One extremely important, but difficult, question remains for our consideration - the use of the House of Call. The Carpenters and Joiners gave notice of a House of Call at the Crown and Anchor in February, '41,<sup>101</sup> nearly a year after the Society had been established. Newly formed in '45, again the House of Call was fixed, at the White Horse Inn.<sup>102</sup> In a few scattered minutes of '46, a motion is carried that Mr. Hollman, the inn-keeper, be paid an instalment of £3/-/-, - though whether this includes the House of Call expenses, and the rent is not clear.<sup>103</sup>

At all events, it is certain that the inn-keeper is paid for his services, and that one of his services is to conduct the House of Call.

In April, '40, the Operative Painters established a House of Call at Rob Roy Hotel, "where workmen could be had by contract, or for 8/- per day."<sup>104</sup> In December, they change to Mr. Vercoe's Temperance Rooms, where also the monthly meetings begin to be held.<sup>105</sup>

In December, '43, the Slaters and Shinglers also established their House of Call at Mr. Vercoe's.<sup>106</sup>

The Plasterers' House of Call is established in June, '42, at the Rose and Thistle<sup>107</sup>. - for no obvious reason when other sober societies are meeting in Temperance Rooms.

The Engineers, Millwrights, Tenders and Smiths established their House of Call in May, 1840,<sup>108</sup> at Mr. Edwards, King Geo. III. This was a tribute to Mr. Edwards, a prominent member of the Society, once the Secretary of the A.U.B.S. The Society explained that "it was established to maintain a House of Call such as those at home, which have proved so useful to working classes in the Mother Country."

But the members announced that the employer was to pay 1/- for each application and the workman 6d. - sums which were too high for the ordinary tradesman.

These scraps of information do not help us greatly in attempting to estimate how far the House of Call filled the place of a modern Labour Exchange. One fears, judging by the constant change from one set of rooms to another, that they were not very successful in attaining their object. There is but one example of an advertisement to the Trades' Union of Weavers, Spinners and Warpers, applying for workers in a Botany Mill.<sup>109</sup>

It was not as industrial bodies purely, that these Unions were to affect Australian history. Their mission lay in the wider field of politics, to which we now turn. Let us first consider the regulations under the dubious influence of which the members of trade societies were liable to punishment (Chap. V). Then will our path be clear for a free discussion of the centre of the movement (Chap. VI).

CHAPTER V.

MASTER AND SERVANT.

In Hunter's Government and General Order of 10th March, 1797, occurs the following reminder:

"It may not be improper to remind the settlers that, in order to prevent any kind of dispute between the master and servant, when they have occasion to hire a man for any length of time, that they will find it proper and convenient to hire for a quarter, a half-year, or a year and to make their agreement in writing, from which, should any dispute arise, a Bench of Magistrates will, at all times, be able to settle it, the English law being very full and clear on the subject."

Macquarie further issued an order on July 24th, 1813, which, in four drastic sentences, defined the power of the master, and the penalties against a servant.

- (1) Any person harbouring a convict to be fined £10.
- (2) No person to employ servants without previously seeing and examining the certificate of pardon, freedom, or ticket-of-leave: or, within 48 hours after hiring, to take them to the Magistrates of the District to have their names registered.
- (3) No free person or prisoner to remove from his place of residence or employment, without giving private notice to, or obtaining the consent of, the Magistrate of the District through which they intend to travel.
- (4) Any suspicious persons offering themselves as servants or strolling idly about the country, can be apprehended by the settlers and taken before the District Magistrates: or, if they cannot be taken, information must be lodged.

Macquarie's regulations were not new. Laws against harbouring runaway convicts had been passed since the foundation

of the settlement it had been found imperative that all persons should be able to give an account of themselves; and vagrancy laws, corresponding strangely to the English laws of Settlement, had been passed by Hunter.

The two regulations illustrate our attitude which may not unfairly be defined as approval of the settler, and disapproval of the convict; or, in other words, the recognition of the settler's powers, granted by virtue of the convict status. Definitely, the orders give any settler the power of a justice issuing a warrant.

By a very simple extension, the terms "settler" and "convict" had become, even in Hunter's order, practically identical with the terms "master" and "servant". Analyse Hunter's order, and observe that he uses the term "master" as a mere variant for the term "settler", and that he does not use the word "convict" at all, although the "servant" of whom he speaks is more surely the wage-paid convict. And Macquarie's order, although recognising the distinction between freeman and convict, includes both under the term "servant". It is not wonderful that, with legislation so vague, Hannibal Macarthur was forced to spend so much of his time in settling disputes between masters and servants. After 1814 indeed, Macquarie's order was not included in the Almanac, as though the growth of various classes had rendered it inoperative. The laws were harsh enough as they stood, but if the argument in our first chapter is correct, the servant's powers were far beyond his recognised limitations. The evil of the system bore most heavily upon the masters who had grown to conceive their legal powers as natural rights, and who, consequently, were deeply affronted by the servants' failure to conform.

The change between these orders, and the first Masters and Servants' Act, passed in 1828<sup>1</sup>, is very marked. In the interim, apparently, English Acts had been resorted to, and confusion had arisen between them and the colonial orders. Moreover, in 1824,

a new Masters and Servants' Act had come into force in England, which made it binding on the Magistrate to issue a warrant upon complaint by oath of the Master. The doubts created, added possibly to the influence of the immigrants from 1822 onwards, made it necessary to pass some definite regulations, for the guidance of colonial magistrates.

It is remarkable that, at one bound, colonial legislation passes from the one extreme to an attitude far more literal than was evidenced by the terms of the newly passed English Act. There is no provision for issuing a warrant, only "after conviction shall he be committed to the house of correction, or common gaol." While the conviction may be before one magistrate only, as in England, unlike the English law there is appeal to the next Court of Quarter Sessions, and, upon proof of ill usage by the master, the agreement may be cancelled, and six months' wages paid as damages. It is true that the penalties imposed for neglecting or refusing to work, or for spoiling and destroying property, are more serious than in England - but this colony was used to serious punishments. The importance of the Act, is that, for the first time in our legislation, the rights of the servant are seriously recognised. The servant may be sentenced to six months in the common gaol, or three months in the house of correction, and to forfeit all his wages and pay, but the master who offends must also pay six months' wages.

This Act was reputed to work ill, and for some time before 1840, was said to be inoperative, through doubts regarding the magistrate's summary jurisdiction. But, for several years after its approval it was certainly operative, and often (one judges from stray references) to the detriment of the servant. But the mechanic's independence seems to have been his protection, and towards the latter thirties, he was actually unaware of its existence, even though, under it, punishment had been insisted upon the members of the Typographers' Union. The jurisdiction of the Court was accepted without any general conception of the nature of its authority.

Mechanics were surprised when, in 1840, the passage through the House of a New Masters and Servants' Bill was brought under their notice. From the Government point of view, it was time to act. Strikes had become common, servants were insubordinate, the lower classes disrespectful. Socialism had reared its ugly head in the public law-courts, and already meetings of the labouring classes had been held, where the consciousness "of the present misgovernment of the colony" was expressed.<sup>2</sup>

The Bill was drafted in accordance with the recommendations of a policy committee of the previous year. It provided "that a hired servant who should absent himself from his service, or refuse, or neglect to work in a diligent manner, or should return his work, or quit the same, before it was finished, or be guilty of any misdemeanour, ill-behaviour, or miscarriage in his service, might on the oath of one witness before one or more justices of the peace, be committed to the common gaol, mulct of his wages, and kept to hard labour for three calendar months."

- (1) One justice of the peace was empowered to issue a warrant for the arrest of a man, as yet not proved guilty.
- (2) The interpretation of the words "misdemeanour", "ill-behaviour," and "miscarriage" was wholly at the discretion of this justice, so that, as it was pointed out, a man might be put in gaol for refusing to touch his hat to his master.
- (3) Lastly, the combination of the three punishments of gaol, hard labour and loss of wages was extremely severe, at this stage, in the colony's history.

And actually, where the first two points were concerned, the Act was harsher than the 28-9 Act. Yet, it is likely that this Act would have become law had it not been for the exertions of a man, than whom Australia has possessed no son more honourable.

We deliberately turn aside to sketch the career of this  
man/

man, whose history is of such importance to the Australian Labour Movement. William Augustine Duncan was born at Bluefield in the parish of Towie, Aberdeenshire, in 1811, being descended on the maternal side from "a family which once boasted the possession of regal honours in the west of Scotland",<sup>3</sup> while, during a long residence in that part of the country his father's family "had, by their sterling integrity of conduct, commanded to an unusual degree the esteem and respect of their neighbours of all rank."

William, the fourth of six children, inherited the pride of the one, and the integrity of the other side of the house. Having exhibited ability at a very early age, William was intended for the Scotch Kirk, but, at his father's death, the ten years' old boy was forced to engage in farm work, to act as overseer to a body of planters, and to teach. Being, at 15, afflicted with "an oppressive lowness of spirits", he "engaged in the study of religious controversy," and was led, "my mind being of a logical cast", to pronounce himself a Roman Catholic.

He was received into the Church in 1826, but, finding it impossible "to live quietly with my family, which was now full of the rancour of religious hate", he left it.

On his journey to Aberdeen, the 16 years' old lad lived for several days without food, and slept in the open fields rather than acknowledge his destitute condition. It was his plan to enter the priest-hood, but numerous obstacles were placed in his way by priests who appear to have been jealous of the boy's extraordinary ability, and annoyed by his independence. After waiting for some years, Duncan gave up all thoughts of his "vocation" and married. He was for five years a book-seller, but, by engaging in vigorous pamphleteering for the Church, his business was ruined, and he turned again to teaching and to journalism.<sup>4</sup> Always liberally-minded, he took an active part in advocating the Reform Bill, securing the election to the Reform Parliament of a noble aristocrat who afterwards out him in the lobbies of the House. There was possibly some connection between this member of the Reform



Parliament and Lady Lovat who gave Duncan an introduction to a certain Mr. Jermingham in London. This gentleman was either himself a ship's surgeon, or was related to a Mr. Jermingham of that profession. By this means, Duncan was introduced to the missionary-priest, Dr. Ullathorne, but lately back from the wilds of Australia, proclaiming to a shame-stricken England the call to a Catholic mission in a land where England's national sin had grown to full harvest. Ullathorne spoke of what he had seen out back on lonely stations where the servant was wholly at his master's mercy: he spoke of desperate deeds and of malignant punishments where master and servant were equally godless: he pointed to the shameful herding together in ships and compounds and to the evil that ran unchecked through the Sydney streets. It was with knowledge that he spoke - knowledge that went only as far as the things that he had seen. With our sober mechanics the heat of his great passion was not concerned: he preached a crusade - yet, had he but known it, the land was working out its own salvation.

Duncan must have caught fire like dry tinder, although Ullathorne seems to have been little enough concerned about his recruit: He merely states, "Having already sent two companies of priests to Sydney, as well as several school teachers, we came on later."<sup>5</sup> And, to Duncan's indignation, he was sent to a small Catholic School at Maitland.

He quickly returned to Sydney, and evidently impressed both Polding and Ullathorne with his ability, becoming, in August, '39, editor of the first Catholic newspaper, "The Australasian Chronicle." But never was religious paper conducted on such radical lines. The force of the Reform Agitation was not to be stemmed in the narrow channels of religious controversy, and, almost at a bound, Duncan became the exponent of the operative classes.

Of all his triumphs, the resistance to the Masters and Servants Bill will perhaps become the most famous. He opened the  
campaign/

campaign on September 24th, 1840, by a leader, declaring:

"We have just perused one of the most extraordinary documents that was ever penned in a civilised country", and in terse and emphatic language proceeded to point out its injustice and the manifest need there was for the operatives to bestir themselves, and protest against the passing of the Bill. In a "series of strong articles",<sup>6.</sup> he analysed and re-analysed the Bill so clearly that the most illiterate working man could understand how greatly his interests were threatened. On September 29th, the last article was written, and on September 30th, was called a public meeting of the Operatives, "one of the most numerously attended meetings which has ever taken place since the foundation of the colony."<sup>7.</sup> The proceedings opened at 7 p.m., and five resolutions were proposed, seconded, and carried. A petition, which had previously been drawn up, was read to the meeting, and it was carried that His Honour, the Chief Justice (Sir Jas. Dowling) be respectfully requested to present the petition to the Council. A resolution was passed, voting the thanks of the meeting to the Editor of the Australasian Chronicle, for bringing the provisions of the Bill under the notice of the public, and with "three tremendous groans for Hannibal Macarthur, the avowed enemy of the working classes, the meeting dissolved."<sup>8.</sup>

However troubled their dreams, the valiant Sydney mechanics did not sleep late next morning, and before 11 o'clock, no less than 3,000 persons had signed the petition sheets. On the same day, the petition was presented to a humbled Council. Gipps vowed, as usual, that "he had had nothing to do with the Bill", the Colonial Secretary spoke eloquently to the effect that the purposes of the Bill had been misunderstood, but remarked suavely "that perhaps it would be better to take some time to consider the petition." The Attorney-General pointed out the general difficulties of legislation on this subject and the petition was received and read.

The Act, which finally received assent on the 20th October,<sup>9.</sup> was so hesitant in tone that, for the next five years  
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its actual provisions were very doubtful.

It provided that, if any male servant shall, without reasonable or sufficient excuse during any part of the time for which he is hired or engaged, absent himself from work, or refuse or neglect to work in a diligent manner at his trade or calling, or shall return his work or desist before it is finished, any justice of the peace, upon complaint by oath of one or more credible person or persons shall cause the offender to be brought before any two or more justices of the peace (one of whom may be the said justice of the peace), and (1) forfeiture may be exacted of all or part of his wages, (2) a sum may be paid not exceeding twice the amount of the damage.

On failure to pay, such a person may be committed to common gaol for three months.

The Council's mind has been greatly altered. A magistrate has no power to commit an untried servant to gaol: a single magistrate has no summary powers under the Act: one justice of the peace may issue a summons, on oath, not from the "Master", but from "credible person or persons", and the offender must be brought before two justices of the peace for judgment.

Punishment by imprisonment is no longer enforceable and can only take place when the servant is unable to pay the fine or damages. Women servants are not to be committed to gaol.

Unfortunately, the wording of this liberal act created so much perplexity that, in 1845, by the advice of a Select Commission on the Masters and Servants Act, it was repealed, and more stringent penalties introduced. There is no reason to suspect the '45 Act of an illiberal tendency, but, as the result of a great deal of honest perplexity on the nature of the relations between master and servant, and the extent of the magistrate's powers with reference to both. Before the Commission were called, among others, both Duncan and Macdermott and neither "found much wrong with the principle of the Act."<sup>10</sup> Both, however, favoured the establishment of a court, consisting of magistrates and assessors, the latter chosen like jurymen. Macdermott, whose

testimony is radical in the extreme, declares, "I would rather not give the magistrates the power of summary jurisdiction, especially in the country places", and Duncan has "no doubt that anything under the name of a jury would increase their (the working classes) confidence very much."

The Bill finally drawn up, was much more conservative in its provisions. Although the form of summons and judgment remained unaltered, the servant could be (1) either imprisoned in the house of correction for three months, (2) or be fined and discharged from the contract if that were the employer's wish.

The old vague terms were re-introduced. "If a servant shall be guilty of neglect, misconduct, misdemeanour, a justice of the peace, upon complaint made by the person or persons with whom the servant shall have so contracted, shall have power to bring him before two other justices of the peace."

A doubt which had existed concerning the justice's power to examine both complainant and defendant was set at rest by the statement that justices of the peace had such power. In April, '47, an Act to amend and consolidate the '45 Act (which had repealed all previous Acts) again defined the extent of the justice's summary jurisdiction, and it was declared lawful for the magistrate to exercise discretion as to the examination of any complainant or defendant under the Act.

Otherwise, the '45 Act remained in force, gradually falling into disuse, until it was brought to life to trouble the Australian Shearers' Union in the eighties. It is strange that, in this liberal country, imprisonment for the "misdemeanour of a servant" should have continued so long.

CHAPTER VI.

THE LABOUR MOVEMENT.

We have, in our previous chapters, described the influence of the convict and the immigrant upon Australian social development, showing how the union of both forces produced a labour framework of co-operation and made unionism. Against this, we have placed, for comparative value, the doubtful superstructure of State regulation, summed up, so far as our purpose is concerned, in the Masters and Servants' Acts. But the reader will have been conscious, throughout our discussion, of a centre other than we have hitherto described. We are not sketching an industrial, but a political movement, and all our previous generalisations are to be viewed as paths of approach to one central point.

It is not our business, however, to recount the political story of the twenties, thirties and forties, but to show the relation of the Labour Movement to a social nucleus.

Let us, then, retrace our steps and consider generalisations which were laid down in earlier chapters.

It will be remembered that, in our treatment of the convict system, we studied the influence of opposing monopolies, and pointed out that the trade monopoly of the New South Wales Corps was met and steadied by the labour monopoly of the convict, the power of which had been greatly increased by a position created by the original monopoly. On the one hand, the original trade monopoly gave force and power to a land alienation unparalleled in the history of any continent; while on the other, the actual freedom under nominal authority filled the convict with a spirit of insubordination none the less remarkable. Bigge's investigations were not the result of an indeterminable curiosity on the part of the English Government: what appeals the Macarthur faction made to the English Government were directed by a very real sense that something was amiss with the Colony. The

result/

result of Bigge's investigations was to bring this self-evident fact into focus. What now was to be done to set the colony working?

Obviously, one thing only - to limit the powers of both parties. Pass a new constitution for the Colony, an Act for the better administration of justice, inquire into and condemn past summary punishments, and, if possible, watch more closely the ill-regulated alienation of land. Though, unfortunately, Bigge, as a representative of a mercantile nation encouraged large estates, so that England might be supplied with raw material, we may, on the whole, sum up his conclusions as a fair attempt to curtail the landlord's power, especially in its efforts to subdue labour.

On the other hand, to limit the power of labour, all that is necessary is to import free labourers, who will naturally fill the labour market, deprive the convict of his economic weapon, and take the place which for so long the latter has usurped.

The solution was profound and just to all parties, but the felon, whom the tides of free immigration washed from his privileged seat into slavery. But it implied a strong central authority to balance labour on the one hand, and land on the other. Had such authority been forthcoming, the catastrophe of the forties might have been averted and the surplus labourer turned into a steady yeoman, instead of a union delegate. Consider, in relation to Australia's 3,000,000 square miles, the absurdity of a Labour Movement in a country which has been occupied for only fifty years! Yet so long as the landlord needed labour, so long would he endeavour to prevent the labourer from becoming a small land-owner and founding the yeomanry of Australia. And, unfortunately, the schemes of Wakefield's followers combined with the petty differences of the Emancipists and Tories to divert the attention of the central government from the all important question and to give to the land-owner a more than slight advantage. It was through the influence of this constant and sometimes almost imperceptible

pressure/

pressure that the labourer, long conscious of power, was forced into working-class associations. Webb's generalisation that association resulted "from the <sup>divorce ?</sup> advice of the manual worker from the ownership of the means of production", stands in a positively startling relation to Australian history when we recollect that, in Australia, the means of production is land. Trade Societies owe their origin to the divorce of the worker from this natural instrument. What had been conceived at the birth of the colony,<sup>1.</sup> pointed by the knowledge and direction of the free immigrant, hastened by a frantic immigration policy, and intensified by the evil of the "grey scourge",<sup>2.</sup> in these all important years attained the dignity of a conscious function. In the year, 1840, we touch not a spirit merely, but an organism. It was Macquarie's policy, which had first indicated the division between the Emancipists and the Tories. The struggle, even with him, was never so much sentiment, as an attempt to coerce the monopolists to share their ill-gotten gains of social prestige and influence, with the new settlers. It was in the attempt to break the early monopoly that the terms arose, like sparks from fire, remaining as convenient expressions for the hatred of the old against the new. It is curious that Wentworth should have allied himself with the new. D'Arcy Wentworth had left him a substantial share of money, goods and land (in '48 he was the third land-owner in the State), and Wentworth might conceivably have led the Tory party along the same lines of moderate reform which his soul loved. If he had touched the stir of thought in England, so also had James and Hannibal Macarthur, who had come back after an enforced sojourn in Europe, eight years before Wentworth.

But these men knew, and were probably willing to exploit the secret of Wentworth's birth, an open secret indeed, which must have galled to the quick the haughty spirit of Australia's lion. It is possible that a secret humiliation, intensified by a sojourn in patrician England was so deep that it vented itself in an extreme defiance of Tory opinion, leading him to become a

Liberal/

Liberal in opposition. This hypothesis is strengthened when we call to remembrance his well known carelessness and irregularity - "Instead of being a man of diligence, he is wayward and unequal, and, according to his own admission, indolent."<sup>3.</sup> Such a wayward spirited nature would unhesitatingly follow the obvious and easy path of Liberalism, teaching what suited the moment, careless of future developments. The way had been opened by Sir John Jamison in his advocacy of the 1819 petition for a more liberal form of government, and by the Emancipists' petition in January, 1821.<sup>4.</sup> In 1824,<sup>5.</sup> Wentworth carried on the movement, and led it brilliantly, but the movement had been waiting ready to his hand, bearing within itself, had he but known it, the seeds of a full democracy. He organised Petition Committees, entertained the "Canaille",<sup>6.</sup> talked of the liberties of the press, of the British Constitution and trial by jury, helped to form the Patriotic Association, patronised the A.U.B.S., and turned Colonial thought from its petty shallows into a broad current. But too late he knew its strength, too late he realised the truth of Duncan's words: "Whoever would now lead, the people of New South Wales must follow."<sup>7.</sup>

It is in the Patriotic Association (established, 1835) that we first see the outlines of a popular political party - consisting of the men who, two years before, had been dignified as "the Society of Emigrant Mechanics", and who, in '34, had taken so large a share in the formation of the A.U.B.S. Richard Hipkiss, the leader of this section, was "a gentleman of intelligence and ability", who emigrated in '31, although he disclaimed ever having been an operative. An old resident of Birmingham, he had witnessed the Birmingham Riots of 1791, and speaks as though he or his family had been concerned in the Riots.<sup>8.</sup> He was an active member of the Birmingham Political Union, and a member of the Council at the time the Reform Bill was rejected.<sup>9.</sup> In the disappointment which ensued, the leading spirits of the council thought of immediate revolutionary action, which "my feeble efforts," said Hipkiss, could only postpone until the next meeting. At the next meeting/



meeting the efforts of Hipkiss, and "Mr. Boscoe Attwood", were supplemented by a special delegate, "Joe Parkes," and the meeting was persuaded to adopt more constitutional methods. It was shortly after this that Hipkiss emigrated, although he was to remain connected with the B.P.U. as a corresponding member.

In New South Wales, he was engaged in journalism in the early thirties, later becoming an auctioneer. A prominent citizen, he took a large part in the foundation and support of the Mechanics' Institute (established, 1833), bearing it in the forties into the safe harbours of conservatism.

Under the steady leadership of this notable radical of the old Whig School, the operative movement was enabled to grow along the sure lines of democratic progress. The operatives appear to have gladly welcomed him, and, although professionally Hipkiss regarded himself as a gentleman farmer,<sup>10</sup> he did not disclaim in '33 the title of "Queen Bee of the Hive",<sup>11</sup> disdainfully flung by the impertinent and ignorant editor of the "Gazette".

A strikingly forceful and honourable gentleman, with lofty ideals and generous impulses,<sup>12</sup> we cannot but render him tribute for his active participation in all the duties, many of them onerous, which he conceived to be included in the terms "gentleman" and "citizen."

Led by Hipkiss, the "Trades Union Party" (a distinction flung in scorn by a public who rightly connected the movement with the members of the A.U.B.S.)<sup>13</sup> brought pressure to bear upon the Patriotic Association in two ways:

- (1) Naturally dissatisfied over the land question, the body of the party fought strenuously for a consideration of the immigration question. But the Patriotic Association, having invariably refused to discuss the matter, a special meeting of the "Trades Union section", the hoax by which many

emigrants/

emigrants who wished to become landed proprietors had been seduced to the country, was discussed, and it was planned that a petition, expressing their sentiments and demanding compensation, should be sent to the Home Government.

Accordingly, in the early part of '36, the Emigrant Mechanics sent a petition to Glenelg, requesting that land should be given in compensation to the emigrants who had arrived since 1830. There is no evidence that Glenelg ever answered the petition.

- (2) In the meantime, although the more conservative members of the Association were annoyed that it should be used to further purposes of which they wholly disapproved, the question of representation and the amount of the franchise could not be avoided. After protracted and heated discussions between the two sections, the freehold franchise of £10 in the town and £5 in the country, was agreed upon, though suggestions regarding universal suffrage and vote by ballot were sternly quashed. These proceedings extended over two years, two petitions and two bills being sent home to Bulliver, the English Parliamentary Advocate. After its exertions for a year, the Patriotic Association slept.

But, while attempting to curb democratic spirits within its boundaries, the Association had been more deeply engaged in opposing the Tories without. The first petition of 1835 had ostensibly met the wishes of this latter party, but, fearing more sweeping demands, the Tories drew apart from the Association and outlined several petitions, the chief of which has been stigmatised as the "Rowell's Club Petition", advocating a £50 franchise for a proportion of the members of the Council, the rest to be nominees: magistrates and jurors only to be eligible; moreover, it was attempted to prove that the jury system had failed, and that henceforth emancipists should be excluded from juries./

juries. In guarded language was the question of transportation, which the Patriots had short-sightedly refused to discuss, alluded to, "May your Majesty consider the efficiency of transportation to New South Wales as a secondary punishment, whether it shall be continued and under what alterations of the present system, or if discontinued, in what manner it may be made gradually to cease, so as to produce the greatest degree of good to the parent colony, with the least detriment to this colony, the interests of which might sustain much injury from too sudden a change."<sup>14</sup>

Her Majesty was also asked to consider "the capabilities of the colony as a free settlement."<sup>14</sup> With this, and other petitions, included in the 55 appendices of a book written to support the claims of the Tory party, James Macarthur landed in London, just at the time, to quote his own words, "the abolition of transportation was on the . . ." Whately and Molesworth had done their work well, and in full tide, English opinion rolled against transportation. Macarthur saw, understood and compromised on the lines which already had been laid down in the Rowell's Club Petition.

"The first person he saw was Sir R. H. Inglis, whose advice was to try and stem the torrent of public opinion which was against the continuance of transportation: the best course was to converse with the Government and endeavour to avert a too sudden cessation of evils threatened. Being introduced to Sir George Grey, his advice was adopted. He recommended that the continuance of convictism in Australia should be confined to public works and that assignment should cease, but not at once. He advised five years should elapse, and that the new system should render the convicts still available for colonists by permitting them to be employed in private service on obtaining tickets of leave and other indulgences."<sup>15</sup> Briefly, Macarthur tried to make the best of the situation by declaring himself in agreement with the English Government, and then attempting to take back nearly all he had given away. These were the nature of the

circumstances which made Macarthur no less than Ullathorne a supporter of the findings of the '32 transport Committee, and a valuable Government witness. Moreover, the abolition of transportation was a hard blow to the Patriots. Duncan suggests that the Tories, "having arrived at the height of wealth and prosperity by gifts of land and convict labour, wished to kick away the ladder by which they had gained their elevation, so that they might look down majestically on others who after them were fain to climb, yet feared to fall,"<sup>16.</sup> and one is inclined to think the accusation not an unfair statement. Enmity between the two sections had been nurtured so tenderly, and over so long a period, that, by now, it had grown to an almost inconceivable strength. The Squatters' Union of later years was formed only under the severest pressure, and its members were as bitter enemies of each other as was the Union to its opponents. Alas, that Labour could not use this internal disunion to strategic purposes, instead of shattering on a hidden rock - But we anticipate. Lastly, the interests of the Tories were bound up with the approval, not of the Colonial, but the English authorities. From the days when King had sent home John Macarthur under arrest, to have him return with the approval of the English Government, a right to 500 acres (and there was no spot more choice than the Com<sup>w</sup>pastures), and to convict servants innumerable, the Tories had carefully watched, often directed, and sometimes simplified English Colonial Policy.<sup>17.</sup> Not for one instant did they think of breaking this fifty years' connection. Suffer they might by the loss of assigned servants, but it was hoped that so larger a number of free labourers could be imported as to keep wages within reasonable bounds. Moreover, assigned servants were acknowledged to be inefficient, and the cause of much trouble for both magistrates and settlers.

So, from the point of view of colonial politics, came the abolition of slavery. In January, '38, the Patriotic Association woke with a start to realise what mischief had been done by a league of colonial Tories and English Whigs. Naturally,

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the "trades union section" remained apathetic, or rather quiescent. These men who had fought assigned labour all through the thirties, had but to remain quiet, and the work of abolition would be done for them through the "enterprise and initiative" of Colonial Tories! It was indeed a curious situation. The party might certainly have signified its approval of these strange proceedings, had not Hipkiss, an honest believer in the necessity for transportation, thereby disqualified himself as leader of the party, and left it just at the critical period, leaderless. The section, however, still remained within the Patriotic Association, being placated in '38 by a petition advocating so low a franchise as £5. Bulver wrote back protesting, but Wentworth declared (in 1839) that £5 was sufficiently high, and £10 so high as to meet the wishes of the ultra-Tories.

But what could be done? In August, '38, Kentish had published a long-winded requisition for a meeting, in the papers, calling on "Whigs and Tories, Settlers and Townsman", to avert the threatened ruin, but he and the good-natured Richard Hipkiss were the only people who attended.<sup>18</sup>

The official Patriotic Association mustered up force enough in January, '39, to hold a meeting and sign a petition, which lay for a year in a Sydney office, and actually nothing was done.

The Emancipists had been thoroughly routed by a move so clever that its breath scarcely flutters the pages of one colonial journal. Wentworth had retired to the security of Vaucluse, even before the '39 meeting, the thoughts of the Trades were fixed on co-operation and the present distress, and the Tories were well content.

The calm was broken by the arrival of Macarthur in '39, hot with his triumphs in signal favour with the English Colonial Office, ready to lead the Tory forces to victory. Wentworth, with his customary waywardness, content with having sustained

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his position as popular leader, and kept the Patriotic Association undivided though lifeless, watched the struggle from Vaucluse, leaving the burden of opposition to those willing to lift it. Two men there were - William Augustine Duncan and Henry Macdermott.

Duncan, we have already described, and, if the story has been rightly told, the impression remaining will be of a man, sterling in character, uncompromisingly honest and straightforward in action, independent and proud before all reverses, never forgetting his right to the title of "gentleman", and his privilege in subscribing "Esquire" to his name. With character so invaluable to this raw community, Duncan united a profundity of learning and positive erudition, which, in any gathering, distinguished him from his peers.<sup>19</sup> A very modest account, which he gives of his own attributes in '56, includes in his reading "nearly everything that has been written on Political Economy in French or English: all the great histories from Herodotus and Livius to Thiers or Alison: and most of the philosophers from Plato and Aristotle to Schlegel and Sir W. Hamilton."<sup>20</sup>

Unfortunately, Duncan was, as he confessed, no orator, "being possessed of a well-grounded conviction of his inability to please or attract."<sup>21</sup> During the next few years he was to supply the form and substance of many of the popular petitions, himself preferring not to speak, leaving others to receive the glory. I think, too, that he preferred to inspire, rather than direct, a movement which tended to extreme measures. Broadly radical, he was always an opponent of class action, condemning it in either landlord or labourer.

Macdermott was a very different character, a leader and a born fighter. A Protestant<sup>22</sup> Irishman, whose father had been a soldier before him,<sup>23</sup> he "bore arms in the service of sovereign and country from boyhood",<sup>23</sup> and, at twenty-three years of age, attained the rank of sergeant major in the 39th Regiment (which came to Australia under the ill-fated Charles Sturt in 1826), and the distinction of wearing "the silver-laced coat and epaulettes".<sup>2</sup>

Arriving in this colony with a contingent of the 39th, it could not have been long before he resigned. Perhaps it was at this period in his career that he married "a rich old woman",<sup>25</sup> being thus enabled to buy his discharge from the Regiment. One of the original members of the A.U.B.S., he had been disqualified by his views on transportation. On the 9th August, 1839, Macdermott, now a "leading Sydney merchant",<sup>26</sup> and Hipkiss stand together at a public meeting on the question of help to the poor. But Macdermott stands alone in insisting that the help should be unconditioned with respect to convicts, emancipists or freemen. His motion was defeated, but on 15th August, only six days later, the popular co-operation meeting, which we have described, "vociferously called Mr. H. Macdermott to the Chair."<sup>27</sup> Hipkiss, if present, did not take part in the proceedings. The garment of the operatives' approval had descended upon a new leader.

I have not been able to trace the evolution of Macdermott's thought. So late as '42, he declares that he is not, at present, prepared to advocate Chartism, but that he asks merely "such privileges as a British subject would have in my native land."<sup>28</sup> But the qualifying phrase, at present, suggests that he was on the line of conviction. Certainly, he was radical to the code, but his later civic dignities prevented him from becoming a revolutionist. Like many others of the operative and middle classes, he would probably have approved of the Charter, without being concerned enough to fight for the six points. Chartism had already come to Australia with the immigrants of the operative classes. But it worked so freely that the Six Points could no longer carry their revolutionary content, and became a mere matter of common discussion. And the operatives of the thirties were the middle classes of the forties, so that the '48 movement, with its inevitable Chartist implications, was led by the middle classes instead of the operatives. The operatives followed - they were gladly welcomed, but Parkes and Cunningham and the rest were distinctly middle class leaders with hands outstretched in welcome to the operatives. Indeed, the power which the Chartists tried

to attain, the Australian operative had already within his grasp in 1840. A petition is as good a method as a vote, if there is union.

Macdermott was apparently a self-educated man, rich in a natural Irish eloquence, rolling out the brogue in impassioned bursts that made smaller men speechless. He was afraid of no-one, and challenged Robert Lowe to the famous duel as instinctively as he engaged in suit after suit in the law-courts. He openly bearded James Macarthur (in '42), and spoke contemptuously of "a franchise founded on the possession of a few acres"; and he berated Wentworth in another public meeting (in '43) with such infinite success that the former furiously stigmatised his conduct as "diabolical". Instantly, Macdermott demanded, and obtained, an apology. "A flaming fellow", taunted James Macarthur, with such evident truth that the Atlas used the term three years later.<sup>29</sup>

And perhaps he was finally endeared to the hearts of the operatives by such Ruskinian exclamations as the following: "The wealth of our opponents! The real wealth of the colony consists in the strong and healthy portion of the labouring community."<sup>30</sup>

The first coalition of our two heroes, thinker and orator, was in '39, when the newly strengthened Tories influenced Gipps to introduce a Corporation Bill, providing that no emancipists should vote or be elected officers of a borough. Petitions were immediately drawn up on both sides, and, after a lengthy contest, the Bill was withdrawn. The second move was against the introduction of a census bill, forcing all inhabitants to detail their circumstances, and whether they arrived free or were emancipists. This Bill also was defeated on a technical point, which was happily discovered by Sir James Dowling at Duncan's instigation.<sup>31</sup>

"To me, and Mr. H. Macdermott", declares Duncan, "the emancipists were wholly indebted for the triumphs of this year."

"But", /



"But", he goes on to state, and we cannot refrain from quoting verbatim, "these triumphs would have been impossible for me, or for any individual to have effected, without the aid of a third class of colonial society which had, in the meantime, sprung up,<sup>32</sup>. to which the older colonial task-masters were soon as obnoxious as they were to the emancipists. These were found by their employers to be much more independent in their habits than their predecessors, the assigned convicts, had been. Indeed a large portion of the servants were now found to be superior in intelligence and in every other respect, save wealth, to the bulk of their employers: and nothing was heard more loudly than complaints of the insolence and insubordination of the immigrants. It was by supporting these latter when aggrieved, that I was enabled to bring so much power to bear upon the case of the emancipists."

This was the reason for Duncan's opposition to the Masters and Servants Bill of December, 1840. His leader after the reception of the petition in the House truly marks a distinct point in the history of the Labour Movement.

"Henceforth may be dated the time when public opinion was first unequivocally expressed in this country - the time when a People first manifested their existence among us, when the real colonists, the real producers of wealth first informed the drones of the hive, the mere 'pruges consumere nati' that the latter were but drones, and that they are the men by whose labour and industry alone the colony could prosper."

It is the sequel to this effort, however, which seems to the modern student even more interesting.

"The operatives of Sydney, having determined to present the editor of the Australasian Chronicle with some memorial of their gratitude, for the opposition rendered by him to the late Masters and Servants Bill, the delegates from the various trades who conducted the public meeting, held relative to that Bill, invited Mr. Duncan to meet them at the Crown and Anchor, George Street." On Christmas Eve, at a meeting where Mr. M'Beath, a

stonemason, presided, the operatives presented Duncan with an address and a gold medal,<sup>33.</sup> weighing 4 ozs.,<sup>34.</sup> and costing £30.<sup>35.</sup>

Duncan describes the medal thus:

"Surrounded by a richly chased border, appears on one side, the Press resting upon a globe and surrounded by a glory of light, with our well known motto - "Be just and fear not". On the centre of the circle is the presentation of a scroll, bearing the names of the different associated trades, ten in number, having underneath the rose, shamrock and thistle, with the words, "Presented, 24th December, 1840". On the reverse is the following inscription:

PRESENTED  
TO MR. W. A. DUNCAN,  
EDITOR OF THE "AUSTRALASIAN CHRONICLE"  
BY THE OPERATIVES  
OF SYDNEY,  
N.S.W.  
AS A TESTIMONY OF THEIR GRATITUDE FOR THE DIS-  
INTERESTED MANNER IN WHICH HE ADVOCATED THEIR  
RIGHTS IN OPPOSITION TO THE MASTERS AND SER-  
VANTS BILL.<sup>36.</sup>

Thus are the trades definitely embarked upon their self imposed task of guiding the operatives of Sydney. It may be that the '39 Cooperation meeting was the first called by trade delegates, and that the loose organisation, formed in the attempt to carry out so large a scheme, welded together the unions which had formed in and before '39. But we have already watched the formation of several unions during the year, 1840, and this December meeting was a notable centre for their young activities. I do not think that the custom of delegating union members appeared long before '39. In that year, we have definite proof of the existence of, at the most, only four unions (Cabinet-Makers, Typographers, Coach-makers,<sup>37.</sup> Shipwrights), whereas, in 1840, there are ten. But the '39 meeting looks like a delegate

meeting, and the heretofore unknown names of the speakers, which re-appear in later delegate meetings, are enough to show that it is purely "operative." The custom probably grew during subsequent "emancipist" meetings, so that, in December, 1840, it is mentioned quite naturally. Duncan is well aware of the custom, for "carry back to your constituents, my thanks", he says to the delegates at the Christmas Eve meeting. In April, '41, an interesting toast is given at the Carpenters and Joiners' Banquet, to "The United Tradesman of Sydney".<sup>38.</sup>

Again, in October, '41, meetings of the working classes are held at the Crown and Anchor on important business. "Delegates who were absent" from meetings are particularly requested to attend "the final meeting."<sup>39.</sup>

In February, '42, the unrest excited by discussions in the Patriotic Association led the energetic Sloman and a few of his boon companions to have circulated about the city an announcement that a meeting of the Sydney Operatives would be held. But, as "previous to the hour appointed, delegates from the lodges had no hand whatever in the matter",<sup>40.</sup> the meeting fell through. Probably the delegates stood on their dignity and insisted on their rights as sole convenors of operative meetings in Sydney.

By '43, the custom had become established, and, on January, 10th, the following notice appears in the "Australasian Chronicle":

"Coolies! Coolies!

"A preliminary meeting of the Trades' Delegates and others opposed to the introduction of coolies will be held at Mr. Vercoe's Temperance Coffee House, Pitt Street, on Tuesday evening, at 7.30 p.m., for the purpose of taking into consideration the adoption of a petition to the Home Government, to withhold their sanction from introducing coolies to this colony."

It is possible from this and other evidence to speculate concerning the nature of the body called "The United

Tradesmen/

"Tradesmen of Sydney". I do not think that, up to August, '43, this was ever a definite organisation, but I do think that the tendency was towards definition. It is quite clear that specially elected delegates from the trade unions regarded themselves as possessed of a peculiar right concerning the calling of "operative" meetings, and that, though they were willing to work for the whole body of Operatives, they clearly recognised the distinction between their position and that of "others". Moreover, the arrangements for meeting were often the prelude to action, and it was sometimes necessary to hold a series of "trade-delegate" meetings to discuss the method of attack - whether the petition should be to the Colonial Legislature or the Home Government, what should be excluded and what included, who should be entrusted to draw it up, and who should frame the resolutions for the public meeting, and whether or not the general public should contribute, in which case house to house visits might be necessary.

This Labour Council was both the legislative and the executive body for a large class of operatives (3-5000 were concerned in the meetings) by only a small proportion of whom its members had been elected; while "others" were also admitted to the discussions. It is remarkable that the unrepresented operatives so consistently followed their lead, and obediently signed the petitions which the more active spirits had drawn up.

The relation between this Labour Council and Macdermott is again by no means stable. Macdermott was, after all, "a large employer of labour", and however radical his sympathies, he was never definitely identified with the "operatives". There are instances of meetings where Macdermott did not appear at all, probably because he was not invited. One is continually conscious of the independence of these trade delegates, and of their knowledge of their own rights and powers to give or withhold. They had among the trades speakers of no ordinary ability - in fact, Duncan thought that it was here that the best speakers in the

town could be found.

What gives to this unrepresentative delegation its extraordinary power? Surely nothing but the consciousness of a common cause, whose generation we have studied. The movement is clearly Democracy v. Aristocracy, or in older terms, the Landlord v. the Labourer.<sup>41</sup> What had been evilly sown at the birth of a new country was now bearing its bitter fruit. What is the meaning of the monotonous insistence upon immigration on the part of the landlords? What indeed, but the cry of a party whose acres have no men to till them? Not so greatly are these proprietors of the forties to blame, for these lay further back. But it was the sons whose teeth were set on edge.

What was the meaning of the labourer's refusal to work the land, of his constant and often ill-judged antagonism to form after form of emigration? What indeed, but the unbridled power of a democracy set loose, to wax indignant over a dispossession not to be understood.

In two months the battle array was set. The union of the ten trades in December, 1840, was met in January, 1841, by a squatters' meeting, and a partial interchange of courtesies between old enemies on the vital matter of Russell's new Squatting Regulations. Macdermott was present as a defiant antagonist, conducting a quick cross fire with James Macarthur on the question of whether or not Australia was a pastoral country. Macdermott was defeated, and it was decided that New South Wales was rather pastoral than agricultural.

In the meantime, the growing seriousness of the labour position, caused squatters to press for a renewal of immigration, freemen or coolies or convicts even. But particularly was free immigration urged, the cost to fall upon funds created by the issue of debentures.

In December, '41, the delegates showed their hand clearly by convening a meeting to protest against this proposal, involving, as it did, the creation of a national debt. Macdermott presided, lengthy resolutions were submitted by selected speakers,

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and a petition drawn up. So ends '41 with "nothing but Jermiads on the State of the times, long-worded yarns on Debenture Bills, scarcity of cash, failures, scrip, Loan Coys., Coolies, Banks and impending ruin to every man, woman and child throughout the length and breadth of the colony."<sup>42</sup>. Blood has been drawn on both sides - on then to a new year!

In January, '42, the long impending coalition between the Emancipists and old Tory parties was finally sealed by the coalescence of Wentworth, Bland and James Macarthur on the question of procuring a return of assignment. Macarthur had not long enjoyed his victory. The real distress of the land-owners, caused by a drought in '38 reacting on the city in '39, had combined with the influence of the Wakefield land theories to create a wild speculation in land, resulting in the extension of the country's resources to their utmost limit. The landlord wanted more labour, but had less money for payment. On top of this, Gipps' land regulations in '41 were threatening in the extreme, and the outcome was a definite Squatter's Party, united for the related purposes of fighting the land regulations and procuring more labour. Wentworth was forced to leave his retirement for very fear of inactivity. The "Herald" remarked "that it did not seem to have occurred to him that, in this long interval, there had sprung up a new race, to whom his fame and name were absolutely unknown."<sup>43</sup>. We rather think that it was just because this had occurred to him, that for economic and "constitutional" reasons he came forward.

A meeting in February on representation divided the city into two political groups, the Coalition Party led by the Macarthurs and Wentworth (who was found "writhing with indignation"<sup>44</sup>. because he had not been warned of the meeting). The Labour interests with a leader though not a delegate in Macdermott.

Further solidity was given to the opposing parties by the question of the '42 Corporation Bill, when the wealthy emancipists who had cast in their lot with squatters (whom they had fought so bitterly two years before) declared themselves wholly

averse to a low municipal franchise, one man proposing a franchise of £100, and another £50. Numerous meetings were held by both parties, and Wentworth, himself a landlord in the city, and so naturally desirous, either to defeat the Bill, or have it passed with a very high franchise qualification, led his party, consisting of a large number of Licensed Victuallers, first on the cry of "no taxation" and then on the amount of the franchise itself.

The operatives held a very large meeting in July, protested against the £40 qualification in the proposed Bill, and a petition with 1,500 names attached was sent to Gipps. The middle classes being also roused to action on the question, the Government could do nothing but lower the franchise to £25. "The power of the unrepresented" having been so successfully exerted, it was not surprising that, at the ensuing municipal elections, although there were twice as many candidates in the field as could be elected, Macdermott was nominated for three wards, and was finally returned for Macquarie Ward.

But, in the meantime, the squatters, seeing as yet no prospect of beating Gipps on the land question, and having received but little encouragement regarding immigration from Gipps,<sup>46</sup> had formed in September an association "to obtain permission to avail themselves of coolies, or other labourers from the East Indies" - a proposal which had been officially disallowed in '38. A petition was drawn up and forwarded to the Home Government by a number of squatters, the leader being Wentworth. As though this were not enough, about the same time, was introduced in the Municipal Council a proposal to employ assigned labour for municipal contracts.

In January, '43, the Operatives requisitioned two meetings, one to petition the government that convict labour within the city should be abolished, and the other to petition Queen Victoria against the importation of coolie labour. The second meeting was held in the Race Course, our present Hyde Park.

A large platform was erected opposite Market Street, and no less than 5,000 persons were present. Speaker after speaker arose to expatriate on the dangers that must ensue from the introduction of these natives, to condemn the policy of the squatters, and particularly to point to Wentworth's betrayal of the popular cause. One speaker, Mr. McCarthy, a trade delegate, spoke eloquently about "this melancholy instance of prostituted genius - a man who had now degenerated into the drivelling political economist, who would sacrifice his early prepossession and friends to the gratifications of landed avarice." With prophetic insight he declared (in a curious anticipation of the answer to Wentworth's own phrase about "arresting the inflow of democracy") "they might as well attempt to arrest the progress of the mountain torrent or check the mighty avalanche in its onward career, as still the voice of public opinion."

Orator Lynch made his usual points about "slaves", and "the aristocrats of the land", with such effect that the press of the crowd prevented the reporters from taking notes.

The candidates for popular favour at the approaching election, Hustler and "big Cooper", "the working-man's friend" spoke to effect, while Macdermott pointed out the popular responsibility with regard to the elections. And even Duncan said a few words at the end of the meeting. The Trade Delegates afterwards collected the lists of signatures to the petition, and it was sent to Her Majesty, Queen Victoria.<sup>47</sup>

Sydney was roused as it never before had been, and Wentworth and Bland became uneasy regarding the approaching elections. Duncan's leaders had become more and more scathing, and if allowed to continue would turn the popular vote more deeply against Wentworth. It was decided to get rid of him, and advantage was taken of the joint stock basis on which the paper was run to oust him from the editorial chair four months before the elections took place. That many of the Catholics were uneasy at the radical and secular tone of the paper, is certain, but

that/



that Duncan's conge should have occurred so suddenly and when he was in the very article of a contest which was cutting the ground from beneath Wentworth's feet, is a circumstance so suspicious that one cannot pass over it. Duncan could hardly have remained much longer as the editor of the professed Catholic organ (though far stranger transformations had taken place with regard to other colonial papers), but it was distinctly unfair, to say nothing of the personal insult, to oust him from the paper at so critical a time. Duncan himself does not hesitate to attribute it to "the efforts of two combined factions, aided by the proprietors of the 'Chronicle' and instigated by the command of the weak and vacillating Vicar General."

Although in the result, Wentworth and Bland were placed at the head of the poll, this happened only because the popular vote was split between O'Connell (whom Duncan had supported), Hustler, an ex-Sheriff who had exhibited some sympathy in convening the people's meetings, and "big Cooper", and illiterate and good natured old scoundrel who believed in the abolition of lawyers and law-courts. At the elections, Wentworth and Bland were very roughly handled, and their banner utterly destroyed. Among others, Orator Lynch was proved to have taken part in the riots and was bound over to keep the peace for twelve months.

By this time the financial crisis had come to a head, Government works had either been stopped or reduced to a minimum, private contractors had no work to offer, and the labourers were in the direst necessity. Numbers of the operatives were practically starving, and, to add to the congestion of the labour market, immigration, which had stopped in '42, had now recommenced. Clever mechanics thought it a degradation to engage in labourer's work at labourer's wages, and what few mechanics' jobs were offering out back were viewed with suspicion. It was a well-known fact that the masters on the outback stations treated their servants as they would never have dared to do nearer the towns: and stories were current about wages which

had been paid in dishonoured cheques, of "truck" shops run by station-owners which took all the labourer's money by their extortionate prices, and of wage payments in rum or home-made beer instead of money.<sup>48</sup> Moreover, many of the land-owners were badly able in '43 to offer more than the old £10 annual wages, and they could not afford to support a man's wife and children.

A meeting of operatives was held at the Oddfellow's Hall to appoint a Committee to draw up resolutions for another petition to the Governor, concerning assigned servants.<sup>49</sup> At this meeting the project of a political union was first mooted by Mr. McCarthy. The petition, as usual, was peremptorily rejected by Sir George, and the disgruntled delegates resolved to call a public meeting worthy of the name. The meeting was held at the Racecourse in August and attended by some 3,000 people. Only with great difficulty did Duncan and Alderman Macdermott prevent the crowd from forming and marching in procession to Government House to demand what so many times the Government had refused to concede. Macdermott and Duncan both saw that Gipps' haughty temper, already greatly tried by the demands of the trades, would revolt against conceding to a crowd what he had refused to a delegation. The meeting was persuaded to adopt wiser counsels, and a deputation was selected of men who spent two or three days, "including Sundays", collecting information from house to house concerning the actual distress prevalent in the town. The number was stated before a Commission of the Legislative Council by Benjamin Sutherland, a delegate from the Cabinet-Makers' Union, to be 2,000. Gipps, astonished at the figures, pledged himself to do something for the relief of the people, and established a Registry Office as well as taking into Government employ a number of labourers. In addition, the town corporation provided relief works. But the prayer of the petition had been rejected, and the delegates, "feeling the  
great/

"great difficulty which existed in this colony of carrying out any popular object from the want of combination existing among the lower ranks of the people, began to turn their attention to the advantages attendant on the formation of a Political Union,"<sup>50</sup> and, being joined by some other persons, eighteen members of the Mutual Protection Association were enrolled on the 29th August, 1843. This Political Union, according to Benjamin Sutherland, grew rapidly in numbers and importance, the membership increasing quarterly to 350, 450, 485 and finally 500.<sup>51</sup>

Now clearly, from '40 to '43, the Operatives as a body, and under their leader, Macdermott, had been opposed to the land monopolists and had carried with them a great deal of middle class sympathy. But Gipps' contemptuous conduct in regard to the Operatives' petitions had already roused a great deal of bitterness among the independent working men, and his treatment of the squatters had a general resemblance to his treatment of the Operatives. It was natural, then, that, when Wentworth was booming forth his "no taxation without representation" cry, and when the middle classes were inclined to sympathise with their countrymen against a Governor who was regarded as something of a usurper, the operatives, too, should have become doubtful. Numbers of these men knew little of the history of their adopted country, and, under the pressure of severe economic conditions, many who knew had forgotten. And continually filtered in from Europe, Chartists with an instinctive distrust of all forms of government except their own, who would naturally oppose Gipps just because he was a Governor. Every paper in the colony, but Duncan's "Weekly Register", which did not pay was advocating the cause of the squatters, and every week poured forth convincing articles to increase the number of converts. Macdermott and Duncan stood firm, but Macdermott was now an Alderman and a magistrate, and had lost part of his early influence, while Duncan was accused of  
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being in the Government's pay.

Yet, with all this explanation, the situation is puzzling and curious in the extreme. It is easy to understand that the economic crisis was sufficient to turn the operatives against Gipps, but that it should at the same time project even a section of them (for, despite its reputed 500 members, the Mutual Protection Association, in its later stages, was nothing more than a section) into an active advocacy of the squatters' interests, passes comprehension. It is not faltering, or wavering, but denial! And, because I cannot conceive of men such as Lynch, McCarthy, and the rest deliberately negating a three years' struggle, I am led to agree with a correspondent to Duncan's paper who states of its latter stages, "the Mutual Protection Association does not represent the working classes". Duncan himself called it the "Mutual Protective Nuisance."

Designedly or unwittingly, the "leading clique of the "Guardian" (the Association's newspaper) broke the Labour Movement by mis-directing it, and splitting into two warring parties, the one remaining in support of the Government, the other weakly playing with Government petitions at the same time that it was sympathising with the squatters. This latter section was led by Benjamin Sutherland, Secretary of the Association, and an old member of the A.U.B.S. The other section was represented by James M'Eachern who was appointed in March, '44, as editor of the "Guardian" newspaper, the Association's self-constituted organ. For a month it was conducted with undoubted ability by M'Eachern, a clever, though somewhat headstrong, journalist with a bitter hatred of the aristocracy. Some time previously he had published a pamphlet on the Indefeasible Rights of Man, which even the "Gazette" admitted to be able.

His leaders on "Colonial Autocracy", and the "Lords of the Soul", are precisely what we should expect of an organ devoted to the interests of the working class whose growth we have been tracing. But "owing to a disagreement with the

"leading members of the Association", M'Eachern resigned, and Sutherland took his place, publishing his first leader in the issue of April 6th, '44. Immediately we are conscious of a distinct change of tone in an article which begins to discuss the Government's power to make squatting regulations.

It is significant that, in this issue, is reported the first of the squatters' public meetings, which led to the formation of the Pastoral Association, which eventually defeated Gipps, secured a right of pre-emption on waste lands, and of an extended lease on lands already occupied, and which was thus responsible for finally dispossessing the people.

If then, for the present we neglect the claims of the Mutual Protection Association, and inquire - why did the Labour Movement fail; our answer is plain. It was broken between the Government and the Squatters by a divided allegiance. And this break was possible because of the magnitude of the issues at stake. The squatters' monopoly had grown to such proportions that Gipps must either defeat it or die. It was a struggle to the death, and because Labour advocated neither side, it was crushed. The power of a monopoly is in unity, and divided, monopolists perish. Once in convict days, labour had possessed a natural monopoly. This had gradually been broken down, but as gradually had arisen conscious direction, which ended in 1840 in the creation of another monopoly, unified from a definite centre. Disturb the centre, and the movement is lost.

But before we close our subject, let us glance at the constitution and activities of the Mutual Protection Associations: Lamentably as it failed, yet it had two periods of activity during the first of which it attempted to represent the working class, and enshrine the worker's ideals.

No distinction was made in the association between union and non-union members, nor were those members of the middle class who professed working class sympathies excluded. A number of the members of the municipal council were, throughout

the period of its existence, upon its governing body, and, although Macdermott was no longer a leader within the Association, he did not cease to take an interest in its work. When first constituted, a provisional committee consisting of fifteen members and the Secretary were appointed to draw up the rules for the first three months. At the end of this period the first general meeting was held when the rules were revised and ordered to be printed.

The final rules provided that this managing Committee of fifteen members should be chosen at a General Quarterly Meeting, and given power to add to their members. The result was to create a strong governing body, hardly controlled by the members of the Association who met weekly. The procedure seems to have been copied from the rules of the A.U.B.S.

Though the Society was called a Political Union, its objects did not even include the obtaining of a vote. It confessed that it was formed to avert the evils under which the operative classes were labouring, thus distinctly avowing an economic, rather than a political, purpose.

The means of effecting this end were distinctly individual, illustrating that peculiar confusion of political and economic motives, which has distinguished the Australian Labour Movement, and which seems to me to be directly due to a thirty years' conviction.

- (1) To endeavour to impress upon all the community the need of co-operation.
- (2) To concentrate public opinion, and so determine the cause of the distress.
- (3) To spread the opinions so collected in the Press, in Public Meetings, and by Petitions, to the Legislative and City Councils.
- (4) To resist class legislation: to watch over the interests of the working class.
- (5) To foster and encourage colonial produce and manufacture.

(6) To/

(6) To ensure the return of upright and efficient representatives to the Legislative and City Council.

(1) and (4) seem to have represented a very real desire for peace and not enmity. It was characteristic of the Australian working man that he did not fight for ideals, but for a world at peace with itself. The temporary union, with the squatters in '44, was, after all, but the logical issue of this desire, for those who did not realise the great danger threatening. (2) was again one of the usual courses of action. When the drapers sought for shorter hours in '44 and '48, they appealed to the public, and held indignant meetings, which the whole community was asked to attend. The same spirit in the M.P.A. was responsible for a willingness to submit to Parliamentary inquiries, and for the force which compelled Parliament to appoint the Commission on Distressed Labourers in '44.

It was in pursuance of its third aim that the Association excelled itself. It is impossible to detail the many and varied meetings, petitions, deputations and inquiries which the indefatigable clique set working. The Municipal Council, the Legislative Council and the Home Government were deluged with petitions about immigration and convict labour, distressed labourers and Government grants, small allotments, and the contracting system, and even a petition from 1,000 females connected with the Association praying that Government washing at Parramatta Female Factory might be discontinued. Wentworth naturally presented the petition on small holdings and "fixity of tenure". There was no danger it would be granted. Lang was given the petitions on the distress existing in Sydney, and Bland presented two petitions against Government washing and Government printing.

Gipps was approached several times by the Association, but the delegates were always treated with the utmost contempt. But the Association's most interesting work was in its dealings with the Municipal Council. At several general meetings in '43, candidates for the various wards were questioned, concerning their principles/

principles, by members of the Association, and in this year, nearly all the candidates whom the Association after much deliberation had chosen, were returned to the City Council. In September, '44, the Association was very much weakened, for, by now, the M'Eachern section had left the body, and only the misguided upholders of the squatters were left. But even so a list of eleven questions for municipal candidates was drawn up, and several candidates submitted to the ordeal in the hope of procuring the Mutual Protection vote. The most important of these questions was the last - Do you recognise the Association as the political representative of the working classes and the citizens, and will you concert with it on the questions they have taken in hand?

This interesting anticipation of a Labour caucus was condemned in the House by Wentworth, and the "Australian" hints that, had not the Association broken up just at the time of the Municipal elections in '44, its members would have been prosecuted.

The immediate causes of its downfall were lack of members, scarcity of cast, and a quarrel over the contracting system.

Not again, does a central association arise among the workers. Although Macdermott continued to be prominent in civic life, attaining, by the influence of the People's will, the position of Mayor in 46-46, he does not again lead as he had led up to '43. He was not a very successful Mayor. The "Atlas" points with reason to his manifest official extravagance, and to his extreme rashness and imprudence. But this "tribunus plebis",<sup>52.</sup> remained loyal to Gipps to the last, and, in somewhat theatrical fashion, accompanied him with a straggling procession of nine, from Government House to his last Legislative Council.<sup>53.</sup> The scene is a pathetic exposition of the failure of the Labour Movement, not by a defection of leader but of constituents! Macdermott, who had been ailing some time, died suddenly in February, '48.



Duncan, in '46, was appointed sub-collector of Customs at Moreton Bay. Many years later he became Collector of Customs in Sydney, and lived to a ripe old age, being rewarded in his later days by the distinction of C.M.G. He died in '85, and was buried in the old Devonshire Street Cemetery.

The trades did not vanish immediately. In '46, seven of them were stirred to action by a Carpenters and Joiners' strike, lasting for three weeks: and by Gladstone's threatened Transportation Bill. Another excited Racecourse meeting was held, and a petition was forwarded to Duncombe,<sup>54</sup> the aristocratic trade union sympathiser in the English House of Commons. The petition was presented, and the "Secretary of the Operatives Anti-Transportation Committee", Mr. Wm. Wilkins, received from Duncombe himself the news of its presentation.

It was promised at this '46 meeting that "Trades Union" would shortly be established, and some meetings were held about which there is no available information. But, by April 17th, 1847, the Operatives Anti-Transportation Committee had in hand only 13/4, which was given to the Benevolent Society.

A little paper of December 26th, '46, called "The Citizen" testifies, in conjunction with a few scattered copies of the "Star and Workingman's Guardian" (September 6th, 1845) and "The Age" (September 27th, '45), that the Operatives have turned again to the struggle against the squatter. But new and great ideas dissipate the energy of the classes. "As a citizen of the world, I condemn no man for his attachment to the place of his birth, his politics or his religion." Thought, hitherto confined in narrow circles takes a wide sweep - "the colonists have come to be regarded not merely as money-making, but as intellectual and moral beings."<sup>55</sup>

"The true causes of our greatness and prosperity must be found in the improved social and moral conditions of the people."<sup>56</sup>

Nationality has arisen, and, with the urgency and divine haste of an immortal mission has bidden the warring factions cease. Strange music this for men who have grown old in battle; music, which another pen than ours shall fitly write.

But alas for the dead Past with its shame!

For two momentous years the power of the Pastoral Association had been unchecked, Boyd, the accredited representative had been home to England, and "the spirit and energy with which he withstood the unconstitutional attacks of our late Governor, Sir George Gipps, on the rights and liberties of the Pastoral Commonwealth of New South Wales will ever form a prominent page in the political history of the colony."<sup>57</sup> This very day, declared a sarcastic little journal, "an Act of the Imperial Parliament for regulating the sale and leasing of our waste lands, an Act passed after the most arduous efforts of Mr. Boyd and a few zealous friends of the Colony, resident in London, is proclaimed as taking effect, and it is accordingly a day in every respect most appropriate for recording another instance of that enterprise to which New South Wales will one day be grateful enough to ascribe much of her prosperity and importance in the scale of nations."<sup>57</sup>

At the end of '46, too, the unions were slowly dying. Once the land question was settled large tracts of land were cut up,<sup>58</sup> and sold, and the earlier unionists, many of them now grown rich and flourishing, were able to buy at length what they had craved. Thus, the men who fought for the land eventually obtained it, though they failed in a struggle, which, if successful, might have given a vast heritage to their children's children.

The '48 Elections introduce us to the beginnings of a new political and economic movement. But the latter does not quickly arise. Again and again does Cunningham, the Chartist Editor of "The People's Advocate", appeal to the Operatives to awake, to unite!

Though several of the men of an older tradition take part in the Constitutional Association, Sutherland and Hawkey, Lynch/

Lynch, and Hipkiss - arguments do not project unions. It is the pressure of a renewed immigration which causes the abortive attempts of the stone-masons, carpenters and joiners. These attempts were unsuccessful because of the constant flow of the most adventurous spirits to the goldfields of California in '49 and '50. Even the journalist, M'Eachern, had gone, leading after him doubtless numbers of staunch and sober workmen.

But out of the social flux finally emerges a new movement. Labour had failed because of a sectional denial, made possible by a loose amalgamation of unionists, delegates, municipal councillors and "others". The new movement should be based more truly on representation. In development, and not in projection, lies the new strength.

CHAPTER VII.

CONCLUSION.

The convict period had been a privileged economic period for the labourer, and his standard of life had been set high by the urgency of a demand caused by a natural scarcity. As gradually this scarcity vanished, the labourer, urged to a maintenance of "the standard", both by his own sense of the contrast, and by the hope of "bettering his condition", formed unions to regulate prices, and control the market. To a certain extent, the power was possible and within the power of small industrial sections. But the latter and more important object was not in the power of any union. The Government was as adamant upon the question of assigned labour, and hence, even under ordinary circumstances, the union possessed a legitimate grievance.

But, in addition, the immigration flux with its sudden pressures and its great irregularity provided a constant menace for the labourer who once had monopolised a market. Thus the desire to maintain the old monopoly led unionism to a consideration of the central questions of assignment and immigration, and economics became politics. But neither of these questions was simple. The one was the result of the English Penal System, as upheld by an English Governor, to whose interest it was to keep assigned convicts in the Government employ. Moreover, it was but a question of a few years before all the assigned convicts would be exhausted and the struggle with the Government at an end. Naturally then, the labourer hesitated to openly defy the Governor, and preferred rather to inundate him with petitions.

Especially urgent was this policy in view of the much more vital question of immigration, which, although officially directed by the Government, was recognised by the colony to be a move of the squatting party. It was against this party that Labour united, and, for three years, maintained its integrity thereby/

thereby protesting that the control of the market was labour's concern. So powerful indeed became the Labour Party that there are indications it was on the point of attacking the squatters on their own monopoly, and defeating, or, at least modifying, the squatters' "fixity of tenure" campaign.

Unfortunately, the bitterness created by the economic crisis of '43 turned the labourer from his great purpose to the more immediate policy of "blaming the Government". In spite of the protestations of the Secretary of the Mutual Protection Association, I do not, for one instant, imagine that labour, as a united body, turned to the squatters. But certainly a clique was led away, either by conviction or bribery. The result was that the bulk of the labourers fell back from the central organisation, and the Labour Movement died.

*But* why, one asks, did not Labour attempt to gain the vote which every Chartist so keenly desired? How was it possible to form a Political Union which desired power but not representation? Could not both Emigration and Assignment have been dealt with successfully in the House by Henry Macdermott?

Why, in effect, did Chartism not take root in '43, instead of '48? The answer is to be found in the peculiar constitution of the Australian labourer, which I cannot but regard as a direct heritage from a convict past. It is a proof, not of degradation, but of power that the labourer appealed so easily to the Government. His objections and remonstrances were a matter of course to an authority which had, by sheer economic stress, always been compelled to lend a willing ear to the men who formed the very sinews of society. The petition method arrived with the convict system, and its weight depended on a Government, some of the members of which traced their lineal succession from 1788. Thus, I would emphasise, in the evolution of the method, the attitude of the Government equally with that of the labourer.

It is true that petitions did not always succeed, but neither does the possession of a vote bring victory. The petition method had first to fail, because of the refusal of an oligarchic Government to entertain it, before the Vote became a serious question for a worker's movement. Even in '48, the worker had to be convinced of its efficiency by the middle classes.

The same attitude of personal confidence produced the caucus of the Mutual Protection Association. The men in the Association, who possessed the municipal vote by no means relied upon it. They sought some method of more direct expression, and the Caucus grew naturally to furnish the personal link. It is an evolution of the Petition Committee - unite the members and you have a Caucus, with its demands drawn up. It is then but a step, to ask the representative to come to the Petitioners instead of vice versa. And the "representative", whether of the Petitioners or the Caucus, may be any man willing to do what the working classes desire. Wentworth, Bland, Lang, Windeyer, Duncan, Macdermott, Hipkiss, David Taylor - all are useful in special ways and the Operatives have power to give and withhold from all. The Labour Party, on its cross benches in the nineties, is surely not far removed from the Labour Party of the forties, and neither from the influence of an original and powerful monopoly which arose at the bidding of another inconvict days.



## AUTHORITIES.

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### Initial Book of References:

1. Webb: History of Trade Unionism.  
Webb: Industrial Democracy.  
Holyoake: History of Co-operation.  
Egerton: British Colonial Policy.  
Curry: British Colonial Policy.
  
2. Modern Histories.  
Scott: Proceedings of Australian Historical Society.  
Jose: Patchett Martin: Life of Sherbrooke.  
Schachner: Australien in Politik.  
Metin: Le Socialisme sans doctrine.  
Marion Phillips: A Colonial Autocracy.  
Barton: History of New South Wales from the Records.  
Evatt: Liberalism in Australia.  
Northcote: Australian Social Development.  
M. Atkinson: Trade Unionism in Australia.

(This little book is indispensable though much of its history is incorrect. But it provided me with a rough approximation at which I worked until I had related the two Labour Movements to a historical background. My difficulties were to prove there was an early movement, and then find a point of division. The first was straight-out work through the only sources - papers. The second was much more difficult, but I am satisfied that the division is '48 and not '51. The gold-rush alluded to as a final cause by Lightfoot and Sutcliffe has not this relation to the origins of either movement).

### 3. Current Histories.

Collins.  
Holt.  
Barrington.

O'Hara.

Wentworth.

Macarthur.

Bland.

Tlhotsky.

Lang.

Duncan (in Hogg's Instructor).

Ullathorne's Autobiography.

Duncan's MS. Autobiography (kindly lent to me by Miss Duncan)

4. Current Pamphlets, etc.

Samuel Sidney: Emigrant's Journal.

Carmichael: Hints to Emigrants.

Pamphlets and Writings of Kentish and Mrs. Chisholm (in the Mitchell Library).

5. Australian Books of Reference:

Heaton: Australian Dictionary of Dates.

Blair: Encyclopaedia of Australian Biography.

"Times" Dictionary of National Biography (40 Vols.).

6. Notes and Proceedings of Legislative Council. (Accounts of debates are not published, but may be found in daily papers).

Acts and Ordinances of Governor and Council (Callaghan),

Select Commission on Immigration.

Bigge's Report and Evidence.

The Despatches and Transcripts I have not touched, nor have I more than glanced at Bigge's Evidence (in folio).

7. Minute Books and Cash Accounts of:

(1) Society of Progressive Carpenters and Joiners.

(2) Minute Books and Balance Sheets of Australian Union Benefit Society.

(3) Rules of A.U.B.S. at the Registrar's Office.

(4) The Co-operator Eight Hour Souvenir (October, 1912).

8. The most valuable sources for part of my work were daily or weekly papers. The worth of these sources cannot be over-estimated, but they need very cautious treatment. Current

events/



events are given but often in so distorted a form that one misreads or fails to observe important points. Whether or not I have rightly used the sources, I am conscious that to be turned loose to go through these various documents is no ordinary test of historical wisdom. One cannot avoid them, yet their testimony is so diverse as to terrify the bravest adventurer. Editors change and papers become unrepresentative, some men alter their policy for money, and others maintain their integrity, politics differentiate and creeds divide, and always one has to seek for the editor behind the paper, if possible to glimpse his attitude and allow for his individual bias, as well as for the traditional policy of the paper. Thus I learn to stake my faith on Duncan's papers, though his language is at times over-vehement, to be doubtful of "The Australian", to welcome "The Gazette's" local news, but to remain indifferent to its politics, to suspect any measures which "The Herald" advocates as likely to be in the highest degree conservative, to accept for truth what the "Atlas" brings to light, but to beware of its scepticism, and to read all the enthusiasm of "The People's Advocate", yet to determine (it seemed an unkind cut!) that there were no unions behind it, that even a meeting which is reported to be attended by "delegates of the different trades" owes the word "delegate" to the tradition we have described, and not (in '49) to active unions.

Broadly, the papers are divided into two sections, although there are times when a Conservative paper is a Radical and vice versa. The Radical papers often existed only for a year or less. Many numbers have disappeared:

Conservative.

Herald  
Australian  
Monitor  
  
Gazette

Radical.

Currency Lad.  
Australasian Chronicle  
The Sun & N.S.W.  
Independent Press  
The True Sun  
The Weekly Despatch  
The Sydney Record  
The Guardian  
The Star and Working-  
man's Guardian

Radical (Contd.)

The Citizen  
Heads of the People  
The People's Advocate  
Sydney Times.

Under a literary division, come the "Atlas" and the "Weekly Register".

9. Historical Records (Bladen).

I read through almost all these volumes, having, as my object, a desire to differentiate between the functions of the free labourer and the convict, until I realised that I was touching what seems to me a vital point in Australia's history.

10. Among my authorities, I am constrained to include Mr. Tunnecliffe, of the Fisher Library, whose help, interest and guidance were invaluable. I have met no-one else who so thoroughly understands the human motivation in early Australian history.

## NOTE ON CHAPTER I.

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I am well aware that, in my treatment of the convict system, I have violated all the usual traditions. Moreover, it might easily be urged that my treatment of certain periods namely, 1810-1828, is necessarily slight.

But, with the exception of Barton's book, which ceases at too early a date, and Marion Phillips' "Colonial Autocracy", which begins too late (1810-1820), there is no other systematic research on the subject. Miss Phillips' book seems to me a very patient study of a difficult period, but there are contradictions and avowed perplexities in it, which, I believe, result from her adoption of the usual hypothesis, namely "that the distinction between freed and free cut deep into the social, economic and judicial status of the colony." This, she follows up by regarding the division between "victualled" and "non-victualled" as an essential line (These people were labourers whose term has expired, and who refused to be supported any longer at Government expense). With servile labour, she points out, a class of "poor whites" must inevitably arise. Perhaps, this would be true of a static system (though, what precisely a static convict colony would mean, I have little idea), but my thesis is that what we have called "the convict system" was dynamic, furnishing an instance of an economic adaptation to circumstances not found in the history of any other continent. America started with free settlers, and the criminals filtered in, becoming more or less identified with slaves.

Moreover, though Miss Phillips declares that "it was only as the colony began under Macquarie to emerge from infancy, and cast aside the chains of military government, that the full force of the restrictions between free and unfree began to be felt", she is surely inconsistent in her statement that, in 1821, "there was practically no distinction between free and convict labourers."

Labour was fast becoming an ordinary market commodity to be bought and paid for, instead of a debt due from the outcast to those within the ranks of respectability. Meanwhile as the economic power of the convict labourer increased, his social ostracism became more rigorous."

My exactly opposite contention is that the labourer's power decreased instead of increasing, and, great as it was in 1821, it was less than in 1788. Labour did not become a debt until general assignment, and the inability to claim wages introduced the slave system. The Emancipist v. the Freeman quarrel was a distinction of sentiment among the landed proprietors, influencing, but not converting, the labouring classes, and vanishing like smoke in '42 at the first hint of external opposition to the basis on which the claims of both parties were founded. I have found nothing whatever to lead me to believe that the free Australian labourer refused to recognise the Emancipist. Before 1822, I do not consider the free labourer of importance. After that date, the free labourers, while refusing to associate with convicts or assigned men, declared specifically that they had no objection to emancipists. Taylor, the leader of the Emigrant Mechanics (Sydney Gazette, July 11th, '33), declared that "he and the body to which he belonged knew nothing of ticket-of-leave men. They looked upon every well-conducted man as a friend; and a motion was put and carried that this meeting do adjourn till the 18th instant, in order to enable ticket-of-leave men to be present." And, of the Emancipists, Kentish, in one of his intuitive moments, said, "The Emancipists as a body, we are persuaded, have much less sympathy with, and leaving towards, prisoners than is generally ascribed to them. We are convinced that in nine instances out of ten, Emancipists display a feeling towards the side of honour and superiority, in preference to vice and degradation, when put in competition and when they have an opportunity to side the free portion of the population, or the bond."

Lastly, I am inclined to think that my interpretation

casts light upon what Miss Phillips and Mr. Northcote, who adopted her suggestions, viewed as a puzzle. I quote the passage in which Miss Phillips clearly states the nature of the problem:

"Sociologically, the history of New South Wales must remain, for the present, a complete puzzle. No-one would, at that time, have proposed, and no-one would propose to-day, that the children born of convict parents would show no sign of their origin. Yet this was what happened, and the fact is not to be belittled by laying stress on the number of political prisoners, or the harshness of the criminal laws. The political prisoners formed a very small minority, and, though many convicts were transported for small offences, they were usually of a low type, such as pocket-picking, or receiving stolen goods."

The transformation, which seems to Miss Phillips so difficult, was effected not in the second, but the first generation by the gift of an independence, generated by responsibility, and consolidated by a wage-status. The study of sociology is confronted, not with a problem in heredity, but with a study on the effects of environment. I do not think there is any psychological difficulty involved in the growth of a stunted personality, capable of committing crimes "of a low type" to the stature of an independent and often insubordinate citizen. On the contrary, the beginnings of Australian history illustrate the emotional law, that repression generates an unconscious resistance which will burst forth, or slowly unclose under new and more propitious circumstances. That independence, which, in an older land had been repressed at an intolerable human cost, stirred faintly on the bosom of the First Fleet, projected itself in the colony in "idleness", "irregularity" and "insubordination", in "combinations", "catals", and "seditious meetings", and unfolded in time into the self-sufficient citizenship of a wide democracy. By devious paths, and through unsuspected channels, England's experiment of a convict colony at length attained all victoriously its inherent justification.

## REFERENCES.

### CHAPTER I.

1. Holt's Memoirs, Vol. II.
  2. Historical Records, Vol. III, p. 65.
  3. Historical Records, Vol. II: The Macarthur Papers.
  4. See Margarot's evidence in Appendix to Report of Select Committee on Transportation (1812). The bond was entered into in 1792.
  5. Historical Records, Vol. II, Vide "Palmer" in index.
  6. " " Vol. II, Vide "Muir" in index.
  7. " " Vol. II, Vide "Palmer" in index.
  8. " " Vol. IV, p. 611.
  9. " " Vol. III.
  10. " " Vol. IV, p. 611.
- Also, cp. Historical Records, Vol. IV, 491: "One day or other the arts and intrigues of Captain Macarthur will set this colony in a flame." And cp. Historical Records, Vol. IV: "In many instances he has been the master worker of the puppets he has set in motion."
11. Collins, p. 120.
  12. The soldier suppered like the labourer, being paid his wages in "half goods, half money". Vide Memoirs of Joseph Holt.
  13. Barton: "History of New South Wales from the Records". See particularly the chapter on the English Criminal Code.
  14. See Hunter's evidence in Appendix to Report of Select Committee on Transportation (1812).
  15. Samuel Sidney: "Three Colonies of Australia."
  16. See evidence of Hannibal Macarthur in Bigge's evidence, 1820.
  17. We do not seek, however, to minimise the fact that the mid-day hours were generally considered the convict's own, because too hot for work.
  18. Historical Records, Vol., Part II, p. 612.
  19. Collins, 257.
  20. q.v., 19.
  21. Historical Records, Vol. III, pp. 512-3.
  22. Bigge's Report.
  23. Collins, p. 438.
  24. Historical Records, Vol. III, p. 189.
  25. Historical Records, Vol. III, p. 196.

26. Wentworth: "Historical and Statistical Account of New South Wales", p. 137.
27. Constitution Acts, 1823. Also 6, Geo. IV (22nd June, 1825). Also Constitution Act, 25th July, 1828.
28. 3 W. 4, No. 3: "Act to consolidate and amend the laws for the transportation and punishment of offenders in New South Wales, and for defining the respective powers and authorities of Quarter and Petty Sessions, and for better regulating the summary Jurisdiction of Justices of the Peace."
29. Government Gazette Assignment Regulation, May 9th and December 15th, 1835.
30. Historical Records, Vol. IV, p. 186.
31. Bigge's Evidence, 39845 - taken in 1820.
32. Scott: "History of Australia", p. 62.
33. Holt's Memoirs, though untrustworthy regarding himself, are very clear on this point.
34. Collins, p. 455: "They meanly asserted their superiority as soldiers".
35. Historical Records, Vol. III, February, 97 - Portland to Hunter: "Emancipate such convicts as are ready to enlist, and whose good conduct since their arrival shall best entitle them to such an indulgence." The order was countermanded in March.
36. Bigge's Report.
37. " "
38. " "
39. " "
40. Collins, p. 74.
41. Memoirs of Joseph Holt: "If convicts were idle, and did not do the required work, it was only necessary to take them before a magistrate, when they would receive 25 lashes of the cat, and 50 for a second offence."
42. The worst point in the punishments investigated was that magistrates had grown into the habit of inflicting indefinite sentences upon prisoners, e.g. a man who had been charged with stealing three shirts and refused to confess, was sentenced to receive 25 lashes, then 50, than a further 50, and to work in double irons "till the magistrates may think proper to release him." This was a Hannibal Macarthur judgment.  

Another judgment by Hannibal Macarthur and Rev. S. Marsden (5th April, 1815) laid down that "the prisoner is sentenced to receive 25 lashes every Saturday, and also to do his Government work, till the remainder of the property is restored."
43. January, 28th, 1836, Sydney Gazette.

Note on Chapter I.

I. Assignment had, of course, always existed but the status of the Government convict kept it often merciful and certainly free from the worst abuses until 1823.





## REFERENCES.

### CHAPTER II.

1. "Australian", August 11th, '43.
2. Sydney "Gazette", March 7th, 1855.
3. Votes and Proceeds of Legislative Council; see ref. 19.
4. Rev. Henry Carmichael. Hints to Emigrants, pp. 29-32.
5. A famous philanthropist, who did much to improve the position of the female emigrant and who personally conducted both men and women to positions on out-back stations. She was in Australia, '39-'46, and afterwards was renowned as an expert on the subject of emigration.
6. Samuel Sidney was a radical and honourable English clergyman, who lectured and wrote upon the subject of emigration. He was thoroughly opposed to the Wakefield policy, stigmatising the South Australian colonisation scheme as "a speculation" in which "there were honest enthusiasts, and unscrupulous adventurers", and declaring with respect to New South Wales that "the colonial office was completely under the influence of money making hopes inspired by the Wakefield Commission in 1836", and that the scheme was "to perpetuate what half our poorer emigrants expatriate themselves to avoid." His "Emigrants' Journal" is a particularly stimulating, and, I think, reliable work.
7. Dr. Thotsky was an eminent Australian Scientist, who spent some time in Australia in the thirties, and published as a result a "Visit to the Australian Alps" and a description of New South Wales (London, 1835). Being in Australia at the time when representation was a subject of conversation in polite circles, he avoided publicity though he believed that women and mechanics should have their place on a central representative council. He took back to Austria numerous specimens and curios, as well as a collection (which would now be invaluable) of Australian papers and pamphlets. Mr. Tunnecliffe informed me that they were placed in the Imperial Library in Vienna.
8. Thotsky.
9. Samuel Sidney's "Emigrants' Journal".
10. Once, he declared ex Cathedra, that they were "the salt of the earth". Sydney Gazette, 1833.
11. Commission on Immigration, 1835, also Lang's account of New South Wales, p. 238, 1834.
12. Australian Chronicle, November 12th, '42.
13. Guardian, September 14th, '44.
14. Australian Chronicle, September 17th, '42.
15. Australian Chronicle, November 26th, '42.
16. Gazette, August 30th, '34.
17. Notes and Proceedings of Legislative Council for '37.

18. Sydney Gazette, June-October, 1833.

19. See References 2 and 4.

REFERENCES.

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CHAPTER III.

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1. Sydney Gazette, July 23rd, 1835.
  2. The earliest minute book is still in the possession of the Secretary, but for the forties I was able to obtain only the Yearly Balance Sheets. There, however, were enough to show that the Society has never been a "Trades Union".
  3. The phraseology seems to point to Kentish as its author.
  4. Written on parchment. At present, in the keeping of the Registrar of Friendly Societies, Sydney.
  5. See MS. Minute Books, '34-'39.
  6. See Balance Sheets of Society.
  7. Sydney Gazette, April 24th, 1834.
  8. Written in 1849 *cp.* pamphlets in Mitchell Library under "Kentish".
  9. Sydney Gazette, January, 1839.
  10. Kentish pamphlets: Mitchell Library.
  11. do. do. Quotation from Melbourne "Argus".
  12. Sydney Times, September 23rd, 1834.
  13. Australasian Chronicle, September 20th, 1842.
  14. Sydney Times, October 24th, 1834.
  15. Sydney Gazette, October, 1839.
  16. Sydney Times, September 17th, 1836.
  17. Sydney Times, October 7th, 1834.
  18. Sydney Gazette, August 15th, 1839.
  19. Australasian Chronicle, July 2nd, 1840.
  20. do. do. July 4th, 1840.
  21. Sydney Gazette, February 4th, 1840.
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REFERENCES.

CHAPTER IV.

1. Australian society has carried on from the time of the first Irish convicts the English prejudice against the Irish. At times, the double religious and racial struggle has been very bitter. Lang was responsible for much of the intolerance; Duncan and Macdermott for the beginnings of the wider point of view.
2. Sydney Gazette, July 16th, 1831.
3. do. do. July 23rd, 1835.
4. Australasian Chronicle, March 20th, 1840.
5. Age, September, 1845: Also see books of C. & J's. Society.
6. Books of Carpenters and Joiners' Society.
7. Lightfoot and Sutcliffe are slightly astray in placing the date at '54.
8. Sydney Gazette, July 23rd, 1833.
9. Webb: "Trade Unionism", p. 68.
10. q.v. Chapter II: Sydney Gazette.
11. Webb: "History of Trade Unionism", p. 23n.
12. Books of Carpenters and Joiners' Society.
13. Sydney Gazette, January 9th, 1836.
14. Guardian, June 19th, 1844.
15. Sydney Gazette, June 15th, 1839.
16. Australasian Chronicle, December 3rd, 1840.
17. Sydney Gazette, January 7th, 1837.
18. Australasian Chronicle, August 22nd, 1840.
19. Sydney Gazette, March 21st, 1837.
20. do. do. December 17th, 1839.
21. Australasian Chronicle, March 27th, 1840.
22. Australian, April 16th, 1846.
23. People's Advocate: September 14th, 1850.
24. Sydney Gazette, April 18th, 1840.
25. do. do. April 25th, 1840.
26. Guardian, May 18th, 1844.
27. Sydney Gazette, June 27th, 1840.
28. Australasian Chronicle, January 21st, 1841.

29. Guardian, July 28th, 1843.
30. Sydney Gazette, October 8th, 1831.
31. do. do. December 15th, 1840.
32. Atlas, January 4th, 1845.
33. do. March 18th, 1848.
34. Sydney Gazette, August 13th, 1840.
35. Sun and New South Wales Independent Press, February 4th, 1843.
36. Carpenters and Joiners' Books.
37. Australasian Chronicle, June 25th, 1842.
38. do. do. May 3rd, 1843.
39. do. do. December 15th, 1842.
40. Australian, February 1st, 1843.
41. People's Advocate, June, 1850.
42. Sun and New South Wales Independent Press, March 4th, 1843.
43. Carpenters and Joiners' Books.
44. People's Advocate, December 8th, 1848.
45. Australian, August 8th, 1845.
46. People's Advocate, November, 1849.
47. Carpenters and Joiners' Books.
48. Australasian Chronicle, May 8th-22nd, 1841.
49. People's Advocate, December 7th, 1848.
50. Carpenters and Joiners' Books.
51. do. do. do. do.
52. Lightfoot: "Trade Unionism in Australia."
53. The New Movement in Melbourne. Started in 1850 with the formation of the Operative Stonemasons Union.
54. Hogg's Instructor: "History of New South Wales" by W. A. Duncan.
55. Sydney Gazette, January 9th, 1836.
56. do. do. May 10th, 1838.
57. do. do.
58. Australasian Chronicle, April 15th, 1841.
59. Carpenters and Joiners' Books.
60. Sydney Gazette, June 15th, 1839.
61. Australian, April 16th, 1846.
62. q.v., Chapter V.
63. Sydney Gazette, June 15th, 1839.

64. Sydney Record, 1843.
65. q.v., Chapter V.
66. Carpenters and Joiners' Society: Minute Books.
67. Guardian, July 13th, 1844.
68. Sydney Gazette, April 24th, 1834.
69. Australian, August 6th, 1846.
70. The sign "etc." might, of course, mean anything.
71. Australasian Chronicle, November 23rd, 1841.
72. do. do. March 20th, 1840.
73. do. do. December 18th, 1842.
74. Australian, May 3rd, 1843.
75. 7 Victoria, No. 10.
76. In 1848, the A.U.B.S. pleaded that a technical point in the Act might be amended, and Wentworth was specially thanked "for his kindness in preparing the amendment as well as for his interest in its adoption by the Legislative Council." (*Yearly Report of A.U.B.S., 1848*).
77. Sydney Gazette, April 7th, 1836. These are the only set of rules I have found.
78. Presumably of the same meaning as the slang term "soak" - a drunkard.
79. Australasian Chronicle, January 24th, 1840.
80. Sydney Gazette, January 9th, 1840.
81. do. do. May 10th, 1838.
82. do. do. January 9th, 1840.
83. do. do. January 21st, 1840.
84. do. do. January 30th, 1840.
85. Australasian Chronicle, February 14th, 1840.
86. do. do. do. January 24th, 1840.
87. do. do. do. May 6th, 1841; May 22nd, 1841.
88. do. do. do. January 21st, 1841.
89. q.v.
90. Scab: It is interesting that this distinctively Australian word, with its exact modern connotation, appears so early. There are two points about the hard-sounding word which have endeared it to the unionist:
  - (1) Scab, a skin disease in sheep, caused by the presence of minute acari makes the animal lose flesh and become

very/

very poor. Thus "scabbing on one's mates", expresses a flourishing diseased condition at the expense of the whole body.

- (2) The acari are prolific, and spread rapidly. The slightest contact with objects which have been touched by the affected sheep will spread the disease. Scarcely the unionist escapes infection when he sees other men reaping an individual advantage. The word thus expresses the extreme difficulty of the unionist programme.
91. (a) Australasian Chronicle, December 15th, 1842; January 21st, 1843; February 7th, 1843; February 9th, 1843.  
(b) Australasian, January 30th, 1843; February 4th, 1843.
92. Sun and New South Wales Independent Press, May 20th, 1843.
93. Australasian Chronicle, December 15th, 1842.
94. do. do. May 19th, 1840.
95. Australian, August 9th, 1845.
96. People's Advocate, November 10th, 1849.
97. People's Advocate, June 22nd 1850.
98. Australasian Chronicle, December 3rd, 1840.
99. Sydney Gazette, December 15th, 1840; January 14th, 1841; March 13th, 1841.
100. Atlas, January 7th, 1845.
101. Australasian Chronicle, February 18th, 1841.
102. Age, September 27th, 1845.
103. I think it does. Labour entries in the Minute Books show that the rent for the rooms is £2/-/-, in which case, the keeper of the House of Call would be paid £1/10/- for his services.
104. Sydney Gazette, April 25th, 1841.
105. Australasian Chronicle, December 7th, 1841.
106. do. do. December 15th, 1842.
107. do. do. June 25th, 1842.
108. do. do. May 16th, 1840.
109. Australian Chronicle, February 1st, 1843.
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REFERENCES.

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CHAPTER V.

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1. 9 Geo. IV., No. 9.
  2. Sydney Gazette, August 15th, 1839.
  3. Where possible, I have paraphrased from his M.A. autobiography.
  4. A number of pages have been torn from the centre of the autobiography, and I have been forced to connect what stray facts I could otherwise gather.
  5. Ullathorne's autobiography.
  6. Duncan's autobiography.
  7. Sydney Gazette.
  8. Australasian Chronicle.
  9. X. Victoria, No. 23.
  10. Notes and proceedings of Legislative Council, 1845. Commission on Masters and Servants Acts.
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## REFERENCES.

### CHAPTER VI.

1. We have already referred to the "Combination" among labourers in '95.
2. Cunningham's striking phrase for the convict.
3. Australian, July, '43.
4. Marion Phillips: "A Colonial Autocracy", Chapter 9.
5. Wentworth's paper: "The Australian" was owned by an ex-convict.
6. Lang's contemptuous word.
7. Australasian Chronicle, January 27th, 1842.
8. Sydney Gazette, February 22nd, 1842.
9. People's Advocate, March 17th, 1849.
10. He writes in the Australian: March 14th, 1844, on the smut in wheat, declaring that thirty years since, in the Home Country he had observed the disease.
11. He offered his gratuitous services as Assistant Honorary Secretary of the Patriotic Association, preferring to be an Assistant if only the tone of the Association might be raised. Commercial Journal, March, 3rd, '36.
12. He remained faithful to Kentish so late as '38.
13. It is doubtful whether any union delegates were included.
14. Commercial Journal, April 2nd, 1836.
15. Macarthur's speech at a public dinner. Australian, 21st July, 1843.
16. Australasian Chronicle, November 19th, 1842.
17. It would be a highly interesting task to write the history of colonially directed movements within England, thus at once reversing and throwing fresh light upon the usual method of treating colonial policy.
18. Mr. Evatt makes a mistake in taking Kentish's book on the "Political Economy of New South Wales" as illustrative of "the conservative and anti-Liberal attitude of the pastoral and exclusive party of New South Wales." Kentish was not a conservative. He applied for the position of Secretary of the Patriotic Association in 1835, claiming as justification "his zealous advocacy of liberal institutions." But being a Government agent, it was to his interest for transportation to continue. (Comm. Journal, August 13th, 1835).
19. On the testimony of Judge Heydon.
20. In letter to Donaldson, Premier of New South Wales, 28th June, 1856.
21. Duncan's autobiography.
22. Australasian Chronicle, September 6th, 1841.

23. Sydney Gazette, March 3rd, 1842.
24. do. do. do. do.
25. Atlas, April 22nd, 1846.
26. Duncan's autobiography.
27. He is elected "on the voices!"
28. Sydney Gazette, March 3rd, 1842.
29. Atlas, May 16th, 1846.
30. Australasian Chronicle, March 12th, 1842.
31. Duncan's autobiography.
32. Duncan had arrived only in '38, and knew nothing about the growth of the Operative Movement. I doubt whether he cared very much. He is not at all interested in trade unions.
33. Australasian Chronicle, December 26th, 1840.
34. Duncan's autobiography.
35. Australasian Chronicle, January 16th, 1841.
36. I am utterly at a loss to conceive what Duncan did with this unique memorial of Trade Union activity. Miss Duncan, his sole surviving descendent, can find no trace of either the medal or the address. It is more curious that she never heard her father mention the incident, although he valued highly a watch which was presented to him in '42, and which she still has in her possession. Several times, after the split in the movement, Duncan was taunted with having in his possession a medal "of which he was once very proud", and I have wondered whether his anger was enough to cause him to have the medal melted down. In 1845, he was £600 in debt, through the failure of the "Weekly Register". But there was nothing petty in the man's character, and I hesitate to believe my own suggestion.

NOTES - CONTINUED.

I suggest the following as the names of:

The Ten Associated Trades of December, 1840.

1. The Cabinet Makers and Upholsterers' Union, formed 1833.
2. The Journeyman Compositors of Sydney, formed 1835.
3. The Shipwrights' Benefit Society, formed 1837.
4. The Operative Carpenters and Joiners of Sydney, formed March, 1840.
5. The Trade Society of the Engineers, Millwrights, Founders and Smiths, formed March, 1840.
6. The Operative Painters, Plumbers and Glaziers of Sydney, formed April, 1840.
7. The Union Society of Operative Cordwainers, formed June, 1840.
8. The Operative Boot and Shoemakers of Sydney in full existence January 21st, 1841.
9. The Journeymen Tailors (who organised a strike in August, 1840).
10. The Journeymen Bakers who, "as a matter of course, turned out" in '41.

37. I doubt whether the Coachmakers were in existence even in 1839. They would probably enter into the Carpenters and Joiners' Society of March, 1840.
38. Australasian Chronicle, April 15th, 1841.
39. do. do. October 20th, 1841.
40. Sydney Gazette, February 26th, 1842.
41. The key is in Duncan's short history: "The emancipist agitation was about to be succeeded by a violent strife between the elements of aristocracy and democracy, when the monetary crash of '43-4 interfered."
42. Sydney Gazette, December 23rd, 1841.
43. March 2nd, 1842.
44. Duncan's phrase: Australasian Chronicle, March 1st, 1842.
45. Sydney Gazette, February 17th, 1842. Macdermott is characterised as the leader of a "very noisy party", while a letter of his is called "a political manifesto". (February, '24).
46. Who had issued too many immigration orders in his first three years, and was now profiting by experience.
47. The answer to the petition against coolies came in '43. I transcribe it:-

Downing Street,  
8th August, 1843.

Sir:

I have received your despatch, No. 37, of 27th March last, forwarding a petition to the Queen, signed by persons principally of the working classes in Sydney, against the importation of coolies or other labourers from India, into the Colony of New South Wales. You will acquaint the petitioners that I have laid their petition before the Queen, who was pleased to receive it very graciously, and Her Majesty's Government have no measures in contemplation for permitting the emigration of coolies into New South Wales.

Stanley.

To Gipps:

It would perhaps not be unfitting to add -  
God save the Queen.

48. See Commission on Masters and Servants Act, 1845.
49. Even although transportation ceased in 1840, the Government's assigned servants lasted until 1845 or 1846.
50. "Guardian" newspaper.
51. Probably, however, Sutherland exaggerated<sup>at</sup> the figures.
52. Atlas.
53. do May 16th, 1846.
54. See Webb: "History of Trade Unionism": under "Duncombe".

55. The motto of the "Citizen".
56. The Spectator, January 5th, 1846.
57. Heads of the People, May 1st, 1847.
58. Notably Camden. The A.A. Coy. also began to sell. Its  
monopoly had been destroyed a year or so earlier.

