

THE UNIVERSITY OF NEWCASTLE

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P R E F A C E

Each year students in the History IIB Class are asked in First Term to research a paper on some aspect of the History of Australia before Federation that interests them, basing their work, wherever possible, on primary sources. Some of these papers reach high standards, and not infrequently make original contributions to the understanding of our history, especially to the local history of this region.

This collection of five of the papers presented this year has been assembled to make the fruits of some of this research available to others, and at the same time to show students the standard of work that can be achieved. These essays are not necessarily the best essays, but they are good ones and are technically well presented. They have been chosen, however, more to demonstrate the variety of issues that interest students: local as well as national; female as well as male; black as well and white.

They display a solid background and provide an insight into several themes developed during the First Term. In this way they constitute a useful supplement to the course and should prove interesting reading.

It is hoped that this project will continue from year to year both to encourage research and originality and to slowly build up a body of material to which later students can refer.

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RACE AGAINST TIME

by Christine Misko

SYNOPSIS

Early unfavourable descriptions of the Australian Aborigines tended to shape the attitudes of indifference which prevented the recording of valuable objective data of the nomadic experience. The change in attitude, concomitant with increasing knowledge, generated interest and ultimately recognised the existence of a complex aboriginal culture. The realisation that the Aborigine and his way of life presented vast opportunities for extensive research, and the belief in the inevitable extinction of this race, accelerated research in order to extract as much information as possible before the Aborigines disappeared from the face of the earth. Although 'the Tyranny of Distance' prevents an accurate reconstruction of the past, the current co-operative interdisciplinary approach is yielding valuable information about the Australian nomad. Specifically, genetic distance data is being correlated with geographic and linguistic distances to shed new light on the origins, racial affinities and migration patterns of the Australian Aborigines.

When the Australian Aborigines witnessed the arrival of the First Fleet in 1788 and subsequent establishment of the first European colony in Australia, little did they realise that they would become subjects for lively debate and research in the time to follow. Nor did they apprehend that their 'Dreamtime' philosophy would be matched by a nightmare reality in the very near future. For the white man proceeded to usurp aboriginal tribal territory which was not only an economic necessity for the hunter-gatherers, but also a spiritual necessity. Deprivation of their ancient lands which harboured the immortal works of their spiritual ancestors meant spiritual annihilation for the Aborigines as the link with their ancestral spirits, their 'Dreamtime', in which lay their origins and *raison d'être*, was severed. A native saying, paraphrased, reveals the belief that "He who loses his dreaming is lost". (1) Because of the absence of a visible link with the land, the early settlers were unaware of any terrestrial relationships and assumed that the Aborigines could move elsewhere. Certainly, the Aborigines were not consulted about the distribution of European settlement. Indeed, they were not even informed that Australia in its entirety was appropriated in the name of King George III. Some of the sentiments felt by the Aborigines as they eventually comprehended the full impact of the white man's arrival are expressed in the following verses of a tribal land rights song:

"The only thing that's wrong my boy
Is that we were never told
That this applied to the tribal land
That we were pledged to hold.

If Governor Phillip landed here
And tried to take Yirrkala
It wouldn't have taken us very long
To fix that English fella". (2)

Dampier's famous description of the Aborigines was premature; they were yet to become 'the miserablest creatures on earth'.

The plethora of early unfavourable accounts of the Aborigines was a direct result of prevailing attitudes, beliefs and lack of understanding and appreciation of a different way of life.

The Aborigines were seen through European eyes with vision blurred by ideological blindfolds and superficial knowledge. Thus nakedness was synonymous with savagery. The lack of sepulchres interpreted as a sign of cannibalism. Absence of permanent dwellings and paucity of material acquisitions was judged as reflecting poverty. The cuisine based on hunter-gatherer activities was thought to be indicative of a haphazard, brink-of-starvation existence. The Aborigines' essentials for life did not correspond with the white man's version. These early opinions were instrumental in shaping attitudes towards the dark inhabitants. The initial government policy, although well-intentioned, amounted to an imposition of European culture onto this seemingly wretched, godless and aimless nomad. They were to be helped to enter "the white man's Pearly Gates" (3) to civilization. Even before the death of Truganini in 1876 which completed the genocide of the entire Tasmanian population, the Aborigines were considered as a temporary feature of the Australian landscape, scheduled for extinction by natural progression and to be survived by the superior Anglo-Saxon race.

The picture of an aimless, barbaric wanderer began to fade, however, with increasing knowledge concomitant with association over the years. The anthropologist endowed aboriginal society with complexities which in turn generated interest and provided opportunity for studies. Gradually, it was realised that the Aborigine presented a unique situation for the study of stone age culture and stone age man, with the possibility of yielding valuable insights into global history. The observed decline in aboriginal numbers which earlier tended to support the doomed race theory and justify indifference and brutality now emphasised the importance of research before this ancient race vanished from the face of the earth. Although the Aborigines have outlived the doomsday predictions and currently number about 45,000 full-blooded Aborigines, the race against time is still relevant if one is to obtain a final glimpse of the nomadic experience before it is supplanted. It is vital to record all aspects of traditional aboriginal life before they are superimposed by inevitable changes. The vulnerability to deterioration and vandalism of aboriginal material culture such as bone tools, wooden spears, canoe trees, ceremonial stone arrangements and rock art gives added urgency to this race. Finding and preserving aboriginal sites which are a unique legacy of human behaviour is of utmost significance. However, the implicit difficulties in studying the illiterate aboriginal civilization with its lack of monuments, tombs and paucity of archaeological paraphernalia is offset by the privileged opportunity of being able to observe the few surviving remnant nomadic populations in the world.

Currently, scholars from many diverse branches are approaching aboriginal studies with an objective attitude and with a sense of urgency of a corroboree. The multi-disciplinary approach by biologists, historians, geologists, anthropologists, linguists and ecologists has increased the conceptual framework and the possibility of a more detailed picture. For instance, studies in genetics and linguistics are contributing an interpretation of Aboriginal origins, racial affinities and movements before the European invasion. Although archaeological evidence reveals the presence of man in Australia about 30,000BP testified by the radio-carbon dated sites at Kellor $31,000 \pm 1100$ and at
 - 1300
 Koonalda Cave $31,000 \pm 1650$ BP (4) It is still equivocal whether the entire area was occupied by one racial type or by a diversity of racial types concurrently or successively.

However classified racially, the Australian Aborigine belongs to the species *Homo sapiens* which shared a common gene pool at the time of the first emergence of fully sapient man from earlier

homonoids some 100,000 to 200,000 years ago. (5) From this initial common ancestry an enormous variety of physical (and cultural) diversity has been achieved on an individual, population and racial level. This diversity is explained in terms of the evolutionary process, both Darwinian and non-Darwinian, involving the mechanisms of adaptation, natural selection, modification by progressive and non-progressive mutations, and by the chance component within evolutionary theory of random drift and change. Early attempts to classify racial affinities and origins of the Australian Aborigines were based on observable differences and morphometric studies. The observation of difference in physiognomy in living aboriginal populations prompted Tindale and Birdsell (1941) to undertake extensive studies which resulted in the tri-hybrid theory of origin of the Australian Aborigine. (Birdsell, 1968). The earliest of the migrant groups envisaged by Birdsell were the Oceanic Negritos, identifiable with the extinct Tasmanians, Barrineans of the rain-forest in Queensland, south-eastern Victoria, south-western Western Australia and in the Melville and Bathurst Islands off the Northern Territory. Birdsell's second migrant wave, the Murrayians, who occupied the Murray River basin, were regarded as a primitive Caucasoid variant. The third major racial element to enter Australia, the Carpentarians, were seen as Veddoid elements from India.

Although regional diversity in physical attributes exists between populations of Aborigines, it is not clear whether these differences developed internally from a uni-racial population or resulted from hybridisation of two or more distinct races. Proponents of the uni-racial composition of the Aborigines explain the variation by geographical isolation, environmental adaptation, random drift and the channeling of gene flow by cultural factors regulating breeding habits such as language barriers. Interestingly, Abbie (1968) in studying morphological criteria of Aborigines in South Australia, Northern Territory and Western Australia, has confidently concluded that data presented for statistical analysis showed "that the Aborigines under study, whether considered by region, or by group or as a whole, are in fact physically homogenous and the statistician considers the finding conclusive". In tracing the evolutionary tree of ten populations including the Australian Aborigines, Cavalli-Sforza (1974) asserts that characteristics such as body size, facial traits and skin colour are superficial and represent adaptations to specific climatic conditions: "the interface between the body and the environment, particularly the climatic dimension of the environment, is the body surface". (6)

The recent application of genetic analysis measuring gene frequencies and variations has provided a more refined method of measuring human diversity. Some genetically overt traits such as skin colour and stature are strongly modulated by variations of the environment, whereas many cryptic traits such as those expressed by human blood systems are far less influenced by environmental variation and provide suitable markers to measure the homogeneity of a population. Gene frequencies which are the calculated frequencies of alleles controlling the expression of phenotypic traits such as blood groups, can quantify the genetic differences in aboriginal populations and thereby establish regional genetic distance. In fact, genetic differentiation based on analyses of blood groups, serum proteins, and enzyme systems is clearly demonstrable among living populations of aborigines, varying considerably from locality to locality. Furthermore, it seems that genetic distances are highly correlated with geographic distance, accentuated by sea barriers in the case of island tribes inhabiting Melville and Bathurst Islands. Moreover, it appears that geographic separation produces both genetic and linguistic differentiation. Though there is a slightly lower correlation between geographic distance and linguistic distance, as seen by the linguistic relationship between the Aranda in Central Australia and the Malag of north-east Arnhem Land. Both belong to the Pama-Nyungan phyllic family which is structurally different from the

most of the languages in Arnhem Land. Also, genetically these tribes are more closely related than is indicated by their geographic position. This suggests a split of a larger population and a migratory trend eastwards. In addition, the genetic distance of the north-east Arnhem Land tribe and its geographic neighbours supports the hypothesis that language is an important socio-cultural isolating mechanism, which in influencing breeding habits, can also in turn lead to genetic differentiation.

The theory of a monogeneous origin of the Aborigine and the suggestion by Kirk (1971) that differentiation can be internally achieved within a 10,000 year span is supported by the observation of the great linguistic and genetic divergences characterising the more densely populated areas of the north. Here there is a greater gene pool and consequently greater scope for diversity. In fact, this northern area represents all the 25 phyllic family groups of languages into which the 200 to 300 languages spoken in Australia are classified. These languages show a remarkable phonological uniformity over the greater part of the continent. The speakers of the large Pam-Nyungan phyllic family occupy the largest but most sparsely populated area of Australia and are genetically less divergent. This shows that population densities influenced by climatic and environmental factors, such as the availability of food, "have influenced breeding patterns within communities as well as the mobility and consequently the rates of gene flow between groups". (7)

The Cape York populations are of particular interest because of their genetic remoteness, but linguistic similarities, to the Pam-Nyungan phyllic family group of languages. This may indicate that the Pama-Nyungan group was numerically small, but a linguistically strong population, which moved southwards leaving a remnant group in Cape York.

The absence of certain genes such as A_2 , S, rh, and the sickle-cell trait gene marker associated with sickle-cell anaemia, (8) and their presence in African Negroes and Negritos, suggests no relationship between Oceanic Negritos and African pygmy groups. The extensive data on blood group gene frequencies for the African, Asian and Oceanic groups disagree with Birdsell's statement that "of the great Negroid race only the Negritos succeeded in reaching southeast Asia and Australasia". (9) There is no genetic evidence of an African Negritoid element contribution to the Australian aboriginal population. In fact, a recent article by Benveniste and Todaro (1976) presents evidence for an Asian origin of man indicating that the Australian Aborigine evolved before the African Negroes.

Comparisons between New Guinean and Australian populations reveal the widespread presence of the allele " G_C Aborigine" in Melanesia, its occurrence in Cape York and towards the Kimberleys, its very low frequency in the central areas of Australia, and its virtual absence in the western desert. This reflects considerable contact, probably dating back to 8000 BP and earlier, during the existence of the land bridge between Australia and New Guinea. The opportunity for migration or major contact was undoubtedly severely lessened by the flooding of the causeway between New Guinea and Australia. The evidence in favour of limited contact is perhaps borne out by the development of distinctive human activity, such as agriculture and pig-farming in New Guinea, and the absence of this activity on the Australian landscape.

In view of the geographical realities such as the existence of the land bridge, conducive to migration and the subsequent formation of Torres Strait between 8000 to 5000 BP, it is plausible to assume that Australia may have been populated by heterogeneous man at one stage in history. The morphological differences of skulls from different localities of specimens older than 10,000 BP suggests a heterogeneous presence. However, the genetic distance between

current aboriginal populations could have accumulated within a homogeneous population by internal migration of the various sub-populations, mutation, selection and genetic drift during geographic isolation. It is quite possible that a homogeneous population supplanted earlier inhabitants prior to Australia's separation from New Guinea. The introduction of fresh genes by occasional contact through Torres Strait or by casual visitors in the north cannot be discounted.

Post-contact aboriginal history may be summarised by two lines:

"I could tell you of heartbreak, hatred, blind,
I could tell you of crimes that shame mankind". (10)

The pre-contact assessment is more complicated. For a detailed reconstruction of the past, it is important to consider and integrate multi-disciplinary data. Fortunately, with the current co-operative multi-disciplinary approach eliciting information about the nomad's occupation of Australia, there is a greater chance to succeed in the race against time.

FOOTNOTES

- (1) B. Harney, Songs of the Songman, Adelaide, 1968, p.1.
- (2) S. Harris, This is our Land, Canberra, 1972, p.9.
- (3) L. Lippmann, To Achieve our Country, Melbourne, 1970, p.6.
- (4) V. R. Kabo, Proisskhozhdenie i Ranniia Istorlia Aborigenov Avstralii, Moscow, 1969, p.399.
- (5) R. L. Kirk, Genetic Diversity among Australian Aborigines, Canberra, 1975, p.1.
- (6) L. L. Cavalli-Sforza, "The Genetics of Human Populations", Scientific American, September 1974, p.87.
- (7) R. L. Kirk, op.cit., p.81.
- (8) R. T. Simmons, Blood Group Genetic Studies in the Cape York Area, Canberra, 1973, p.23.
- (9) J. B. Birdsell, "Preliminary Data on the Trihybrid Origin of the Australian Aborigines", Oceanic, 1968, p.124.
- (10) W. McNally, Goodbye Dreamtime, Australia, 1973, prologue.

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CONVICT OFFENCES: SHAW/ROBSON?

by Gary Luxford

SYNOPSIS

This paper sets out to discover, exactly, what type of criminal offences were dominant amongst the convicts during the transportation period from 1820 to 1852, with specific emphasis upon the period after 1835. The initial stimulation to investigate this question was provided in the works of A.G.L. Shaw and L. Robson.

In an endeavour to arrive at some firm understanding of the topic, it was essential to outline the development and functioning of the British criminal law. Once this had been done, it was possible to survey relevant statistical data concerning the convicts.

The findings indicate that petty crimes remain the most numerous convict offence during the period from 1820 to 1852. All that then remained was to find some specific reasons indicating why such a trend did occur.

"This (the new criminal law) meant that proportionately fewer were even sentenced to transportation, and from this time onwards the crimes of those who were sentenced were increasingly serious even if by modern standards their punishment was very severe". (Shaw, 1966).

"The effect of these and subsequent changes in the criminal law on transportation was slight. All they meant was that men who previously ran the risk of being hanged were now certainly transported (they usually were anyway), and that men who were formerly likely to be transported might escape with a goal sentence. The important point to stress is that the types of offences for which men were sent to Australia altered scarcely at all. This could be summed up by saying that a man found guilty of stealing money in, say, 1790 might be hanged, though he would probably be transported for life, whereas the same offence in, say, 1840 would be punished by seven years transportation, or perhaps a period in prison". (Robson, 1970).

The above cited quotations succinctly express two varying arguments concerning the criminal offences of the convicts sent to Australia in the period from 1787 until 1852. Shaw (1) maintains that, after the onset of criminal law reform in the late 1820's and early 1830's, there is a change in the type of offences for which criminals were sentenced to transportation. He maintains that as a result of criminal law reform, 'the crimes of those who were sentenced were increasingly serious'.

Robson (2) favours an entirely different view. He maintains that, although there was a process of law reform in the middle of the transportation era, the types of offences for which men (and women) were transported to Australia altered scarcely at all. He believes that even after a reform of the criminal law, the proportion of petty offenders among the convicts remained quite high.

The aim of this paper is to survey the type of criminal offences leading to transportation. The specific objective will be to see whether the type of offences remained much the same before and after any reform in the British criminal law. Yet, before any consideration can be given to the question of convict offences, it is necessary to gain some understanding of the movement towards criminal law reform within Britain.

A good general outline of England's criminal law during the eighteenth century would describe the letter of the law as severe and sanguinary. However the manner and spirit of the law's administration was totally different. "Often the injured party, realizing a trivial damage became in law a capital felony, refused to prosecute or altered the assessed damage so as to make the offence a misdemeanour". (3)

The influence of such a divergence between the statute law and the functioning of that law is reflected in figures recording the incidence of executions. The ratio of executions to capital convictions in London and Middlesex (4) for the period from 1749 to 1758 was 2:3. Between 1790 and 1799 it was 1:3 and for the period 1800 to 1810 it had been reduced to 1:7.

The development of the law concerning simple grand larceny is a good indicator of this general trend in the eighteenth century. This particular law is also important because larceny crimes were such a significant proportion of convict offences. (5) As the law stood in the late eighteenth century, simple grand larceny was theft unaccompanied by any aggravating circumstances; the adjective 'grand' denoted simply that the value of the stolen goods exceeded twelve pence. If it was twelve pence or under, the offence was called a petty larceny and did not carry the death penalty. (6) Many other petty offences (most of which were crimes of larceny) were punishable with death but, as in the case of simple grand larceny, punishment was usually commuted to terms of imprisonment or transportation. Such a situation was ridiculous because a severe criminal law hardly ever observed in practice, offered no fears to the criminal elements in society, nor did it act as a deterrent to the increasing incidence of crime.

Sir Robert Peel, as Home Secretary, saw the need for law reform. During the decade after 1820, he set about bringing the letter of the law into alignment with the manner and spirit of its administration. (7)

In 1823 (8) it was enacted that a court could abstain from passing the death sentence on persons convicted of any crime except murder. This meant that judges were empowered to merely record the death sentence and to impose transportation directly. The inevitable result was an increase in the number of commuted death sentences.

Another most important bill passed in 1827 (9) abolished the distinction between petty and grand larceny. This statute greatly reduced the number of capital felonies and made the punishment of transportation a more certain sentence. (10)

The process of criminal law reform continued into the 1830's, so that by 1839 the number of capital statutes had been reduced to fourteen. (11) Not more than thirty years previously the number had been something like two hundred and fifty.

The administering of the British criminal law led to the transportation of 148,000 convicts to N.S.W. and V.D.L. between 1787 and 1852. (12) Of these, 123,000 were male and 25,000 were female. From one half to two thirds of the convicts had formerly been punished, while 80% were transported for larceny of various kinds. (13)

Shaw, like Robson, acknowledges the high incidence of theft amongst the convict offences. However, they disagree on the proportion of petty offenders amongst the total number of transportees during the post law reform era.

Shaw claims that after 1835 the British government provided for imprisonment as a 'clear alternative to transportation', yet something like 54% of all convicts transported to N.S.W. and V.D.L. came out between 1830 and 1849. (14) Shaw accounts for this by suggesting that a significantly greater number of those sentenced to transportation after 1835 (15) were actually conveyed to the penal settlements (see Table One). He also asserts that the proportion of petty offenders amongst these convicts is significantly less than the proportion before the new criminal legislation. The validity of such a contention can best be ascertained by observing relevant statistical data concerning the convicts.

During period number one (1787-1819) the incidence of 'serious' offences (16) is 6% of the total number of convicts transported in that period. In the second period (1820-1852) the proportion of 'serious' offences had increased, but only insignificantly, to 7%. (17)

The incidence of simple larceny as a proportion of the total number of felons transported the first period is 33%. During the latter period the proportion actually rose to 38%. Contrary to Shaw's argument petty crime still constituted a significant proportion of convict offences. Similarly the petty crimes under the heading of 'Offences Against Property' (18) had increased from 63% of the total in the first period, to 84% of the total number of offences in the second period. (19)

Even if one claims that Shaw was referring specifically to the period after 1835, the evidence still supports Robson's contention. From 1830 to 1852 the proportion of serious offences was 7% and for offences against property 85% (including 37% for simple larceny) of the total number of convicts transported. (20)

All the above figures indicate that the proportion of serious offences remained a minor portion of convict numbers. Thus Shaw's appraisal is proven to be fallacious. All that remains is to find a reason or reasons indicating why such large numbers of petty criminals came to Australia between 1820 and 1852.

An answer could be found by observing the proportion of very young offenders amongst the convicts. Between 1835 and 1839, 66% of all persons convicted in Britain were under 25 years of age, while 50% were under 21 years of age. (21) This means that 20% of the population were committing 55% of the crimes. (22) Also, at least 55% of all convicts transported for simple larceny came from the 15 to 24 years age group. (23)

A proportional increase in the number of petty offenders among transportees after 1820 could have resulted partly from an increase in the numbers being sent from the under 25 age group. (24) However, the lack of a set of tables indicating the offence, the age of the offender, and the year of departure, makes this hypothesis difficult to verify.

Another explanation could be found in the influences of an efficient police force, a reformed criminal law and a new form of prosecution. Between 1814 and 1829 the ratio of convictions to charges (see Table Two) in London and Middlesex was 63% and for the period 1830 to 1839 it was 72%. In the remainder of England the ratios for the corresponding periods were 68% and 72% respectively. (25)

It is not unreasonable to suppose that as the number of convictions increased so did the proportion of convicted petty offenders. (26) Thus, the greater number of convictions led to more petty offenders being sentenced to transportation. This situation was compounded by the fact that between 1830 and 1852 greater numbers of prisoners were being conveyed to Australia

because of the changing situation on board the hulks and the operation of the new criminal law.

The administration of the new criminal law gained a greater level of honesty and efficiency with the advent of stipendiary magistrates and public prosecutors. These magistrates enforced the law in a manner which added a greater certainty to the form punishment would take. Previously, many criminals had been acquitted because the operating law and its administration were antiquated. Greater numbers now began to be prosecuted under a more efficient criminal code. Similarly, many more minor offenders (especially during the 1830's) were transported under criminal laws which made a specific provision for such a punishment.

However, the contribution of the new criminal law to the number of petty offenders transported after 1830 was dependent upon the changing situation on board the hulks.

At 1833...the men of the worst character, and those previously convicted for serious offences being sent first...However, after 1833 the position changed and by 1835 it had been ordered that all the men on the hulks be transported". (27) Thus, prior to 1835 a sentence of transportation did not necessarily mean that the felon would progress any further than the hulks. For instance, of the numbers sentenced to transportation in England just prior to 1819 about 30% were actually sent away. From about 1824 until 1846 the figure fluctuates between 60 and 75% (see Table One). In Ireland the number remained at about 70% until 1844. (28)

A lack of available work for hulk inmates and a shortage of prisons (especially in Ireland) necessitated sending away a greater number of convicts in the latter period. Thus, since petty offenders constituted between 70 and 90% of convicted felons, and since such a significant proportion of these offences were punished with transportation, then it must follow that any increase in the number of actual transportations will contain a significant number of petty offenders.

The statistical evidence must lead one to conclude that a great majority of the convicts throughout the period of transportation were nothing more than petty criminals. Undoubtedly, more serious felons were conveyed to the penal settlements of eastern Australia once the death sentence was reserved solely for murderers but they remained a decided minority, before, during and after the reforms in the British criminal law.

FOOTNOTES

- (1) A.G.L.Shaw, Convicts and the Colonies, London, 1966, p.148.
- (2) L.Robson, The Convict Settlers of Australia, Carlton, 1970, p.8
- (3) E.O'Brien, The Foundation of Australia, Sydney, 1950, p.58.
- () see also Robson, op.cit., p.33.
- (4) L.Radzinowicz, A History of English Criminal Law, London, 1948, Vol.1, p.151.
see also pp1819 (585) VIII Appendices 1 and 2, pp126-139.
- (5) Between 1810 and 1825 larceny charges comprised 90% of all crimes in England. pp1827 (534) pp66-70. Cited in O'Brien, op.cit., p.10.
- (6) Radzinowicz, op.cit., Vol.1, pp632-633
- (7) see Holdsworth, W., A History of English Law, London, 1965, Vol.XIII, pp397-401
O'Brien, op.cit., pp48-53.
Radzinowicz, op.cit., Vol.1, pp578-585.
- (8) 4 Geo 4, C48 (1823).
- (9) 7 and 8 Geo 4, C28 (1827).
- (10) The punishment for simple larceny was transportation for seven years or imprisonment for not more than two years.

- (11) Radzinowicz, op.cit., Vol.1, pp733-734.
- (12) The grand total (which includes the period to 1868), is 163,021. Robson, op.cit., p.4.
- (13) Ibid, p.9.
- (14) Ibid, Tables 4a and 4k.
- (15) The observance of any proportional changes in the incidence of convict offences can only be made more comprehensible by dividing the transportation period into two sections. The first, from 1787 to 1819, representing the period before criminal law reform and the second representing roughly the era of reform from 1820 to 1852.
- (16) These 'serious' crimes must be assumed to include such offences as murder, assault, robbery with violence, rape and wilful destruction.
- (17) Robson, op.cit., Tables 6a and 8a.
- (18) Without wilful destruction and robbery with violence.
- (19) Robson, op.cit., Tables 6a and 8a.
- (20) Ibid.
- (21) Shaw, op.cit., p.160.
- (22) Ibid.
- (23) Robson, op.cit., Tables 6f and 8e.
- (24) Ibid. 54% of all offences against property were committed by the 25 and under age group.
- (25) J.Hart, "Reform of the Borough Police, 1835-1856". English Historical Review, 1955, Vol.70, pp413-415.
- (26) Between 1810 and 1825 larceny charges rose by 300% and comprised 90% of all crimes in England. pp1827 (534) pp66-70. Cited in O'Brien, op.cit., p.10.
- (27) Robson, op.cit., p.37.
- (28) See pp1851 (572), XLVI.

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TABLE ONE

	A	B
1811 - 1817	31	30
1818 - 1824	34	60
1825 - 1831	34	70
1832 - 1834	35	75
1835 - 1837	27	66
1838 - 1840	22	66
1841 - 1843	19	75
1844 - 1846	17	66
1847 - 1848	14	40

Column A: % of all those convicted at assizes and sessions who were sentenced to transportation or respited for it.

Column B: % sentenced who were actually transported.

Source: A.G.L.Shaw, Convicts and the Colonies, Carlton, 1970, p.150.

TABLE TWO

	A		B	
	London & Middlesex	Rest of England & Wales	London & Middlesex	Rest of England & Wales
1811 - 1820	195	78	not ascertained	
1814 - 1820	209	89	131	58
1821 - 1829	226	105	145	74
1830 - 1835	231	131	163	93
1836 - 1839	198	145	146	105
1830 - 1839	218	136	156	98
1840 - 1849	208	162	157	118

Column A: the number of persons charged with criminal offences per 100,000 of population.

Column B: the number of persons convicted of criminal offences per 100,000 of population.

Source: J. Hart, "Reform of the Borough Police, 1835-1856", English Historical Review, 1955, Vol.70, p.413.

JAMES MUDIE, CIVILIAN MAGISTRATE, PROPERTY OWNER -
 CASTLE FORBES, PATRICKS PLAINS

by Lois Greenwell

SYNOPSIS

James Mudie, "the Flogging Major", was notorious in the colony of New South Wales during the 1830's for the ill-treatment of his assigned servants, his rigid and unshakeable views of the purpose of transportation, and his implacable hatred of Governor Richard Bourke whose enlightened views on remedial punishment cut into the very fabric of Mudie's beliefs and to whom he ascribed the reason for his difficulties in controlling his servants and his eventual "forced" disposal of his property, "Castle Forbes".

In his vindictiveness towards Bourke he implicated others, particularly Commissioner Roger Therry and William Watt, a Ticket-of-leave editor of the Sydney Gazette, whom he saw as in league with the corrupt administration. His venom was boundless and supported at all times by his conviction of the rectitude of his methods.

Since the publication in 1852 of "Uncle Tom's Cabin", the name of Simon Legree has been synonymous with cruelty and maltreatment of slaves. The colony of New South Wales was established with its own particular brand of slavery, that of the assignment system. Though it was later abhorrent to many Englishmen to think of men in bondage and at the mercy of those entrusted with their physical welfare, it was apparently considered a just and Christian act to transport felons to the other side of the world and there assign them to private masters. This system fostered the emergence of an antipodean Simon Legree in the person of James Mudie Esq. of Castle Forbes, who arrived in 1822 and was granted 2150 acres of land at Patricks Plains. The grandiloquent title of the property was a sycophantic gesture to Sir Charles Forbes who had been his patron.

The fertile land was sown to wheat and Mudie was granted 70 convicts as labourers and herdsman for his flocks, with the number reaching 120 at harvest times.

The farm prospered and was recognized as the producer of excellent quality grain at a high yield per acre. Though the rather ramshackle buildings belied their imposing name, Mudie assumed an arrogance even greater than that which he had possessed on his arrival. He had been cashiered from the army and had been declared insolvent after involvement in a scheme to manufacture and sell medals after Waterloo. As a result he was given the sarcastic title of "Major Medallion". Though he quickly dropped the second part, he proudly, though illegally retained the "Major" for its prestige value.

He had extremely forceful and fixed ideas on the reasons for transportation and of the treatment which should be meted out to the unfortunate convicts. He felt that "indulgence merely impairs their usefulness. Prolongation of punishment is justified, even when reformation has been achieved, because it acts as a deterrent to the lower classes in England". (1) To reinforce his views he adopted fear of severe punishment as his means to force the convicts to work long hours under poor conditions. They were housed in hastily constructed, poorly built shacks, were under-nourished and were sadistically flogged for minor infringements of rules set by their master. Mudie was "intensely proud of his

achievements in creating a civilization where hereto there had been barbarism". (2) Roger Therry, a barrister and Commissioner of the Court of Requests, claimed that from his convicts 'he contrived to extract the largest amount of labour at the least possible cost' and "looked upon perpetual punishment as the natural state of all persons who had once erred. This should be continued even when the judicial sentence pronounced in England was completed". (3)

His sadistic, inhuman treatment was common knowledge in the young colony. Dr. West, in his "History of Tasmania", said that Mudie was 'Not fitted for the control of his fellow countrymen... he spoke of the men he employed in the tone of an executioner'. (4)

It was therefore inevitable that the "Major" should come into conflict with Governor Richard Bourke, who had arrived in the colony in December, 1831. Here was a man "of liberal education...who commanded general respect and who had talent and kindness combined". (5) W.C. Wentworth said of Bourke at his farewell that "The colony had been a scene of rapine, violence and disorder but (Bourke) brought universal peace and prosperity. He had got rid of the paid press, had given up the assignment of convicts into other hands, had introduced trial by jury on a more extensive scale, had stopped hunting men down as though they were savage beasts, had restored religious equality among all classes and had behaved magnanimously towards those who had launched truculent attacks on his government". (6)

The views of Bourke and Mudie were thus diametrically opposed and the rift began to widen, especially when Bourke passed a law restricting punishment of convicts to 50 lashes. The influential John Dunmore Lang, Presbyterian clergyman, politician and writer, considered the lash "A thoroughly degrading and brutalizing species of punishment", and felt that Bourke's decision was "highly creditable to his sense of justice and enlightened humanity". (7) Mudie disagreed and also declared that Bourke "listened to, comforted and advised"; (8) Instead of taking into custody, an assigned convict who escaped from Castle Forbes and travelled the 140 miles to Sydney with a petition charging Mudie with oppression. Bourke's private secretary, his son, advised the convict to return and gave him a letter to Mudie explaining the circumstances and suggesting that the master "overlook his fault", (9) and the man would probably mend his ways as he seemed sorry for his misconduct. The convict followed these instructions. Mudie was thunderstruck at the Governor's actions and dated his subsequent misfortunes from the time of the incident. When the convict was again on his property Mudie had him arrested and tried before a bench of civilian magistrates, all landholders and masters of assigned labour, by whom he was found guilty and sentenced to an iron gang.

By proving himself to be the friend of the convicts, Mudie claimed, the Governor had set the stage for rebellion and "had stirred up the poison the magistrates were trying to counteract". (10) Convicts were now insolent and insubordinate and Mudie attempted to subdue this new spirit by increased severity. On 5th November 1833 six of his convicts, in desperation, revolted, locked up the absent Mudie's wife and servants and robbed the homestead. Now armed, they went in search of John Larnach, Mudie's son-in-law and merciless overseer. He was found, and his life was threatened but he escaped and the convicts absconded. Eight days later they were captured and tried in Sydney. Though no provision was made for convicts to have counsel, an anonymous benefactor, thought to be an emancipist, engaged the barrister, Roger Therry to represent the men. Their guilt was obvious and Therry felt that the only excuse could be mitigating circumstances. The trial caused a sensation and the court was told of perpetual and excessive floggings which were of a nature to shock even a colony where brutality was commonplace. "The men were in utter hopelessness

of their escape from conviction. They had repeatedly declared before the trial that they would prefer death to return to Castle Forbes". (11)

When they received the capital sentence, which was already a foregone conclusion, their most articulate member, Hitchcock, begged the court to allow the men to exhibit their "lacerated backs to the public gaze to show what tortures they had endured". (12) Their request was refused and three of them were hanged in Sydney, one sent to Norfolk Island for life and the remaining two, Hitchcock and Poole, returned to Castle Forbes in a dray and seated on their own coffins. There they were hanged with Mudie forcing his assigned servants to witness the gruesome spectacle.

The Sydney Gazette, whose editor was William Watt, a ticket-of-leave convict who had arrived on the Marquis of Hastings in 1828, faithfully reported the details of the trial in all its horror. The Sydney Morning Herald presented a much more toned down version of the events "for it was the recognized organ of the magistrates and landholders" (13) and supported severity as the only way to extract value from convict labour. It was not considered that the majority of convicts were town dwellers and unused to and often incapable of farm labour. However, following Hitchcock's plea for an investigation to be held into conditions at Castle Forbes Bourke ordered an independent enquiry by government inspectors. The result was that "a condemnation (was made) of the mode in which assigned servants were dealt with at Castle Forbes", (14) although the immediate charges were unable to be proven.

Mudie's hatred for Bourke was increased as his pride was injured by the investigation. The Gazette now began a campaign against Mudie which censured him for his treatment of convicts and for the inhuman punishments meted out to those who came before him in his capacity of magistrate. The "Black Book", listing charges and sentences imposed at Patricks Plains during Mudie's magistracy is a damning record of man's inhumanity to man and shows punishments of 100 lashes, 12 months on the iron gang, and confinement on bread and water for such crimes as "leaving the farm when desired not to", "sheep stealing" (to supplement insufficient rations), and "insolence and neglect". (15)

Mudie pursued those he considered his detractors with implacable hostility. In particular he sought vengeance against Watt, especially after the publication of an anonymous pamphlet in which transportation was likened to "legalised abomination and savagery", (16) and which denounced Mudie and Larnach for illtreatment of convicts. It was signed "Humanitas" and Mudie was sure the author was Watt and that he was in collusion with Roger Therry. He replied in a pamphlet vindicating himself and Larnach and this was widely distributed.

There had long been bitter feeling in the colony against Roman Catholics. Both Watt and Therry were of that faith and Therry felt that he would be entitled to "favourable remembrance" due to the effort he made to "Rescue my co-religionists from the insubordinate position in the political and social scale" (17) of the colony. In this he was "strengthened and sustained by the authoritative aid and the power and ability of Sir Richard Bourke". (18) Whilst Bourke was a Protestant, he was of Irish extraction and renowned for his religious tolerance. It is possible that the Calvinistic Mudie based his original antagonism towards the three men on the grounds of their attitude to, or practice of, a religion abhorrent to him.

A newspaper war broke out with The Gazette, largely read by the convict and emancipist faction, opposing the views of the Colonist, the Monitor, and the Herald, and much bitter feeling was engendered. Bourke cut off the government's connection with the Gazette, which had been instituted by Governor King in

1803, as he felt it "was the source of many annoyances to the administration". (19) The situation worsened, however, when Watt was charged with receiving a paper to the value of one penny stolen from the Herald office. He was exonerated after being defended by Therry and having made many remarks at his trial derogatory to Mudie who claimed the verdict was largely due to the jury consisting of "some of his own caste - emancipists", (20) a situation brought about by Bourke's enlightened attitude to jury reform. Mudie vowed he "would not leave in Sydney a single educated prisoner, whether ticket-of-leave or otherwise, but would ferret them out, root and branch". (21)

Mudie then charged Watt with slander and "being a notorious liar and a grossly immoral character". (22) Therry again offered his counsel, but the court denied Watt the right to legal aid. He was found innocent and Mudie claimed the trial was a farce because paid police magistrates raised technical points in favour of the accused. He accused Judge Windeyer of "being a refined apologist for infamy", (23) and then used the court as a platform to attack Bourke.

Reports of the trial do seem to show collusion of the government and Watt for unknown reasons, and proven perjury by government witnesses was ignored by the police magistrates. Mudie claimed that "neither law, nor fact, nor reason, nor religion were regarded". (24) The Colonist reported that a spirit had been aroused in the colony by "The whole college of Roman Catholic exorcists, with Mr. Commissioner Therry himself" (25) at the head. When Judge Kinchela, also a Catholic, and later denounced as such by Mudie, refused to cancel Watt's ticket-of-leave the paper claimed that "the monstrous doctrine of devil-worship seemed to have infected the Police Magistracy of the capital of Australia". (26) Kinchela's grandson later publicly horsewhipped Mudie for his statements, was taken to Court, found guilty and fined £20, which was immediately subscribed by public donation within the court room!

Bourke had no option but to remove Watt to Port Macquarie where he was accidentally drowned some time later. The Governor then took the opportunity of the new commission of 1836 to delete from the list the names of Mudie and 35 other magistrates. He gave them no explanation, but wrote to Lord Glenelg, the Colonial Secretary, that "the individuals used their power as ministers of Justice to forward political intrigue". (26)

Mudie also corresponded with Glenelg, claiming that he had been "degraded in the eyes of his fellow colonists" (28) but Glenelg upheld Bourke's right to refuse an explanation.

Embittered, Mudie returned to England to claim justice, stating that Bourke's decree had made it unsafe for him ever to live at Castle Forbes again and had forced him to sell the property. (29) There he became a principal witness at the Parliamentary Select Committee into Transportation in 1837. He violently denounced the system and denigrated Bourke's administration, especially the ruling which permitted emancipists to serve on juries, stating they were heavily biased in favour of convicts. He claimed that all convicts were depraved, useless and dishonest and "would swear anything for a glass of grog". (30)

"He testified to anything that would blacken the reputation of Bourke"., (31) and painted a "revolting picture" (32) of Sydney society. His accusations grew so wild that the Committee ordered part of his evidence to be stricken from the record.

His pride was so injured that he sought revenge by publishing "The Felony of New South Wales", in which he blamed Bourke for the depravity and crime of the colony. The Colonist reviewed the book as "the production of that indefatigable genius, James Mudie", (33)

but others viewed it with disgust, the Gazette calling it "the farthing felony". (34)

He claimed that the colony was so highly regarded by the criminal element that crimes were committed with the express purpose of transportation to "the land of promise" (35) and accused Bourke of "criminal collusion with the convicts" (36) and culpable relaxation of laws. His style became venomous when he stated that "the chief object of the present work is to arraign at the bar of public opinion the conduct of his Excellency, General Sir Richard Bourke". (37) He saw the convicts as "depraved and profligate" (38) and the women as "the pest and gangrene of society", (39) while the law courts were pictured as "sinks of corruption and iniquity". (40)

Bourke was little affected by the book as he had resigned before its publication and its style was such as to lead its readers to think of the author as deranged by his frustrations. Bourke's legacy was the knowledge that his work was "Firm, fair and liberal" at a time when "the shrieking brutalities of penal discipline were at last beginning to choke on their own excesses". (41)

The only legacy left by Mudie was a small creek near Singleton which bears his name.

FOOTNOTES

- (1) Scone and Upper Hunter Historical Society Journal, vol.1, 1959, p.106.
- (2) C.M.H.Clark, A History of Australia, Melbourne, 1968, p.204.
- (3) Roger Therry, "Reminiscences of 30 Years Residence in New South Wales and Victoria", London, 1863, p.165.
- (4) John West, History of Tasmania, vol.1, Launceston, 1852, p.183.
- (5) W.F.Morrison, History of N.S.W., vol.1, Sydney, 1888, p.105.
- (6) C.M.H.Clark, op.cit., Melbourne, 1968, p.253.
- (7) J.D.Lang, A Historical and Statistical Account of N.S.W., London, 1852, p.211.
- (8) James Mudie, The Felony of New South Wales, London, 1837, p.70.
- (9) Ibid, p.70.
- (10) Ibid, p.70.
- (11) Roger Therry, op.cit., London, 1863, p.165.
- (12) Ibid, p.169.
- (13) J.D.Lang, op.cit., London, 1852, p.262.
- (14) Roger Therry, op.cit., London, 1863, p.169.
- (15) The Black Book, (List of charges and sentences, N.S.W. 1833-1839).
- (16) C.M.H.Clark, op.cit., Melbourne, 1968, p.209.
- (17) Roger Therry, op.cit., London, 1863, p.144.
- (18) Ibid, p.144.
- (19) W.F.Morrison, op.cit., Sydney, 1888, p.107.
- (20) James Mudie, op.cit., London, 1837, p.86.
- (21) The Gazette, 12th September, 1835.
- (22) The Colonist, 3rd September, 1835.
- (23) James Mudie, op.cit., London, 1837, p.88.
- (24) Ibid, p.104.
- (25) The Colonist, 17th September, 1835.
- (26) Ibid, 17th September, 1835.
- (27) Historical Records of Australia, vol. XVII, Sydney 1923, p.307.
- (28) Ibid, p.310.
- (29) British Parliamentary Papers, vol.2, 1837, Ireland, 1968, p.37.
- (30) Ibid, p.119.
- (31) C.M.H.Clark, op.cit., Melbourne, 1968, p.335.
- (32) The Colonist, 31st August, 1837.
- (33) Ibid.

- (34) The Sydney Gazette, 2nd September, 1837.
- (35) James Mudie, op.cit., London, 1837, p.1.
- (36) Ibid., p.52.
- (37) Ibid., p.52.
- (38) Ibid., p.116.
- (39) Ibid., p.122.
- (40) Ibid., p.157.
- (41) Michael Cannon, "Who's Master, Who's Man?", Melbourne, 1971, p.31.

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THE AUSTRALIAN AGRICULTURAL COMPANY

by Ken Kennedy

SYNOPSIS

A study of the early years of the Australian Agricultural Company. Specifically, an investigation of the events leading to the suspension of its first Agent, Robert Dawson, in an attempt to judge who was really responsible for the problems which occurred at the Port Stephens pastoral enterprise.

On July 5th, 1824, a letter (1) was despatched from London to the Governor of New South Wales, Major-General Sir Thomas Brisbane. Its senders, describing themselves as a "Deputation of Directors on th part of the Australian Agricultural Company", (2) noted that they had enclosed a copy of a recent Act of Parliament,

"...granting certain Powers and Authorities to a Company to be Incorporated by Charter, to be called 'The Australian Agricultural Company', for the Cultivation and Improvement of Waste Lands in the Colony of New South Wales...". (3)

As well, Brisbane was implored to receive, from England, the Company's newly appointed "principal Agent, a Gentleman of Talents and agricultural experience" (4) who would be advised and assisted by "a Committee of Five Gentlemen, resident in the Colony". (5) Written in a tone of unbridled optimism, the letter concluded with the assertion that it,

"...will be a source of real gratification to us, to advance, to the utmost of our power, any public objects connected to the Improvement and prosperity of the Colony, with which our own interests are now so intimately connected...". (6)

At this point of time it would have been quite unnatural for the Company to have been anything other than optimistic. Within the short space of three months an approach to the Secretary of State Earl Bathurst, had resulted in a land grant of one million acres in New South Wales. Added to this was the promised support of the colony's Governor and the resources of his administration. Further, three of the members of the Committee appointed to assist the Company's agent were, directly or through marriage, of the Macarthur clan whose influence and proven success in the sphere of colonial agriculture suggested that the Company could do little else than profit most handsomely, especially if profits were received in proportion to the scope of the enterprise.

Yet, less than four years later, on March 13th, 1828, in a letter from Parramatta, Mr. James Macarthur wrote to his fellow members on the Committee,

"I need not assure you how painful it is to me to be compelled to report so unfavourably of the state of the Company's Establishment. Mr. Dawson has had many difficulties undoubtedly to contend with: and had his recent conduct evinced that the acknowledgements he made to me (whilst I was at Port Stephens) of past errors were sincere, I should have been disposed to view them in the most favourable light, and to have hoped that they might have been retrieved by further exertions. But when I perceive him determinately bent upon following up his own designs, in despite of

the opinions of the Committee and of the controlling authority they have undauntedly to interpose, I should think it a disgraceful compromise of my own character and a wilful sacrifice of the interests of the Company, were I to hesitate to express the opinion, I firmly entertain, that the only measure by which these interests can now be protected, is the suspension of Mr. Dawson". (7)

History records that Robert Dawson was suspended and eventually dismissed from the service of the Company. The question which remains to be answered is whether he was, as James Macarthur claimed, guilty of the mismanagement of the Company's affairs beginning with the now obvious blunder of taking up the Company's grant at Port Stephens.

This essay, then, will seek to investigate certain aspects of the A.A. Company, or more precisely the activities of its first agent, Robert Dawson, in an attempt to reveal and analyse the factors leading to the failure of the pastoral enterprise at Port Stephens.

In retrospect, it is blatantly obvious that the Company was launched with an inherent flaw because, in a simultaneous despatch to that sent to Governor Brisbane in July, 1824, the Directors wrote to the Committee, deeming

"...it expedient that an agent should be sent from this Country to undertake the management of the Company's Estates in the Colony...(who) will of course reside upon the Grant...a Gentleman of Talents, Respectability and such Agricultural and general experience as will qualify him to conduct with skill and activity an Establishment of so extensive a nature as that which is contemplated". (8)

If, in all fairness to Dawson, we accept the fact that he must have impressed sufficient people in England to justify his appointment as the principal agent of the Company, we can hypothesize that it is one thing to be successful in the relatively small-scale sphere of English agriculture, and quite another, to journey to the antipodes and be as equally successful in managing an enterprise of one million acres, admitted by the Directors to being "of so extensive a nature". That Dawson was to be advised and assisted by a five-man Committee was equally fallacious for, in the colony, there existed no single person or group experienced in initiating and conducting such a grand enterprise.

Whilst Dawson prepared himself for the voyage to New South Wales three of the Committee, James Macarthur, James Bowman (son-in-law of John Macarthur Sen.) and Hannibal Macarthur, initiated enquiries as to the possible site of the Company's grant. In a despatch to London on November 1st, 1824, they were able to report that the Surveyor-General, John Oxley, was

"...most friendly to the Establishment (Oxley had been given shares in the Company)...and he is at present of the opinion that the Liverpool Plains is the most desirable and unoccupied situation; as all the good land and indeed almost all the land near the navigable parts of the Hunter's River is granted. At Liverpool Plains he thinks half a million acres may be taken and another half a million near the Hastings". (9)

On that same day these three men admitted to Oxley that it had not as yet been ascertained whether the finest wool can be produced near the Sea, or in the interior...". (10)

The ultimate selection of the grant was determined, it would seem, not so much by human choice as geographical necessity for on November 5th, they agreed that whilst,

"...the Country in the vicinity of the Liverpool Plains will be found in many respects highly desirable...its great distance from the navigable part of the Hunter's River...and the want of a formed road would be serious difficulties to overcome in the infancy of an establishment". (11)

Ultimately, a report from Alan Cunningham, that same month, appeared to dispel any lingering doubts the Committee may have still held. This explorer described,

"...a tract of country extending north from Hunter's nearly one hundred miles to the Banks of the Hastings at Port Macquarie which is reasonable to infer possesses many important local advantages... where the future wealth of your respectable Community will be concentrated. The reports that have been given orally by runaway Convicts...have been highly favourable to the fertility and grassy character of the land...". (12)

Consequently, through haste or ignorance, or a combination of both, the Committee had predetermined the area into which Dawson would be directed to select the Company's grant. Their most serious error lay in the acceptance of an explorer's opinion which was based largely on the verbal reports of escaped convicts.

Dawson's eventual arrival in the colony prompted the Committee to laud, "great credit is reflected upon that Gentleman...in the arduous undertaking of conveying to such a distance so large a number of valuable and delicate animals". (13) Yet his first communication from the Port Stephens area was to prove grimly ironic for it related how many of "the valuable and delicate animals" that had survived the long sea journey from Europe, had been injured or lost on the long overland trek from Sydney.

On July 30th, 1826, some two years after the forming of the Company, Dawson wrote of his "intention to take portion, if not the whole, of the Australian Agricultural Company's Grant", (14) in that area extending from the Hunter River to the Hastings. Whilst time, and bitter experience would prove this a disastrous choice of land for primarily fine wool growing, Dawson should not have to suffer all the blame. Admittedly it was he who submitted the request to Governor Brisbane for a survey to legally determine the boundaries of the grant. But, it must not be overlooked that his choice had to be ratified by the Committee. Without extending themselves greatly this group could have made some effort to at least examine the tract of land chosen by Dawson and, drawing on what experience they had, either confirm or reject his decision. Instead, to a man, they elected to remain in the relative comfort of their homes, eventually reporting to London on December 10th, 1826, that,

"Mr. Dawson reports most favourably of the country he has passed over, and from his description of its various natural resources and capabilities, we are strongly impressed that nothing could have been more fortunate than the choice of Port Stephens for our first settlement". (15)

So, rather than condemn Dawson for what was to prove an initial blunder, the Committee deserves blame for their 'rubber-stamping' of his choice which underlines their early apathy in conducting the affairs of the Company.

In the Autumn of 1827, Dawson submitted his first major report on the state of the Port Stephens establishment to the Committee. In the opening paragraph he hinted at the problems being experienced in the administration of so vast an enterprise.

"It was my intention", he remarked, "to...have confined my Reports to regular and short periods. Experience however, has proved the impracticability of carrying these Intentions fully into effect..." (16)

Despite the obvious enormity of the task facing him, Dawson appeared to have the Company's establishment progressing favourably. Indeed, by the end of May, 1827, James Macarthur wrote, after visiting the site, of the "good management of Mr. Dawson, and the condition of the stock; as well as the natural advantage of the harbour and the adjacent country". (17)

This 'honeymoon' period, between the Macarthur elite and Robert Dawson, was soon to end, culminating in what proved to be a concerted effort aimed at removing Dawson from his position as principal agent by allegations of his general misconduct and neglect of Company affairs. This breakdown in relations must have been unexpected for, earlier that month, on the 9th, Dawson sprang to the defence of John Macarthur Senior who had been attacked by the Press. In a personal communication to the London Directors, Dawson felt himself,

"called upon to make some observations to you on the recent attack made in the Australian Newspaper upon the Committee and particularly on the character of Mr. John Macarthur....". (18)

From the period of September 30th, 1827, to January 12th, 1828, this 'breakdown', originating from and confined to the Macarthur faction, can best be traced through a chronological study of excerpts of correspondence between Robert Dawson and John and James Macarthur.

1. Port Stephens, 30th Sept., 1827,
Robert Dawson to John Macarthur,
"...I hope you have been able to make up your mind what sheep you can spare me...I have no wish whatever to have your sheep inspected because I know what your good stock is..." (19)
2. Sydney, 16th October, 1827,
John Macarthur to Robert Dawson,
"...altho' I could have wished that the three flocks of Ewes which I had tendered might have been added to the Company's flocks, yet I cannot think of sending them to you without previous examination and approval..." (20)
3. Port Stephens, 24th October, 1827,
Robert Dawson to John Macarthur,
"I am sorry you decline sending the ewes without having them inspected - you are aware how much I wish to have them but if it depends upon my seeing them first I must decline them from the impracticability of my leaving the Grant for some weeks at least and probably some months to come..." (21)
4. Port Stephens, 13th December, 1827,
Robert Dawson to James Macarthur,
"...I trust we are to have your father's sheep & I am ready to make any sacrifice for them and will send my nephew in January - or go myself the moment I can to look at them if your father would wish me to see them in preference". (22)

5. Parramatta, 16th December, 1827,
John Macarthur to Robert Dawson,
"...I certainly neither did nor do entertain the least desire to recede from the offer I made in the Spring and provided the sheep are inspected and approved either by yourself or your nephew... they are still at the Company's service...". (23)
6. Port Stephens, 23rd December, 1827,
Robert Dawson to John Macarthur,
"I will send my nephew in about a fortnight to inspect your sheep...". (24)
7. Parramatta, 12th January, 1828,
John Macarthur to Robert Dawson,
"My son returned yesterday and I learn that your nephew Mr. Dawson accompanied him...to inspect the three Ewe-flocks which you are desirous of purchasing from me for the Company. I have already on more than one occasion expressed to you my anxiety that the Company's stock might not be increased by purchase more rapidly than you can provide the means of affording that care and superintendence so indispensable to secure a successful and profitable result from the possession of sheep and as the report of my son upon the present state of several of the Company's flocks makes me exceedingly apprehensive that any immediate addition to these flocks might prove injudicious and unsafe I hope you will feel no disappointment that I beg to decline selling any sheep to the Company this year". (25)

This sudden decision, not to sell sheep to the Company, could possibly be explained by the fact that, on January 8th, James Macarthur had been "deputed by the other members of the Colonial Committee to lay before them a detailed report of the Company's establishment", (26) due to the brevity and infrequency of reports from Dawson. As a result of Macarthur's report the Committee, on March 1st, resolved, "that Mr. Dawson be required to repair, without loss of time, to Sydney, for the purpose of giving such further explanations, as appear to the Committee to be indispensable...". (27) Exactly one week later, having received this directive, Dawson provokingly replied,

"...I feel it to be a duty which I owe both to the Directors and myself, under such circumstances, not to answer verbal questions, or to give any verbal explanations upon the Company's affairs except at Port Stephens". (28)

Dawson's blunt statement of belief in his 'duty' to the 'Directors', and no mention of such to the Committee, coupled with his emphatic refusal to travel to Sydney, only served to worsen his already precarious position. In effect, James Macarthur was left unchallenged to put forward his list of charges based on his observations at Port Stephens. His letter, to the Committee on March 13th, asserted,

"...that the greater part of the Merinos appeared to me to be nearly in a hopeless state...The Fifth Flock were in miserable condition...(and) I am at a loss to account for the deterioration and extensive mortality...". (29)

Far more serious was the charge that Dawson had fostered the,

"...foundation of a New Settlement on the Manning River... a tract of 16,000 acres was pencilled off on the north bank and marked "Dawson"...undertaken without any references to the Interests of the Company...". (30)

Any glimmer of hope for Dawson most certainly vanished when the Committee called a meeting of the proprietors of the A.A. Company residing in Sydney. They met on March 21st, "to be acquainted with the present state of the Company's affairs at Port Stephens". (31) Towards the end of the meeting, evidence was given by the Company surveyor, Mr. Armstrong, who attested that during the previous October he had been directed by Dawson to undertake an expedition to the Manning River area on behalf of a "Mr. Guilding and principally for his benefits". (32)

Apart from the grave nature of this assertion, in relation to the latter charge of March 13th, some light is shed on Dawson's 'inability' to leave Port Stephens during the previous October for the purpose of inspecting the Macarthur flocks at Camden prior to purchase. It would appear that Dawson was more concerned with furthering his personal interests than overseeing the pressing affairs of the Company. Finally, on March 27th, the Committee recorded,

"That it is currently reported and generally understood at Port Stephens, that the late expedition to the Manning was 'got up' for the private purposes of Mr. Dawson and Mr. Guilding - that the Company's men (six) were engaged in the cultivation of Mr. Guilding's Grant... That a free man... was engaged... in the service of Mr. Guilding - that this man's wages were paid by a draft upon the Committee, which was made out by him and signed by Mr. Dawson". (33)

One day after Dawson was suspended, on April 19th, 1828, James Bowman wrote to his father-in-law, John Macarthur Senior requesting him "to undertake the general direction of the concerns of the Company's Estate, until the Directors have made such arrangements as they may deem necessary". (34) The enormity of the task undertaken by John Macarthur was realised almost immediately by this man for, on the 21st of April, he requested the assistance of a "deputation of three Gentlemen", (35) to help in the administration of the grant.

Unfortunatly, for Dawson, Macarthur was placed in a position to intercept two letters written by Guilding to Dawson on April 17th, the day prior to the suspension notice. Macarthur excused himself for opening and reading the private correspondence between the two friends, in a letter to Governor Darling on May 16th, 1828. Almost apologetically he described how,

"Amidst the painful duties which circumstances have imposed upon me it would have been some relief had they been confined to the correction of negligence and mis-management. But I am concerned to say that my enquiries and other circumstances have led to the discovery of a premeditated abandonment by the Company's Agent of the trusts reposed in him and to which I am of the opinion he has been incited by a magistrate of this Territory... Between these two persons there is a variety of proofs that a mysterious Union of interests has been formed and carried to an extent which in my opinion imposes on the Committee the obligation to consult the best Law Authority in the Colony whether such acts are not cognizable by a Court of Justice. This however relates only to the extent in which the interests of the Company are involved; of its effects upon the public characters of our Magistrates, it would be presumptive of me to offer any further opinion convinced as I am that your Excellency will take every needful precaution to secure the honour of the Colonial Magistracy from degradation". (36)

Whilst it is impossible to argue against the damning evidence Guilding had inadvertently confided in his letters to Dawson, it is just as difficult to picture John Macarthur as a paragon of virtue, mindful only of protecting the 'Colonial Magistracy'. Equally, with the administration of the grant in John Macarthur's hands, the Committee must have looked more optimistically towards the future and the expected upturn in the Company's fortunes. It must have come as a great shock when the Company Secretary, Mr. W. Barton*, reported on the 30th August, to London that,

"The numerous instances of mismanagement under Mr. Dawson have already been detailed...but in the suspension of that Gentleman and the introduction of a more efficient system - the errors that were stated to exist at that time are however to a considerable degree retained...and (since) the departure of Mr. James Macarthur no requisitions, or orders of any description are forwarded to this office...that an almost total suspension of communication with Port Stephens has taken place...(and) The business at Sydney is conducted in an equally unsatisfactory manner as at Port Stephens...It has appeared to me that the Committee have not rightly understood the nature and extent of the powers conceded to them by the Company and that this has in a considerable degree contributed to the present disorders". (37)

Whilst this letter does not offer an excuse for Dawson's failure to devote himself fully to the pursuance of the Company's interests, it most certainly suggests that there was a considerable degree of apathy, indeed negligence, on the part of the Committee in carrying out the duties to which they were assigned.

Less than one month later, Barton again took the Committee and John Macarthur to task in a most damning condemnation of their actions. In a letter to the Directors, he wrote,

"I trust they will not hesitate a moment in adopting some decisive course in the system of management that shall arrest the progress of the present disorders for I should not disclose the extent of the fears which I with others entertain were I to state less than my belief that the two present parties are destructive of the interests if not of the existence of the Company". (38)

Barton's final criticism of the Committee was communicated to London on October 9th, and whilst again not taking Dawson's side it nevertheless confirmed that he alone should not singularly shoulder the blame.

"I do believe", asserted Barton, "that Mr. Dawson has forfeited, by his conduct, the confidence which was so entirely confided in him by the Directors...Some of the charges are hastily if not erroneously made and I submit that almost the whole of the evils complained of might have been arrested under the system of management proposed by the Directors had that system been enforced". (39)

Barton's observations, therefore, offer perhaps the most objective reasoning behind the Company's failure. He, in no way, sought to excuse Dawson, for Dawson's actions in connection with the Manning River estate and John Guilding are quite inexcusable. Equally, he does not lay the blame wholly on the Committee, preferring instead, to point to the fact that they were largely apathetic towards their responsibilities until it was far too late.

The London office announced, on April 7th, 1829, that "Mr. Macarthur had given up the Superintendence of the Company's Establishment at Port Stephens..." (40) and the final chapter, in this particular episode of the Company's history, was written on June 27th, by James Macarthur when tendering his own resignation from the Committee.

This letter virtually acknowledged that all that Barton had said was true, especially in relation to the Committee which, according to Macarthur, "was not only exposed to observations from the near connexion of the members with each other, but was in reality rendered less efficient than was originally contemplated". (41) Due to the relatively vast distances separating each of the Committee members and the associated problems of communication, Macarthur could offer, as the only excuse for the Committee's apathy, the reason that,

"The confidence...reposed in Mr. Dawson from his previous reputation and the high testimonial transmitted to us by the Court of Directors, induced us to believe that there was not likely to be...any injurious consequence to the Company's interests...". (42)

In 1907, Jesse Gregson, General Superintendent of the A.A. Company from 1876 to 1905, completed the writing of the first fifty years of the Company's history. His summation, of the events under study in this essay, is, like Barton's, quite impartial and sensibly realistic.

"It may, I think", wrote Gregson, "be accepted without dispute that Mr. Dawson was not the most fortunate selection for the position he had to fill, and that in the matter of the Manning River land he was especially blameworthy - though in saying this it must not be supposed that I consider his conduct amounted to dishonesty...But admitting these faults and failures on the part of the Agent it must be remembered that he received very little assistance and advice from the local committee...I think Mr. Dawson received scant justice at the hands of the directors; for, if the so-called evidence brought before them in support of the local committee's actions be examined, nothing, in my opinion, will be found worse than errors of judgement, errors which anyone might easily have made under similar conditions and which would probably have been rectified with further experience and a little kindly advice. Let anyone who knows what country life in New South Wales at the present day consists of, consider what he might have done if, like Mr. Dawson, he had been sent to an utterly unknown district, and expected to avoid all mistakes, and within the space of two years to have formed an establishment, comprising upwards of 400 people, governed and controlled on unexceptionable principles". (43)

It is difficult not to agree with the views put forward by Barton and Gregson. Both men were intimately connected with the Company and neither had any reason to take the cause of Robert Dawson in favour of that of the Committee. Both men wrote their views at quite different times, yet their conclusions are so alike, that Dawson was largely a victim of unforeseen circumstances that the Committee was largely apathetic in assisting Dawson, which tends to make any modern day appraisal somewhat biased if blame is directed singularly towards one particular party.

FOOTNOTES

- (1) Despatches of The Australian Agricultural Company, 1824-29, University of Newcastle Archives, Vol.A, AB5366, Inclosure No.10, p.63.
- (2) Ibid., Incl.10., p.63.
- (3) Historical Records of Australia, Series I, Vol.II, January 1823 - November 1825, Library Committee of Commonwealth Parliament, Sydney, 1917, p.563.
- (4) Despatches of The Australian Agricultural Company, op.cit., Incl.10.
- (5) Ibid.
- (6) Ibid.
- (7) Despatches of The A.A. Company, 1824-1829, University of Newcastle Archives, Vol.B, AB5367, p.541.
- (8) Despatches, Vol.A, op.cit., p.2.
- (9) Despatches, Vol.B, op.cit., p.2.
- (10) Ibid., p.5.
- (11) Ibid., p.10.
- (12) Ibid., p.39.
- (13) Ibid., p.59.
- (14) Ibid., p.187.
- (15) Ibid., p.212.
- (16) Ibid., p.253.
- (17) Ibid., p.352.
- (18) Ibid., p.281.
- (19) Despatches of The A.A. Company 1824-1829, University of Newcastle Archives, Vol.C, p.1.
- (20) Ibid., p.11
- (21) Ibid., p.13.
- (22) Ibid., p.25.
- (23) Ibid., p.28.
- (24) Ibid., p.29.
- (25) Ibid., pp.31-32.
- (26) Despatches, Vol.B, op.cit., p.451.
- (27) Ibid., p.593.
- (28) Ibid., p.596.
- (29) Ibid., p.503.
- (30) Ibid., p.528.
- (31) Ibid., p.421.
- (32) Ibid., p.424.
- (33) Ibid., p.723.
- (34) Ibid., p.749.
- (35) Ibid., p.755.
- (36) Ibid., pp.759-760.
- * Father of E.Barton, Australia's first Prime Minister.
- (37) Ibid., p.920.
- (38) Despatches, Vol.C, op.cit., p.71.
- (39) Ibid., pp.154-155.
- (40) Despatches, Vol.A, op.cit., p.495.
- (41) Ibid., p.483.
- (42) Ibid., p.485.
- (43) Jesse Gregson, The Australian Agricultural Company, 1824-1875, University of Newcastle Archives, Reference No. AB5386, p.16.

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- Despatches of The Australian Agricultural Company, 1824-1829, University of Newcastle Archives, Volume C, Reference No. AB5368.
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- Jesse Gregson, The Australian Agricultural Company, 1824-1875, University of Newcastle Archives, Reference No. AB5386.

THE SQUATTING WOMEN OF AUSTRALIA

by Sally Kinsley

SYNOPSIS

Frederick Jackson Turner (1861-1932) first emphasised the impact of a wilderness environment on a transplanted civilization. He saw that free land on the frontier, drawing men away from European influence, helped build a new Americanism. Frontier traits of self-reliance and individualism, and a "restless energy that comes with freedom" left their imprint on society. Russel Ward in The Australian Legend relates Turner's ideas on the significance of the frontier to the development of Australia. He states that in contrast to America the Australian frontier was inimical to the small farmer. The nature of the pastoral industry, the country's staple, and the great though decreasing scarcity of white women in the outback brought into being an itinerant rural proletariat, overwhelmingly masculine in composition and outlook. Thus he draws a picture of the typical bushman as a wandering individualist. McQueen, however, in A New Britannia suggests in fact that many may have had farms closer in and only have gone outback for a reason. Therefore they were not necessarily Ward's collectivists but were just as much small farmers as on the American frontier. To support his argument that many bushmen had a farm and family life McQueen presents evidence such as Henry Lawson's story "The Drover's Wife". This story and the new light which McQueen's theory sheds brings to attention the existence of a new class of people, that is, the bushman's wives or the squatting women. The position of part-time wife and part-time boss they had to fulfil and the qualities that their peculiar lifestyle exacted from them must have recognition.

In recent years the significance of the frontier in relation to the history and development of a country has received increasing attention. F.J. Turner (1861-1932) first recognised the tremendous influence of frontier conditions in America on molding the lifestyle, and the attitudes of its people. Since new countries like Australia and the United States were settled by Europeans, the natural tendency of historians was to explain development in terms of successive influences from Europe. The achievement of Turner's theory was to show that indigenous and particularly 'frontier' influences were of major importance in any just understanding of American history. Turner reasoned, in so far as the American was not just a transplanted European but a different kind of man, the change could only have been brought about by changes met within the new land. And thus he recognised a new Americanism based on frontier traits of self-reliance, restless energy, and 'that exuberance' that comes with freedom. American 'individualism', especially, was seen as traceable to the small independent farmers produced by a conjuncture on the frontier of favourable climatic conditions and the Homestead Acts.

As in America, these indigenous influences must be seen as most potent on the expanding frontier of Australia where they were met by colonists in their most undiluted form. However, there exists two opposing schools of opinion concerning the type of national ethos which developed as a result of these influences, those of Ward and McQueen. In his book The Australian Legend, Russel Ward reverses the American picture given by Turner, claiming that the failure of the Free Selection Acts and the hostility of the Australian frontier to the small farmers forced the typical Australian to accept collectivist notions:

"The plain fact is that the Australian frontiersman in the last century was a wage worker who did not usually expect to become anything else....his economic interests, unlike those of the American frontiersman reinforced this tendency towards a social, collectivist outlook". (1)

McQueen, in A New Britannia, disputes this theory and suggests, in fact, that many bushmen may have had farms and a family life closer in. That is, they were not necessarily Ward's collectivists but were just as much small farmers as the American frontiersman. If McQueen's argument is valid, recognition must be given not only to the bushmen of the frontier but also to the pioneer wives - not those that have their names carved out in the history books of Australia like the famous 'Mary of Maranoa', but those left in the background to work a farm and raise a family. The typical, yet the unobtrusive, such as the unknown drover's wife depicted by Henry Lawson deserves consideration.

In the Australian Legend Ward argues that the typical bushman was a wandering individualist, a nomad with no ties but those of mateship. He states that this had to be the case because, in contrast to America, frontier conditions were inimical to the small settler. In the United States favourable geographical conditions of soil, rainfall and relatively accessible markets combined with nineteenth century land legislation, which culminated in the Homestead Act of 1862, made it possible for a poor man, backed by his wife and family, to obtain a living from the soil. However, in Australia Ward argues that conditions were such that a bushman might by

"loyal combination with his fellows win better conditions from his employer but the possibility of his becoming his own master by individual enterprise was usually but a remote dream". (2)

The harsh facts of Australian geography, that is, scanty rainfall and great distances, ensured that most of the habitable land could be occupied only sparsely and by pastoralists. The effect of these limitations, Ward goes on to point out, was further accentuated by government land policies and legislation. British manufacturers wanting increasingly more wool for the Yorkshire textile mills meant that, from at least 1828 onwards, the effect, if not always the intention, of legislation was to favour the big pastoralists. The failure of the Free Selection Acts aimed at 'unlocking the land' bears testimony to this fact. Thus geographical factors, combined with nineteenth century economic conditions, ensured that the typical station should be a very large unit, employing many casual hands, but owned by a single man or a company of substantial capital.

Because of this, Ward argues most bushworkers seem to have felt that there was little point in saving money, as they believed it almost impossibly difficult for a poor man to become a landowner, even in a small way. He gives the example that from 1831 when land normally sold for five shillings an acre a shepherd who saved every penny of his wages could only purchase his own 'block' after seven years and that period of time again would be required in order to obtain sufficient working capital. (3) Supporting Ward's argument Alexander Harris, author of Settlers and Convicts, cites bad land legislation as the principal cause of the proverbial thriftlessness of the pastoral proletariat. And Niel Black, landowner, commenting on this aspect of his workers' lives, wrote

"Yet if they did not go regularly to the Grog shop we should have no labour at all, they would save and have properties of their own". (4)

To Ward then

"the typical Australian frontiersman was not a small, individualist farmer, tilling his own soil with the help of his family...Indeed he usually had no family

and scorned agricultural pursuits". (5)

In fact he goes on to say,

"So far from being 'precipitated by the wilderness into a primitive organisation based on the family', he was precipitated into an equally primitive organisation of 'nomad tribesmen', if one may conceive a tribe without women and children". (6)

In support of his vision of the bushman as a lone figure without a wife or family Ward draws attention to what he calls the 'famine of females' in the interior. In 1851, for instance, in the remote district of Maranoa there were sixty-five single males over thirteen years and no single women of the same age group. (7) Taken from census returns a table illustrating the proportion of males to females in the white population for the years 1841 and 1851 is located in the appendix. From these figures, assuming women to be distributed evenly through the different groups of outback population, Ward calculated that four out of every seven men of that period would be doomed to bachelorhood. In reality, Ward states the proportion of single men among the pastoral labourers would be very much higher since the few marriageable girls would be attracted to those with land or steady work. (8)

In summary, Ward sees frontier conditions as fostering and intensifying the growth of a distinctively Australian outlook, an outlook strongly egalitarian in nature and characterised by sentiments of group solidarity and loyalty. He points to environmental pressures as the cause of such behaviour, stating that the 'difficulties' of outback life made the practice of a collectivist 'mateship' essential just as abundance of basic foodstuffs made it possible. The bush hospitality, so characteristic of the Australian outback, represented a kind of primitive communism. Thus he pictured the typical Australian bushman as a wage-earner rather than a landowner, an individual wandering where work took him with no ties of wife or family; but, bound by his economic interests and the loneliness and hardships of outback life towards a social collectivist outlook.

McQueen, on the other hand, sets out an argument in A New Britannia which suggests that many bushmen may have had a farm and family life close in. He claims that the downfall in Ward's theory is his failure to realise that it was not necessary for bushmen to have their farms beyond Bourke. They could far more easily have one closer to the settled areas and only go outback for the shearing season. (9) Evidence for this is not lacking. Such seems to be the case in Louis Esson's "The Shearer's Wife:

"Before the glare o' dawn I rise
To milk the sleepy cows, an' shake
The droving dust from tired eyes.
I set the rabbit traps, then bake
The Children's bread
There's hay to stook, an' beans to hoe,
.....
Women must work, when men must go
Shearing from shed to shed". (10)

The same situation is present in Henry Lawson's story 'The Drover's Wife' where the husband apparently spends six months of the year being a bushman and the other half trying to run a farm. He was a squatter but "the drought of 18- ruined him", (11) and so to earn money to keep a family he goes droving. For, as Ward himself states, the labour scarcity far 'up the country' meant that wages were usually higher in the bush. The outback, in fact, offered something nearly approaching absolute economic security. Huge quantities of mutton, damper and tea and sufficient rough slop clothing were always available to competent workmen unencumbered by wife or children. (12) Thus it seems likely that because of the higher wages and self-sufficient life that the outback offered many men may have used it as a means to earn and

save money with the aim of supporting a farm and family elsewhere. Francis Adams explains that the bushman's

"visits to the township are with a view of entering his cheque to his account, or of forwarding it by post office order to his 'old woman' at the homestead hundreds of miles away". (13)

Anthony Trollope who travelled extensively in the outback and spent some months in 1871, and again in 1875 on sheep stations wrote:

"The bulk of the labour is performed by a nomad tribe, who wander in quest of their work, and are hired only for a time. This is of course the case in regard to washing sheep and shearing them... For all these operations temporary work is required and the squatter seldom knows whether the man he employs be married or single. They come and go, and are known by queer nicknames or are known by no names at all. They probably have their wives elsewhere and return to them for a season". (14)

In an interview recorded at Singleton on the seventeenth of April 1976 Mrs. Eric Robinson presented further evidence in support of McQueen's argument. She stated that her grandfather Robert Sinderberry, owner of an orchard at Camberwell, supplemented his income by droving in the off-season leaving his wife, Ellen, alone to cope with the farm in his absence. The census returns recorded in the appendix could tally with such an explanation showing a higher percentage of females in those counties within the boundaries, that is in the more closely settled districts proportionately equal to males.

Thus in McQueen's opinion the bushman was not as landless as Ward makes out. For instance in the Riverina in 1891 there was general relief amongst the striking dray drivers on learning that fines imposed could be taken only from wages and not from property, suggesting that in this area, at least, the bushman was receiving an income from the land. In the far north gold miners opposed the use of kanaka labour on sugar plantations on the grounds that it made possible the establishment of large estates and thus limited their prospects of becoming cane farmers. And McQueen states that this ambition for land was not peculiar to a particular group but extended to the townsfolk. There existed a general feeling among the society of the time that the soil was the source of a 'Blokes' redemption from larrickinhood. (15) McQueen states that although Australia was, in places, a big man's country these were not where the bulk of the non-urban population lived and worked. For example South Australia below the line was deliberately a small holders' frontier. And important pockets in the south west of Western Australia, Tasmania, Gippsland, the Darling Downs and the Riverina all confirm the possibility of landed proprietorship in Australia.

S.H. Roberts, author of The Squatting Age in Australia, agrees with Ward that the small men in the Australia of this time had a hard lot but goes on to say that the bush offered opportunity. He draws a picture of the average squatting establishment as two slab huts, a tumble down wool shed and a couple of rougher out stations. The absence of security over land preventing any sane man from constructing a permanent home or improvements. In an environment such as this Roberts states that theoretically, a squatter would boast of his garden and his intention to plough some ten acres and would dream of a small barn and dairy but these very rarely came to pass. (16) However, one begins to wonder whether these were merely the 'dreams' of the squatter as Roberts suggests, or whether there was indeed some reality in them. Especially in the light of Roberts next statement that living conditions for long remained unbelievably hard "even more so" than the uncertainty of tenure warranted. (17) Possibly the squatter didn't worry about improvements because for him this was only a temporary existence, his stable home being located elsewhere,

a home which more than likely consist of the ten acres and the dairy described. Thus Roberts draws a very important point for McQueen's argument. That is, that the life of a squatter was usually a sordid, filthy existence:

"It was a penal servitude of the worst type
...there is no romance in monotony and mutton fat"; (18)

with the sole return of such an existence being monetary. Money to perhaps fulfil or keep going the dream.

In weighing the two opinions of Ward and McQueen evidence suggests the validity of the argument set out by McQueen, especially in the light of inconsistencies within Ward's work. For instance in defending the code of bush morals in his book The Australian Legend Ward quotes a squatter, Thomas Major, to the effect that the bushman

"with all his faults he not infrequently marries
and settles down to farming and raising children...". (19)

Yet, some fifty pages later, Ward states in contradiction, that the typical Australian frontiersman was a wage-worker with the possibility of his becoming his own master by individual enterprise usually only a remote dream. (20)

If we accept McQueen's theory, that the pioneer bushman was not the wandering individualist that Ward pictures but, in fact, the owner of a small farm and family, one must look at the role played by women on the frontier of Australia. The history books tell of pioneer women fighting side by side with their husbands to carve a path in the wilderness; McQueen's theory suggests that the frontier created a second type of woman, those that the men left behind to work a farm and rear a family. These women had to take on a dual role - that of manager and worker, and wife and mother - and play both with dedication and determination. The 'shearer's wife' simply accepts the fact that

"Women must work, when men must go
Shearing from shed to shed". (21)

Her day started before the 'glare o' dawn'. She must do the work of two, milking, trapping and cultivating on the one hand and baking and darning on the other. 'By the time evening comes she is tired with "labour sore". However, the poem suggests a tiredness beyond the fatigue of labour;

"Tired of the bush, the cows, the gums,

.....

The moon is lonely in the sky,

The bush is lonely, an' lonely I

Stare down the track no horse draws nigh

An' start.....at the cattle bells". (22)

In these few lines the loneliness and the monotony of the life of these wives is felt. 'Wives' in the sense that they have the responsibilities of such a position. They had a home and children to tend and look after, but, derived few of the traditional benefits of married life such as companionship, dependency or security. It is hard to imagine in today's society the sense of total isolation they must have experienced. Henry Lawson's 'drover's wife', for instance, is alone with her children in a two roomed house built of rough timber, slabs and stringy bark. She is surrounded by bush:

"...the everlasting, maddening sameness of the
stunted trees - that monotony which makes a man
long to break away and travel as far as trains
can go, and sail as far as ships can sail - and
further". (23)

The nearest sign of civilization, a shanty on the main road, is nineteen miles away. Living in such a manner, she has not heard from her husband in six months, and is anxious about him.

Russel Ward in The Australian Legend talks of the hardships and loneliness the typical bushman experienced and the strong bonds of mateship which developed between such men because of these hardships. He talks especially of the tradition that a man should have his own special 'mate' with whom he shared money, goods, and secret aspirations, and for whom, even when in the wrong he was prepared to make almost any sacrifice. However, Ward fails to recognise the existence of women such as the 'drover's wife' for whom even the compensation of friendship with other females was denied. Their only pipeline to the world was their husbands who could be absent for as long as eighteen months. (24) Henry Lawson in his story depicts the condition of such women with a simplicity and clarity that leaves a vivid impression. 'The Drover's Wife' contains no hint of an over-sentimentalised treatment but rather embodies a plain statement of life as it was. In the absence of her husband the 'gaunt sun-browned bushwoman' must deal with childbirth, death, fire, flood and, as the story relates, everyday threats such as appearance of a deadly snake. Throughout the whole work there pervades a sense of resignation. The wife accepts her lot. 'No use fretting', she says. Her husband may forget sometimes that he is married, but if he has a good cheque when he comes back he will give most of it to her. (25) However, underneath, there is a decided dissatisfaction, a longing for all those things most women possess. For the drover's wife all her excitement and recreation must be found in the 'Young Ladies Journal'. On Sundays it is ritual that she dresses herself and the children for a walk, taking as much care to make them look as smart as if they were to do the block in the city. However, Lawson takes care to point out how pathetically wistful the exercise was because there was nothing to see and not a soul to meet:

'You might walk twenty miles along this track without being able to fix a point in your mind'. (26)

Mrs. E. Robinson of Singleton illustrates the life of these women more fully with a first-hand account of the life of her grandmother, Mrs. Ellen Sinderberry of Camberwell. She states that her grandmother was a bushnurse and in her husband's absence would ride as far as twenty miles alone to someone in need of her services. She had no professional training, all her knowledge being passed to her from the former nurse, 'Granny Baldock'. This, Mrs. Robinson states, occurred in most cases. Services were usually voluntary and not only did the bushnurse tend the sick but in a majority of cases she also ran the home of those that were ill. Sickness, and especially childbirth, Mrs. Robinson states, was one of the major fears. She relates how many times a woman weak, and with child, would arrive at her grandmother's, having had the baby, often without shelter, on the way to find help and assistance from the bushnurse. In 'The Drover's Wife' Lawson relates how the mother once rode nineteen miles for assistance carrying her dead child and how her last two children were born in the bush, one while her husband was bringing a drunken doctor, by force, to attend her. (27)

This was the life of many of Australia's pioneer women. Not one of glory or fame but unobtrusive, and beset with the hardships of everyday existence in a hostile environment. Women playing a part time role as wives, but for the majority of time, alone.

'An' start ... at the cattle bells'. (28)

The quality of their life is perhaps best expressed by Lawson's 'dirty-legged boy' who, throwing his arms around his mother, exclaims

'Mother, I won't never go drovin; blast me if I do!' (29)

In conclusion, Russel Ward's The Australian Legend presents a picture of the bushman as a wandering individualist forming part of a 'nomad tribe' which was overwhelmingly masculine in composition and outlook. He sees this singular social group as possessing an ethos, uniquely Australian, derived from the struggle to come to terms with their frontier environment. However, the ethos which Ward presents in his book and which has become such a valuable

expression and symbol of Australian nationalism, is inadequate in that it precludes the possibility that women might also have played an important role on the frontier other than as mere appendages of their husbands. It is in McQueen's argument which states that many bushmen may have had a farm and family life that one sees the squatting women, lone pioneers on the frontier like the 'famours' bushmen, left alone, while their husbands were occupied droving or shearing, often for months at a time, to cope with the same hostile environment.

FOOTNOTES

- (1) R. Ward, The Australian Legend, Melbourne, 1966, p.244.
- (2) Ibid.
- (3) Ibid., p.101.
- (4) Ibid.
- (5) Ibid., p.243.
- (6) Ibid., p.244.
- (7) Ibid., p.97.
- (8) Ibid., p.95.
- (9) H. McQueen, A New Britannia, Penguin, Australia, p.170.
- (10) E. Pownhall, Australian Pioneer Women, Rigby, p.173.
- (11) H. Lawson, The Bush Undertaker And Other Stories, Colin Roderick, Sydney, 1975, p.20.
- (12) R. Ward, Australian Legend, p.76.
- (13) Ibid., p.191.
- (14) A. Harris, Settlers & Convicts, ed. C.M.H. Clark, Melbourne, 1953 (1st published 1847) p.202.
- (15) H. McQueen, A New Britannia, p.170.
- (16) S.H. Roberts, The Squatting Age In Australia 1835-1847, Melbourne University Press, 1964, p.284.
- (17) Ibid.
- (18) Roberts, Squatting Age In Aust., p.284.
- (19) Ward, Aust. Legend, p.190.
- (20) Ibid.
- (21) E. Pownhall, Aust. Pioneer Women, p.173.
- (22) Ibid.
- (23) Lawson, Bush Undertaker & Other Stories, p.23.
- (24) Ibid., p.20.
- (25) Ibid.
- (26) Ibid., p.23.
- (27) Lawson, Bush Undertaker & Other Stories, p.21.
- (28) Pownhall, Aust. Pioneer Women, p.173.
- (29) Lawson, Bush Undertaker & Other Stories, p.24.

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APPENDIX

Proportion of Males to Females In White Population

in 1841 and 1851

(N.S.W. excluding Port Phillip)

	Males	Females	Total	Per Cent of Males
County of Cumberland -				
1841	33,736	24,345	58,108	58.0
1851	42,035	39,079	81,114	51.8
Other Counties within the Boundaries -				
1841	33,322	14,126	47,448	70.2
1851	44,975	33,457	78,432	57.3
Squatting Districts -				
1841	7,551	1,494	9,045	83.5
	19,219	8,478	27,697	69.4