Independent Voices: John Lucas and his contemporaries in the Fourth Parliament, 1860 - 1864

Kate Nielsen Matthew

Follow this and additional works at: https://ro.uow.edu.au/theses1

Recommended Citation
Independent Voices: John Lucas and his contemporaries in the Fourth Parliament, 1860 - 1864

Kate Nielsen Matthew

Supervisors:
Professor Gregory Melleuish
Associate Professor Diana Kelly

This thesis is presented as part of the requirement for the conferral of the degree:

Doctor of Philosophy

This research has been conducted with the support of the Australian Government Research Training Program Scholarship

The University of Wollongong
School of Humanities and Social Inquiry

December 2018
Abstract

In 1966, Peter Loveday and Allan Martin published their book *Parliament Factions and Parties: The First Thirty Years of Responsible Government in New South Wales, 1856-1889*. They aimed to show how factions operated within the New South Wales Parliament during the colonial period of responsible government between 1856 and 1889. While Loveday and Martin’s work was challenged briefly at the time, that challenge was short-lived. It has since become the foundational theory regarding how colonial politics worked, and most political histories written since that time use the term ‘faction’ as a short-hand description for proto-party organisation that carries connotations of disapproval and disappointment.

However, Loveday and Martin’s ideas are unhelpful when it comes to understanding how independent politicians behaved. John Lucas, who had a reputation as a fierce independent, did not fit their model. Using the first full parliament in which Lucas served – the Fourth (1860-1864) – this research initially aimed to determine how the behaviour of independents differed from that of their fellow politicians who were members of factions.

Using a combination of prosopography, statistical analysis, and case studies, this thesis explores the ideals and practical demonstrations of political independence and the social construct of the nineteenth century gentleman to show that they are intimately linked. This research shows that factions very likely did not exist during the Fourth Parliament, and uncovered more complex ideas regarding independence and the nineteenth century politician. Instead of the factions that Loveday and Martin saw, this research proposes an alternative hypothesis – that the Fourth Parliament was comprised of politicians who considered themselves to be independent.
Acknowledgments

There are so many people to thank for their help and support at the end of a PhD journey. My supervisors, Professor Gregory Melleuish and Associate Professor Diana Kelly, stepped in to help me finish at a time when the research appeared to be in jeopardy. Their kindness, support, high quality feedback, and belief in the validity and value of this research was instrumental in guiding me to the finish. The value of excellent supervisors to a PhD candidate cannot be overstated.

My husband, Dr Christopher Matthew, has lived with this journey for seven and a half years. His willingness to give me the space and time I needed to research, to listen to my ideas, to challenge those ideas, and to read and provide feedback on my writing has been invaluable. A supportive partner is just as important as excellent supervisors to a PhD candidate.

I would also like to thank Professor Carol Liston and Professor Timothy Rowse, who were supervisors in the early stages of this research and provided useful ideas that helped shape the thesis. Professor Rowse was also very supportive of my work in other areas during that period and I remain very grateful for that opportunity.

There are so many others without whose help, friendship, and support this research would not have happened. I would like to thank Dr Mark Hebblewhite, who read one of the chapters and provided valuable feedback. I would like to thank Dr James Marland and Anthony Vorhauser for their unwavering support and belief in the project and in me as a researcher. I know it probably felt like I was not listening at times, but I was. I would like to thank Dr Lyndon Megarrity who has also maintained a steadfast belief that this research was worth doing, and that I could do it well. Also, Dr Reece Plunkett, who shared the story of her journey with me and provided a supportive ear when I needed it most.
There are so many others – too many to mention – but you know who you are, and you have my heartfelt thanks. Anyone who showed interest in my research and cared about how it was going, please know that it mattered each and every time.

I would like to dedicate this thesis to Marie Nina McConaghy, my grandmother, whose stories about John Lucas as I was growing up provided the initial spark to pursue this research.

KM
2018
Certification

I, Kate Nielsen Matthew, declare that this thesis submitted in fulfilment of the requirements for the conferral of the degree Doctor of Philosophy, from the University of Wollongong, is wholly my own work unless otherwise referenced or acknowledged. This document has not been submitted for qualifications at any other academic institution.

________________________________________

Kate Nielsen Matthew

15 December 2018
# Table of Contents

## Contents

Abstract .................................................................................................................................................... i  
Acknowledgments ................................................................................................................................... ii  
Certification ............................................................................................................................................ iv  
Introduction ............................................................................................................................................ 1  
1. Sources and Methodologies ............................................................................................................. 15  
   Histories, biographies, and other sources ........................................................................................ 16  
   The primary sources .......................................................................................................................... 30  
   Methodologies .................................................................................................................................. 33  
      Prosopography .............................................................................................................................. 33  
      Individual biography ..................................................................................................................... 37  
      Which divisions are significant for this research? ......................................................................... 40  
      Analysing voting patterns ............................................................................................................. 41  
2. The Fourth Parliament ...................................................................................................................... 52  
   Parliament demographics ................................................................................................................. 62  
   Ministries of the Fourth Parliament .................................................................................................. 68  
   Parliamentary procedure in the 1860s ............................................................................................. 70  
   Key issues .......................................................................................................................................... 81  
      The Robertson Land Acts .............................................................................................................. 82  
      The Legislative Council ................................................................................................................ 84  
      State aid to education .................................................................................................................... 86  
      State aid to religion ....................................................................................................................... 90  
      Payment of Members ................................................................................................................... 96  
      Restriction on the movement of Chinese nationals ..................................................................... 99  
3. Loveday and Martin’s factions ........................................................................................................ 104  
   Factions in the Fourth Parliament of New South Wales ................................................................. 111  
   Factions and ministries ................................................................................................................... 118  
   Factions and pairs ........................................................................................................................... 123  
   Analysing Loveday and Martin’s evidence ...................................................................................... 124  
   Individual voting records with regard to factional allegiance ........................................................ 131  
   Analysis of divisions ....................................................................................................................... 157  
   Is the theory of factional politics helpful? ....................................................................................... 160
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Independence</td>
<td>163</td>
</tr>
<tr>
<td></td>
<td>Personal independence</td>
<td>173</td>
</tr>
<tr>
<td></td>
<td>Gentlemen and respectability</td>
<td>180</td>
</tr>
<tr>
<td></td>
<td>Enlightenment thought</td>
<td>199</td>
</tr>
<tr>
<td></td>
<td>The expectations of constituents</td>
<td>223</td>
</tr>
<tr>
<td>5</td>
<td>Biographies</td>
<td>236</td>
</tr>
<tr>
<td></td>
<td>Marshall Burdekin</td>
<td>241</td>
</tr>
<tr>
<td></td>
<td>Daniel Cameron Dalgleish</td>
<td>259</td>
</tr>
<tr>
<td></td>
<td>William Forster</td>
<td>271</td>
</tr>
<tr>
<td></td>
<td>John Lucas</td>
<td>285</td>
</tr>
<tr>
<td></td>
<td>Samuel Henry Terry</td>
<td>299</td>
</tr>
<tr>
<td></td>
<td>Conclusion</td>
<td>318</td>
</tr>
<tr>
<td></td>
<td>Appendix 1: Details of the politicians of the Fourth Parliament of New South Wales (1860-1864)</td>
<td>325</td>
</tr>
<tr>
<td></td>
<td>Appendix 2: The term 'faction' in the New South Wales press, 1861-1864</td>
<td>339</td>
</tr>
<tr>
<td></td>
<td>Bibliography</td>
<td>348</td>
</tr>
<tr>
<td></td>
<td>Primary sources</td>
<td>348</td>
</tr>
<tr>
<td></td>
<td>Secondary sources</td>
<td>351</td>
</tr>
</tbody>
</table>
List of Tables

Table 1: Politicians elected in December 1860 ................................................................. 56
Table 2: Changes in elected members over the course of the Fourth Parliament ............... 58
Table 3: Key statistics for the Fourth Parliament ................................................................ 62
Table 4: Key demographic statistics – Fourth Parliament .................................................. 63
Table 5: Length of service .................................................................................................. 65
Table 6: Why Members left the Assembly ....................................................................... 67
Table 7: Ministries of the Fourth Parliament .................................................................... 69
Table 8: Division for the third reading of the Chinese Immigration Bill, 19 April 1861 ............ 77
Table 9: Loveday’s factional groups as outlined in his 1962 PhD thesis ......................... 113
Table 10: Ministries and their correlation to Loveday’s factional groups ......................... 119
Table 11: Analysis of how often the Cowper and Martin ministries voted together .......... 120
Table 12: Divisions not controlled by Ministries - extract from Hawker ............................. 122
Table 13: Pairings for tariff division, February 1864 ....................................................... 123
Table 14: Voting patterns of politicians in the seven divisions that Loveday selected to determine his faction groups ................................................................................. 136
Table 15: Subset of table 14 showing case study politicians only .................................... 138
Table 16: Politicians and their voting patterns - broken down by the Second Reading divisions .... 143
Table 17: Subset of table 16 showing case study politicians only ..................................... 144
Table 18: Voting patterns of individual politicians, broken down by faction group and by government ...................................................................................................................... 148
Table 19: Subset of table 18 showing case study politicians only .................................... 149
Table 20: Individual politicians and their voting record – broken down by Loveday’s divisions, the Second Reading divisions, and the total number of divisions during the Fourth and Fifth sessions of the Fourth Parliament .................................................................................................................. 153
Table 21: Subset of table 20 showing case study politicians only .................................... 154
Table 22: Analysis of divisions in relation to factional groups ........................................ 158
Table 23: Potential faction activity split between Cowper and Martin ministries ................. 158
Table 24: Public Education Bill – motion to read a second time ..................................... 211
Table 25: Politicians grouped by religious affiliation ....................................................... 218
Table 26: State Aid to Religion – motion for leave to introduce a Bill ............................... 219
Table 27: Support of Ministers of Religion – motion to schedule a resumption of the debate ...... 222
Table 28: City and country electorates .......................................................................... 230
Table 29: Extract from Appendix 1 - Details of the politicians of the Fourth Parliament of New South Wales (1860-1864) ......................................................................................... 239
Table 30: Proposed railway between Muswellbrook and Mudgee - motion to put the question to a vote ......................................................................................................................... 307
Table 31: Proposed railway between Muswellbrook and Mudgee - motion to consider the proposal in a Committee of the Whole ............................................................................. 308
List of Figures

Figure 1: The influences on nineteenth century and twenty-first century politicians ....................... 7
Figure 2: Diagram showing how the different biographical approaches used for this research intersect .................................................................................................................................................. 8
Figure 3: Screen shot of coding spreadsheet ...................................................................................... 48
Figure 4: Flow chart showing the processes by which a Bill was passed or defeated in 1860s New South Wales ........................................................................................................................................ 71
Figure 5: Procedure for requesting additional funds be added to the Estimates for a particular project or cause ........................................................................................................................................ 79
Figure 6: Procedure for making a request for information to the Administrator ................................ 80
Figure 7: Loveday’s factional groups reflecting my recategorization of unsteady supporters as independents (those listed in the column on the left) ................................................................. 117
Figure 8: Parliamentary portrait of Marshall Burdekin ..................................................................... 241
Figure 9: Parliamentary portrait of William Forster ......................................................................... 271
Figure 10: Parliamentary portrait of John Lucas ............................................................................... 285
Figure 11: Parliamentary portrait of Samuel Henry Terry ................................................................. 299
Introduction

The 1860s was a decade of change in the colony of New South Wales. Connections with Europe were faster and more reliable, transnational and domestic business was expanding, and the colony finally had control of its political future. Prior to 1856, colonial political advocates had been engaged in a decades-long endeavour to prove to the Colonial Office and the English government that the residents of New South Wales were capable of managing the obligations and responsibilities that would be key requirements under responsible government. English colonial secretaries had expressed concerns throughout the 1840s and early 1850s regarding a lack of political competence in the Australian colonies. Peter Cochrane has discussed the desire of colonial political campaigners to have their self-worth vindicated by the demonstration of liberal and progressive legislative initiatives, something that Henry Parkes felt was put at risk by William Charles Wentworth’s parochial *Gold Fields Management Act* of 1852. Having won the right to responsible government in 1856, but without the conservative safe-guards that Wentworth fought so hard to include, it became de rigueur in official circles in Sydney to express disgust at the colony’s future, to feign horror at the thought of needy men scrambling for the spoils of office … and to prattle the deepest pessimism.

The instability of the first three parliaments in New South Wales appeared to vindicate the fears of the Colonial Office that New South Wales was not yet mature enough to exercise the rights and responsibilities that accompanied responsible government, but it was too late. The path the colony was on could not be reversed.

In this environment, the Legislative Assembly election of December 1860 was loaded with expectation. It was the fourth general election in five years, a turbulent introduction to the era of responsible government that had seen some ministries in the first three parliaments rise and fall in a

---

1 The term responsible government at this time referred to colonial self-government, with ministers being elected representatives, and the ministry responsible to the Assembly as a whole. Peter Cochrane, *Colonial Ambition: Foundations of Australian Democracy* (Carlton: Melbourne, 2006) 333.
2 Cochrane, *Colonial Ambition*, 333.
3 Cochrane, *Colonial Ambition*, 430.
matter of months. In contrast, the first Victorian parliament had managed to hold together for three years, despite Argus newspaper editor George Higinbotham’s regularly expressed concerns. In New South Wales the reform agenda, particularly around access to land, was in danger of stalling. While Colonial Office fears around minorities exercising power to achieve either sectarian goals or profit-based goals proved unfounded, their broader concern regarding political instability was starting to look like foresight. The editor of the Sydney Morning Herald, John West, had begun to see a state of crisis as the normal condition of New South Wales politics. There was a sense that this time those elected needed to get it right or all of the doubters, both within the colony and in England, would be justified in their scepticism regarding the ability of the colonies to direct their own future.

Against this backdrop, John Lucas joined the Fourth Parliament. He had ten months of experience in the Third Parliament to prepare him for what was to come. He had seen John Robertson try to pass his land reform legislation, and fail in a parliament hostile to the idea of free selection before survey. He had seen Governor Denison’s disdain for colonial politicians, and the colonial press’ dissatisfaction with the political instability of the previous four-and-a-half years. It must have been a sobering experience.

While researching a biography of Lucas, it became clear that there was very little work on independent politicians in the New South Wales colonial parliament. Lucas was known as a fiercely independent politician.
independent politician, but what did that mean? The first step in understanding the role that independents played was to understand the alternative – Peter Loveday and Alan Martin’s theory of factions. Loveday and Martin felt that an organising principle was at play in colonial politics in New South Wales, which they described as a relatively loose coming together of individuals into factional groups that had a significant influence on political outcomes in the colony. That theory is not easily accessible, even after multiple readings. The book was a difficult read, and their argument was unconvincing. There were too many exceptions, and not enough clear evidence to support their conclusions. Factions appeared difficult to articulate, with a sometimes elusive and always changing membership, and a narrow scope of operation. The examples cited as evidence appeared sparse. Both the theory of factions and the nature of political independence required further investigation to understand them. That investigation, and its conclusions, are the subject of this thesis.

As discussed in the following chapters, the politicians of the Fourth Parliament (1860-1864) largely fulfilled the hopes and exceeded the expectations of the residents of New South Wales. As the first stable parliament since 1856, with only one change of Premier and serving four years out of its five-year term, the Fourth Parliament passed legislation that would define the trajectory of the colony for decades and established a firm basis on which the colony could build its future.\(^9\) It is tempting to lay much of the credit at the door of a new crop of responsible and talented politicians but, as will be discussed in chapter 3, the first time parliamentarians very likely had far less influence as a cohort than has been previously believed. Another potential explanation has been proposed by Gareth Griffith, who believed that Sir John Young could take credit for the Fourth Parliament’s

\(^9\) The use of the term Premier versus Prime Minister was not settled during the colonial period. Prime Minister was used frequently in official documents, but Premier became increasingly used during the nineteenth century, although it was not mentioned in legislation until 1908. For the remainder of the thesis I will follow Hawker’s lead (among others) and use the term Premier to refer to the leader of the government, as it is the official term used for a state government leader today. As the term Prime Minister has a different official designation within modern Australian politics, it would be confusing to use it to refer to a nineteenth century position, even if it would be more accurate. See G.N. Hawker, *The Parliament of New South Wales, 1856-1965*, (Sydney: Government Printer, 1971) 45, for further discussion on the use of the two terms. Not serving the full five years was common in colonial parliaments - according to Hawker, very few parliaments did. Hawker, *Parliament*, 21.
Young was Governor of New South Wales, appointed in 1861, and he did not believe dissolutions should be easily granted. As discussed in chapter 2, this was not tested by the Fourth Parliament, but it is possible that they were aware of Young’s view on the subject. With strong incentive to achieve political momentum and deliver the land reform that the Third Parliament had not, the politicians of the Fourth Parliament navigated their way through four years of parliamentary committees, debates, and divisions. This stability makes the Fourth Parliament an ideal case study for research into mid-century colonial politics in New South Wales.

How these committees, debates, and divisions were navigated becomes more interesting when the focus is on the politician rather than the parliament. Neither a prosopographical study, nor an individually focussed biography, with a political subject would be complete without understanding how politicians made decisions. The scholarship that exists for this period is primarily focused on parliament as an institution and the institutions of parliament, rather than on the politicians who worked within the political framework. The focus of much of the existing scholarship to some extent reflects current political practice, where politicians are usually members of established political parties and work within an established code of party political behaviour. It proves more difficult to translate this framework into an era before the emergence of political parties, which started to occur in the early 1890s.

Further investigation into Loveday and Martin’s factions hypothesis raised further questions. They contended that factions were a stabilising force, but only operated part of the time, and that faction members retained the right to vote any way they chose on policy. If the factions were only applicable for some divisions, and possibly in a very weak and inconsistent way during the early 1860s, how were politicians making decisions? Was this enough to suggest that they were all essentially independent?

---

In the modern parlance, the descriptive phrase “an independent politician” is used to describe someone who is not a member of a political party. We expect all politicians to avoid conflicts of interest in the form of bribes or self-interest, regardless of whether they are independent or members of a political party. We also acknowledge them to be well-rounded people with complex lives, a variety of lived experience, and connections with others who through the normal course of conversation may influence their ideas and ideals. What distinguishes independent politicians from those who are members of political parties is that membership of a political party creates an obligation. They are expected to vote in accordance with the party line unless a conscience vote is allowed. On occasion, politicians will still cross the floor to vote with the opposite side if they feel strongly enough about a particular issue, but such action comes with an implied risk of not receiving party support for their own initiatives and/or not gain party support for pre-selection for their seat at the next election. Therefore, politicians we label as independent in the modern political sense are the only ones who can act autonomously as they are without that obligation to the party machine.

In applying that definition of the independent/autonomous politician to the politicians of the Fourth Parliament, and particularly as a contrast to a politician who may have been a member of a faction, it appears to be inadequate. Loveday and Martin’s hypothesis (discussed in detail in chapter 3) describes membership of a faction in terms of owing some allegiance to a leader in return for political favours or patronage, or because the politician was won over by the leader’s charismatic personality to such an extent that they would follow their lead. Yet there was no party-style discipline, and no way to enforce allegiance beyond withholding potential future favours. In Loveday and Martin’s hypothesis factional members retained the right to vote against their leader if they wished. However, the definition is only inadequate if we assume that factions had any measurable impact on the political outcomes of the Fourth Parliament. As this research shows, they did not, and for the period of 1861 to 1864, all politicians can be shown to behave in the manner of an independent/autonomous politician as we would recognise them today.
While this is true, it is also too simplistic. The politicians of the Fourth Parliament had something today’s politicians do not – the moral code of the nineteenth-century gentleman. Shirley Letwin’s work on gentlemen in nineteenth century England has, combined with the work of Australian historians and Matthew McCormack’s work on independence in English politics during the Georgian period, contributed to the development of a new framework for this research within which we can place the political behaviour of the politicians in the Fourth Parliament. There were some significant differences between the English idea of the gentleman and the Australian concept which had arisen by the early 1860s, and yet they were similar enough to allow a useful cross-fertilisation of scholarship. The moral code of the nineteenth century gentleman required the maintenance of personal autonomy and a private and public character that were equally above reproach. The examination of these ideas – both in their intellectual form and their practical application – provides a deeper understanding of what independence meant in the nineteenth century, and how that characterised political independence/autonomy within the Fourth Parliament (see chapter 4). The inescapable conclusion is that all the politicians of the Fourth Parliament are most appropriately classified as independent.

This thesis looks at how politicians of the Fourth Parliament made decisions. The framework is similar to today’s politicians, in that the historiography articulates various combinations of faction or party allegiance, expectations of constituents, and independent thought or personal values as having a part to play. Where the politicians of today usually occupy a nexus between the expectations of their political party/faction, their constituents, and their personal values and ideals, the politicians of the Fourth Parliament occupied the same nexus as their twenty-first century independent counterparts, between the expectations of their constituents and their own personal values and ideals. Given the nature of political party discipline, many politicians who are members of political parties find their personal views frequently compromised in pursuit of the party’s agenda. For independent politicians, their own ideals and values were far more prominent as a guide for their political decision-making.
Figure 1: The influences on nineteenth century and twenty-first century politicians

As discussed in chapter 4, the expectations of constituents were significantly different in 1860 than they are today. Today’s constituents expect infrastructure projects and personal advocacy from their elected representatives in addition to making decisions that benefit the state as a whole. Nineteenth century constituents focussed more on the colony as a whole, expecting their elected representatives to act in accordance with their moral code as a gentleman, and support infrastructure projects for the electorate primarily when they would also serve a larger purpose.

This research focusses on the Legislative Assembly during the Fourth Parliament, excluding the Legislative Council except where issues intersect in a way that has an important bearing on how the politicians in the Assembly chose to respond. The Assembly was an elected body, whereas the Council members were appointed by the Governor – initially in 1856 for a five-year term, and then in 1861 for life. This choice to focus on the Assembly is similar to that made by historians who have researched in this space before, where PhD theses and books alike have either focussed on one House or the other, or have discussed both in a way that acknowledges the distinctiveness of the
two institutions. The choice to focus on only one House also has a practical element. The length of a PhD thesis means that completing the same investigation for both Houses, even just for the four-years of the Fourth Parliament, would restrict the depth required for a project of this type.

In line with the aim of keeping the people at the centre of this study, the research uses a Namier-style prosopographical approach (discussed in chapter 1) to examine the political decisions of each politician in the Fourth Parliament. This prosopographical approach intersects with a biography of the Fourth Parliament as an entity, which examines the demographics and achievements of the Parliament as a whole, and with five biographies of individual politicians which draw the conclusions from the investigation of factions and independence into a deeper examination of political motivations and behaviours.

Figure 2: Diagram showing how the different biographical approaches used for this research intersect

---

All five men who are the subject of individual biographies were chosen because they represent different demographics, and combinations of demographics, which make them collectively representative of the Fourth Parliament.

Political behaviour at the individual level is important because it illustrates whether the patterns that historians have identified at the macro level are reflections of individual lives and intentions. While the macro and micro level investigations may never be able to be synthesised into a whole picture without some inherent contradictions remaining, and it is not something this thesis will attempt to accomplish, it is important to see where the discrepancies between the two views may lie – if for no other reason than to remind us that biographies built on macro-level conclusions will often provide a distorted and generalised view of an individual life.

There are very few well-known names from the political arena of nineteenth century New South Wales. Wentworth and Parkes are legendary, and political scholarship generally gives the strong impression that the only other serious players were William Dalley, John Robertson, Charles Cowper, and James Martin. Cochrane describes Parkes as ‘perhaps the most important political figure to emerge from the thriving, hurriedly politicised artisan culture of Sydney’, but in the Fourth Parliament Parkes is barely present, spending much of that time in England.13 Beyond these six men, the 682 elected politicians who served in New South Wales between the introduction of the first partly-elected Legislative Council in 1842 and the federation of the Australian colonies in 1901 are largely unknown.14 Hawker affords them a scant four pages in his work on the Parliament.15 The 96 politicians who served in the Fourth Parliament receive more detailed biographical treatment

14 Hawker disagrees with the number of elected politicians – he states 699 in total in his work, while a count of the Parliamentary Biographies published on the New South Wales Parliament website gives a total of 682. The discrepancy is difficult to reconcile, as Hawker does not state where he gets his figures from. Given the numerous other small errors in the Parliamentary Biographies, it is possible that the real number is somewhere between Hawker’s and mine. Hawker, Parliament, 26.
in this thesis than is found for any other cohort of politicians in the existing scholarship of the New South Wales parliament.

As the lives and political decisions of these five politicians will be discussed throughout the thesis, it is appropriate to introduce them briefly. They were chosen because they represent a mix of the demographics found in the Fourth Parliament. Some were born overseas and some were native born. Of those native born, some had convict heritage either one or two generations in the past. Some were in their mid-twenties when they were elected to the Fourth Parliament, and some were in their mid-forties. Some had long political careers, some short. Some were very active in parliamentary debates, and others so quiet they rarely spoke. More comprehensive biographies are in chapter 5. These brief introductions serve as a foundation for the discussion that follows.

John Lucas is a key figure for this research, as it was while conducting research for his biography that these questions arose. Lucas was born in Sydney on 24 June 1818. He was educated in a Church of England school at Liverpool, and later at Captain Beveridge’s boarding school in Sydney, from which he was apprenticed as a carpenter at the age of sixteen. This was a family tradition, as was his later progression into the building trade. In 1848 he became a publican (another family tradition). Lucas was appointed as a Justice of the Peace in 1858, and at the same time he started publishing pamphlets outlining his opinion on civic topics such as Sydney’s water supply. In February 1860 he was elected to the seat of Canterbury in southern Sydney in a by-election and was re-elected in the general election of December 1860. His parliamentary biographer regarded him as a member of the Church of England, but family history suggests he was not particularly devout. Lucas married Ann Sammons on 4 January 1841 and they

---

17 Peter McKay, A Nation Within a Nation: The Lucas Clan in Australia, (Geelong: self-published, 2001) 22.
18 ‘Lucas’, Former Members; McKay, Nation, 678.
had seven children. He died at Camperdown on 1 March 1902, having served in the Legislative Assembly and later in the Legislative Council for a total of 40 years.

Marshall Burdekin was born in Sydney on 11 April 1837, with no emancipist or convict connections in his family. His father, Thomas, was a merchant who left a large fortune when he died in 1844. Burdekin was educated at William Cape’s School in Darlinghurst, Sydney, and graduated with a Master of Arts from the University of Sydney in 1859. Called to the Bar in New South Wales in 1859 and Queensland in 1861, he joined the Legislative Assembly in January 1863 after a by-election for the seat of Liverpool Plains. His religious affiliation is unknown, and he never married. Burdekin left Sydney in 1869, and died in England on 10 November 1886.

Daniel Cameron Dalgleish was born in Alloa, Scotland, on 1 February 1827. On leaving school in Edinburgh he was apprenticed as an engineer, and later worked in that profession in London. In 1852 he migrated with a group of engineers to Sydney, and on the voyage they formed the first overseas branch of the Amalgamated Society of Engineers, which later became the Amalgamated Engineering Union. Dalgleish served only one term in Parliament, elected for the seat of West Sydney in the December 1860 general election. He was a Presbyterian and had seven children with his wife Emma. In February 1870 he was thrown from his horse and died in a Sydney infirmary on 18 February. He was buried with Masonic honours.

William Forster was born in Madras, India, in October 1818. He was the son of an army surgeon, Thomas, and Eliza Blaxland, daughter of the Gregory Blaxland who was among those credited with the first European crossing of the Blue Mountains in New South Wales. He migrated

---

19 McKay, Nation, 678.
21 ‘Burdekin’, Former Members.
with his parents to Wales in 1822, Ireland in 1825, and then to New South Wales in 1829. Forster was educated in India, Ireland and Sydney, where he attended William Cape’s School and The King’s School. He began acquiring land and squatting runs in 1839, and controlled thousands of acres in the Port Macquarie, Clarence River and New England districts by the end of the 1840s. In April 1846, he married Eliza Jane Wall and they had 8 children. By 1854 he had approximately 64,000 acres in the new Burnett and Wide Bay districts, and by the time he retired from active control of properties in 1867 he had approximately 80,000 acres in Queensland. In 1856 Forster stood for election in the United Counties of Murray and St Vincent, and held that seat for the First and Second Parliaments. He was elected to the seat of Queanbeyan for the Third Parliament, and then to the seat of East Sydney for the Fourth Parliament in a by-election in May 1861. He held that seat for the rest of the Fourth Parliament, and represented a variety of different electorates for the rest of his parliamentary career. He was a member of the Church of England, and was still a member of the Legislative Assembly for the seat of Gundagai when he died in October 1882 at Edgecliff in New South Wales.

Samuel Henry Terry was born at Box Hill in New South Wales on 9 April 1833. His father was John Terry and his mother was Eleanor Rouse, giving him convict heritage on the Terry side of the family and free settler heritage on the other. After a few years at John Mill’s School in Parramatta, Terry completed his education at William Cape’s School in Darlington. When his father died in 1842, Terry inherited Box Hill and 5,000 acres at Yass Plains, which formed the basis of his subsequently extensive land holdings. He was first elected to Parliament for the seat of Mudgee in December 1859, and held that seat until 1869, after which he represented the electorate of New England until 1880. Terry was a member of the Church of England, and married twice: first to Clementina Want with whom he had 2 children, and then to Jane Weaver with whom he had 3 children. Terry died at Ashfield on 21 September 1887.

These intersecting biographies – the Fourth Parliament as an institution, the politicians who served in it, and the individual case studies – will be used to examine Loveday and Martin’s hypothesis that factions provided a sense of order in an otherwise chaotic political process. They will then be used to examine the logical counterpoint to the factions hypothesis – that of independence in the sense of autonomous action. As a result of these investigations, this thesis makes the case for independence and political autonomy as the basis for political decision-making in the Fourth Parliament. These men made decisions based on their own lived experiences and their own ideas of what it meant to be a worthy politician. They considered themselves to be independent of any obligation or constraint regarding their decision-making, and that independence was reflected in their decisions and actions.

If studies of the working class are history from below, and studies of the governors or the wealthier squatters is history from above, then this is history from the middle – a study of predominantly middle-class men who had their own challenges to navigate. Sufficiently educated to develop intellectual as well as material aspirations, they tried to balance public and private expectations with their own ideals and a strong sense of what they stood to lose and to gain – for themselves and the colony – in their parliamentary service. In presenting the case for a whole parliament of independent politicians and advancing a framework within which we can understand the nuances of their understanding of independence, this study presents a very different perspective from the one advanced by earlier scholarship in this area and provides a new foundation for the evaluation of politics in New South Wales during the nineteenth century.
1. Sources and Methodologies

First, a note on how names have been represented in this thesis. There are some people referred to in this work – politicians, their contemporaries, and later historians – whose surname can also be used as a first name. Some examples that are discussed frequently are John Lucas, Samuel Terry, and Allan Martin. To avoid confusion, I have used each person’s full name the first time they are mentioned in a chapter, and then referred to each by their surname thereafter. Where family relationships are being discussed, the primary subject, for example John Lucas, is referred to by his surname, whereas his father, also named John Lucas, is referred to by his first name to avoid confusion over which Lucas is being discussed.

Understanding how New South Wales politicians in the colonial era determined their stance on policy is not a widely-examined field of research. Beyond Peter Loveday and Allan Martin’s work in the 1960s, there has been very little scholarship that either supports their work through independent investigation or presents alternative hypotheses regarding how political decisions were made. Importantly, there has been no re-assessment of the theory of factional politics since the development of additional research tools that were not available in the 1960s. The digitisation of records to facilitate research and re-checking of facts, and the use of Microsoft Excel for analysis, have had a significant impact on this research. This re-assessment is well overdue.

As with any thesis, many sources have been drawn upon to form the foundation and scaffolding of this research. This brief overview of the key texts, essential for any research in this area, shows how they fit together to provide the understanding we currently have regarding the political and social history of New South Wales during the 1860s. I am indebted to these scholars, and the many others on whose work I have drawn, for their extensive research and thoughtful conclusions.
Histories, biographies, and other sources

In 1966, Loveday and Martin published *Parliament Factions and Parties: the First Thirty years of Responsible Government in New South Wales, 1856-1889.* The book was an amalgamation of their PhD theses. Martin’s PhD, *Political Groupings in New South Wales, 1872-1889,* was completed in 1955. Lovingay’s PhD, *The Development of Parliamentary Government in New South Wales, 1856-1872,* was completed in 1962 and built on Martin’s work by transposing the theory of factions into the earlier years of responsible government. Both PhDs, and the published book, relied on an examination of how politicians voted within a specific group of divisions (the process of dividing the House into ayes and noes), and was supported by newspaper reports and references in private papers.

For the Fourth Parliament, it is Lovingay’s PhD thesis that provides the more detailed data. Lovingay hypothesised the membership of factional groups for the first three parliaments, based on a handful of divisions for each. He did not use the same number of divisions for each of those three parliaments, so there is no suggestion that he felt a specific number was necessary to demonstrate a factional allegiance. It is possible to suggest that he felt six was a sufficient number as that is the lowest number of divisions that he used. For the Fourth, Fifth, and Sixth Parliaments, Lovingay started to determine factions for each session. For the Fourth Parliament, however, he only looks at the fourth and fifth sessions – not the first three. For the Fifth and Sixth Parliaments, he offers factional groups for each session. The reasons for omitting the first three sessions of the Fourth Parliament are not explained.

---

Despite Loveday’s conclusion in his PhD that the concept of factions was harder to support for the period from 1856 to 1865, Loveday and Martin’s book maintained that factions were in the embryonic stage during that period and therefore remained the primary organising principle of parliament. They described their combined work as ‘... the history of a political system – how power was won and lost – rather than a history of politics in the period’. It is also, therefore, not a history of the politicians in the period, although the authors’ evidence rests on their actions. They examined politicians as part of a system that they described as bringing order to the ‘superficially confused politics of New South Wales’. The book builds on the idea which Martin first advanced in his PhD thesis, that responsible government could not function without ‘majorities organised around some principle or person’. Loveday and Martin steadfastly held this position in the face of criticism in 1968, maintaining that factions were ‘identifiable groups, with a distinct structure’ and that this was the means by which politicians won power and control of the ministry.

The theory of factions provided a convenient anchor point within the generally accepted idea of linear progress from rule by appointed representative (the Governor) through to the political parties that began to emerge in the 1890s and throughout the early twentieth century. The argument widely accepted by historians has been that the political parties formed out of the factions, which were essentially embryonic parties characteristic of a relatively junior, and juvenile, political system. Hogan et al have extended the argument to separate politics in colonial New South Wales into three distinct periods: a ‘proto-party period’ in the 1850s, factions from the 1860s

---

to the 1880s, and political parties from the late 1880s onwards.\textsuperscript{12} As an extension of that argument, factions have been supposed to have provided what little stability colonial parliaments enjoyed.\textsuperscript{13}

It is an argument that Loveday and Martin were the first to discuss in detail although, like the existence of the factions themselves, it may have been a widely-circulated idea at the time they began their research. For example, G.N. Hawker cites F.A. Bland’s comment from 1944 that ‘Political groups cohered around personalities rather than basic principles’, which appears to be a fore-runner to the factions hypothesis. I.D. McNaughton refers to political parties as though they operated in a recognisable form as early as the 1860s in his 1955 chapter on colonial liberalism.\textsuperscript{14} This suggests that there was some tension in the 1940s and early 1950s over the question of factions versus political parties, and raises the possibility that Martin’s thesis was a response to the erroneous idea of political parties too early in the colony’s political history as much as it was an attempt to find order within the perceived chaos of early parliamentary practice.

The existence of factions was not questioned in Loveday and Martin’s work. They set out only to explain how factions worked, and the fact that their conclusions were largely unchallenged suggests that they were widely accepted by historians at the time.\textsuperscript{15} There is no scholarship that either pre-dates or post-dates Loveday and Martin’s work which substantiates the existence of factions. Despite this gap in the chain of evidence (i.e., before you explain how something works, you need to be sure it exists), the idea that factions brought stability to colonial parliaments remains the accepted wisdom in Australian political history and has formed the foundation of any research into how politicians made their decisions.

\textsuperscript{13} Hawker, \textit{Parliament}, 22.
\textsuperscript{15} Loveday and Martin, \textit{Parliament}, 1.
There are a few significant exceptions. Trevor McMinn saw the absence of parties in between 1856 and 1887 as a ‘serious long-term problem’, but he does not mention factions in relation to that period.\textsuperscript{16} Instead, McMinn sees the instability that other historians have also discussed, without attempting to explain whatever stability emerged in terms of factions or any other theory.\textsuperscript{17} Bede Nairn challenged Loveday and Martin’s findings in a short duel of notes in the journal \textit{Australian Historical Studies} between 1966 and 1969.\textsuperscript{18} Nairn’s concerns with their work related primarily to the 1870s and 1880s, which is where Nairn’s own work had been focussed.\textsuperscript{19} However he also raised some criticisms that are particularly valid for this research. Nairn felt that Loveday and Martin had been too focused on Henry Parkes, and that their definition of party and faction were so broad as to be almost useless.\textsuperscript{20} He also felt that they had erroneously attributed too much power to factions in promoting stability in colonial parliaments, and even questioned (very briefly) whether factions had existed.\textsuperscript{21} In return, Loveday and Martin found Nairn’s definitions to be too narrow, and accused him and other reviewers of missing the point of their work.\textsuperscript{22} These points will be discussed in further detail throughout this thesis.

Nairn had hoped that Loveday and Martin’s book would become an essential part of a broader and deeper conversation around colonial politics. He foresaw eventual agreement, ‘or informed agreement to differ’ regarding the ‘intricate’ politics of the New South Wales parliament from 1856 to the end of the century.\textsuperscript{23} He even went so far as to express a hope that one day students would have the range of histories available to them for colonial political history that they had for English

\textsuperscript{17} McMinn, \textit{Constitutional}, 61.
\textsuperscript{19} Nairn, ‘Politics’, 539.
\textsuperscript{21} Nairn, ‘Review’, 156-7.
\textsuperscript{22} Loveday and Martin, ‘Politics’, 230.
\textsuperscript{23} Nairn, ‘Review’, 156.
and American politics for the same period.\(^{24}\) That may yet remain a hope for the future. Unfortunately there were no further challenges to Loveday and Martin’s work. Nairn even went so far as to suggest an approach similar to that taken in this thesis. He felt that it would be valuable to examine the faction system with ‘the emphasis on the independence of individual members’ which would give a clearer view of the role of individual politicians in the legislative process.\(^{25}\) Despite the rhetoric of criticism that was confined largely to the late 1960s, to date there has been no follow up work of the same calibre as Loveday and Martin’s research that can meet them on their own turf. This thesis aims to provide that challenge to Loveday and Martin’s work.

G.N. Hawker’s *The Parliament of New South Wales, 1856-1965*, published in 1971, was the first comprehensive history of the New South Wales Parliament. Hawker was clear in his introduction that he was not writing a full history of the New South Wales Parliament, nor of the legislation, politicians or parties.\(^{26}\) He was describing the institution itself, and offering an explanation of how it met, or failed to meet, the demands that were placed on it.\(^{27}\) Hawker built on Loveday and Martin’s work, explaining the primary organisation of the colonial parliament in terms of factions. Like Loveday and Martin, there is no indication that Hawker questioned the existence of factions and he also saw them as a less sophisticated precursor to the political parties that developed later.\(^{28}\) He echoed much of their language, but also simplified their ideas into a form that is both easier to understand, and arguably dilutes some of the complexity of Loveday and Martin’s original argument. For example, he wrote that

A faction was just a group of members of variable size, almost indistinguishable, so far as its policies went, from any other group. A faction might be remarkable for its ability to win power, but not for what it did once it had power. If there was any single thread holding the factions together, it was often merely the personal force of one man.\(^{29}\)

\(^{24}\) Nairn, ‘Politics’, 539.


Loveday and Martin never described a faction so simply and clearly, preferring to couch their explanations in a more nuanced, but less clear, form. From this point forward, the use of the term ‘faction’ became an accepted shorthand to describe the organisational principle of the colonial parliament in New South Wales.

Hawker’s work includes substantial valuable elements for this research. The statistical work, which seems impressive given the lack of computing power he had to work with, illustrates and supports many of his conclusions. While I have found evidence to contradict many of his statements, my own statistical work has found very little fault with his for the Fourth Parliament, and I am therefore inclined to trust his statistics for the remainder of the colonial period. Most of his examples are from the period between 1866 and 1898, and have been used in chapter 2 as points of comparison with my findings in relation to the Fourth Parliament.

Hawker states that Stuart Donaldson’s first Ministry in 1856 was ‘confirmed in office by a majority of the Assembly’.\(^30\) Unreferenced, and unable to be substantiated through further research, this statement is an example of the occasional difficulties for the reader in interpreting Hawker’s work.\(^31\) Ministries were not formed in this way in the nineteenth century, and this is discussed further in chapter 2. For all its valuable contributions to the historiography of New South Wales political history, Hawker’s book appears to fit a narrative accepted by his contemporaries – possibly the same narrative that Loveday and Martin conformed to in their work. Further examples are discussed in later chapters where they have a direct bearing on the line of argument.

David Clune and Gareth Griffith’s *Decision and Deliberation: The Parliament of New South Wales 1856-2003* is both an expansion of and an update on Hawker’s work, and was written as part of the sesquicentenary celebrations. They have drawn on Loveday and Martin’s work to explain

\(^31\) David Clune, in his biography of Donaldson, presents a very different picture. He wrote that the Donaldson ministry was under pressure right from the beginning, as he had failed to secure either Edward Deas Thompson or Charles Cowper within the ministry. Clune, ‘Donaldson’, 23.
political organisation in the period between the establishment of responsible government and Federation, which they described as being ‘characterised by the rise and fall of the faction system’. Clune and Griffith agree with Loveday and Martin that the faction system was not consolidated until the mid-1860s, but offer no explanation of what they felt was happening between 1856 and 1865. It is possible that Clune and Griffith felt that those nine years were too fragmentary for there to be any identifiable organisational principle — but that is not explored. More importantly for this research, no alternatives are explored either.

Clune and Griffith articulated a ‘decline of Parliament’ argument throughout this book, and used the ‘liberal’ and ‘executive’ models of Parliament as the vehicle for doing so. Their line of argument is well-balanced, recognising the dual roles of ‘watchdog’ (liberal) and ‘the responsibility of government to govern in accordance with its mandate’ (executive). Unfortunately, in some places their discussion (no doubt unintentionally) conflates the nineteenth and twentieth centuries. For example, in their introduction they state

following a general election it is the leader of the party with the majority in the Legislative Assembly who becomes Premier and it is that party which forms the government of the day.

Such well respected historians in this field of course know that political parties were a development of the late nineteenth and early twentieth centuries in Australian politics. However statements like this one in an introduction, which are not subsequently clarified in the chapter on the Legislative Assembly between 1856 and 1901, are representative of the problems with the historiography of political history for nineteenth century New South Wales. Many of the arguably more interesting elements are glossed over, intentionally or not, by summarising decades of history in a sentence or two.

32 Clune and Griffith, Decision, 15. See also the first sub-title of the following chapter ‘From factions to Federation’, 17-27.
33 Clune and Griffith, Decision, 20.
34 Clune and Griffith, Decision, 9.
35 Clune and Griffith, Decision, 9.
36 Clune and Griffith, Decision, 10.
37 Clune and Griffith, Decision, 17-19, 34-35.
Factional politics has provided a foundation for some other erroneous ideas regarding colonial politics in New South Wales. A good example is the idea that factions relied partly on ties created by patronage. Patronage in this context refers to ‘finding posts in the Public Service for influential constituents or their friends, or for politicians themselves’. Missing from this explanation is finding roles for the immediate family members of politicians, and many sons of politicians had their start in the public service while their fathers held parliamentary positions. The *Sydney Morning Herald* in 1863 saw this as one of ‘the great bond[s]’ that secured support for the Government, and Hawker suggests that it was a more common practice in New South Wales than in some of the other colonies.

Hilary Golder’s 2005 book *Politics, Patronage and Public Works* is a detailed examination of how patronage in the nineteenth century worked. She supported the connection between factions and patronage:

> In the 1860s faction politics became more formal and more complex. ... Because all the groups operated within a free-trade, low-taxation consensus, the contests were less about policy than personalities, and public service patronage played a part in their virtually issues-free politics. ... During the 1860s, however, the expansionary tendencies of faction politics collided with the restrictive realities of the colonial budget.

Even with the filter of patronage applied, this is a circumstantial claim in relation to the existence of factions. Given that there is no supporting evidence in the book – no examples of how factions were becoming more complex or who was involved – it would appear that Golder has accepted Loveday and Martin’s thesis regarding factional politics and viewed her own research through that lens. Other historians have done the same, including Rose Cullen, who considered ‘colonial factions’ to be a distinct entity in early colonial life without examining it in detail or referencing other works that have done so. As discussed in chapter 4, patronage was used to fill government posts in the

---

41 Rose Cullen, ‘Empire, Indian indentured labour and the colony’, *History Australia* 9, no 1 (April 2012): 104.
colony of New South Wales, but it operated as a recruitment mechanism without any evidence to suggest that those placements were being traded for support in parliament.

Parliament Factions and Parties has remained the foundational work for understanding colonial politics since it was published. Later works, both in history and political science, have built on those foundations seemingly without question, and characterised the entire period of colonial politics as being based on a faction system which no scholar has deemed worthy of respect. For example, Raewyn Connell and Terry Irving characterised ‘the movement of urban businessmen into representative parliamentary institutions as part of the political struggle for dominance between factions of the colonial bourgeoisie’ and blamed factions for a pervasive manipulation of patronage for public positions.  

Similarly Gareth Griffith wrote that

However the more likely explanation for the lack of constitutional controversy from the mid 1860s relates to the faction-ridden state of New South Wales politics and the legislative inertia that flowed from this. Not much was happening, beyond internecine wrangling and conflicts of personal ambition.

The debt to both Loveday and Martin’s work and Hawker’s simplification of their idea is clear, as is the opinion that factions were far inferior to the political parties that were expected to evolve soon after the introduction of responsible government, but did not begin to appear until later in the century.

The focus on factional politics and their contribution to the development of political parties has also been carried through to many of the political science textbooks. Dean Jaensch’s book Parliament, Parties and People, echoes Loveday and Martin’s work in more areas than just the title. He summed up the colonial political environment in Australia very briefly:

Before the 1880s, despite more than thirty years experience of self-government, the colonies had not produced a system of party politics in the modern sense of the term. Political leaders worked within the system of responsive government by means of

---

43 Griffith, ‘Young’, 266.
factions – complex, variable, and often hidden from the public view, but essentially personal and individualistic.\textsuperscript{44}

This description of factions as ‘complex, variable ... but essentially personal and individualistic’ is an excellent example of the difficulties in determining how a faction was supposed to have worked in the nineteenth century. Such contradictions are difficult to reconcile in a theoretical sense, and have proven impossible to identify in practical examples from the Fourth Parliament.

Jaensch did not provide any references in his book, but it is impossible to mistake the influence of Loveday and Martin on the language that he has used. He also felt that the factional system was problematic and saw the development of political parties as saviours of Australian politics, noting that ‘the emerging party system moderated the cacophony of voices and brought some order to the ideological debates’.\textsuperscript{45}

Dennis Woodward described the beginnings of party governments as:

In the 19\textsuperscript{th} century, within Western countries where there had been some expansion of voting rights, political parties first emerged as rather loose groupings, formed within legislatures, of like-minded people coalescing around prominent individuals.\textsuperscript{46}

It is interesting that Woodward does not mention the word faction and does not attribute this idea to any other scholars, although he was clearly aware of Loveday and Martin’s work because he quotes them on the previous page. Even more interesting is that Woodward goes on to characterise nineteenth century Australian politics in terms of Maurice Duverger’s theories regarding representation and political parties. Duverger felt that ‘political parties developed simultaneously with electoral and parliamentary processes’, but also recognised that in the first half of the nineteenth century people referred to ‘parties’ when they meant ‘ideologies’.\textsuperscript{47} Duverger’s work

\textsuperscript{44} Dean Jaensch, \textit{Parliaments, Parties and People}, second edition, (South Melbourne: Longman Pearson, 1994) 119.
was focussed on the organisation of parties, on what they are rather than what they do.\textsuperscript{48} His ideas are particularly prominent in Woodward’s decision to classify Australian pre-party politics as the ‘cadre (or elite) party type’, distinguished by

\begin{quote}
virtually no party organisation beyond its parliamentary membership ... elected candidates enjoyed largely unfettered parliamentary freedom ... cadre parties typically had no detailed policy program, and portrayed their actions in terms of furthering the broad ‘public interest’.\textsuperscript{49}
\end{quote}

Whether cadre parties provided any relevant form of organisation at all is questionable if we rely on Woodward’s description.

Gregory Mahler, however, recognised that factions are only one method by which political parties can be formed, and acknowledged that political independence can coalesce into party politics under the right circumstances.\textsuperscript{50} This provides a welcome counterpoint to Loveday and Martin’s belief that the emergence of political parties in Australia in the early 1890s necessarily denotes the existence of factions as proto-parties in the decades before. Mahler saw the existence of independent politicians as a positive rather than a negative attribute of parliamentary politics.

Mahler’s ideas are supported by the early experience of federal politicians in the United States of America. For the first seven years after the declaration of independence from England in 1776, the congressional delegates to the United States government were regarded as independent representatives of their states without any allegiance to each other on either factional or ideological lines.\textsuperscript{51} Some scholars have suggested that the framers of the Constitution had never anticipated the formation of political parties, believing that ‘a permanent and organized opposition was a danger to the body politic and inherently seditious’.\textsuperscript{52} This changed when the crippling debts incurred by the states during the War of Independence, which had been absorbed at the federal

\textsuperscript{48} Duverger, \textit{Party Politics}, 5.
\textsuperscript{49} Woodward, ‘Political parties’, 182.
\textsuperscript{50} Gregory S. Mahler, \textit{Principles of Comparative Politics}, (Boston: Pearson, 2013) 165.
level without corresponding powers to raise revenue, destabilised the government. At that time, federal politicians divided along liberal and conservative lines based on how best to deal with the financial crisis and, in the face of growing adversity and ongoing financial difficulties, these two groups became the precursors to the Democratic and Republican parties as we know them today.  

There is arguably a parallel with the emergence of political parties in New South Wales in the early 1890s following the depression of the late 1880s, and perhaps also with the fourth (1863-4) and fifth (1864) sessions of the Fourth Parliament.  

Some current politicians also rely on Loveday and Martin’s work to support their position that strong political parties promise the best political future for the state of New South Wales. The Hon. Don T. Harwin who, at the time of writing, is the current Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, gave his inaugural speech regarding proposed development at Walsh Bay to the New South Wales Parliament on 26 May 1999. In that speech he praised Loveday and Martin’s book for showing ‘how a House of Independents soon became organised, then factionalised, and finally institutionalised in the form of parties’. He used that foundation to argue that ‘our major parties should and will endure and I believe this is good for government’.  

Harwin has perhaps slightly misrepresented Loveday and Martin’s argument. Loveday and Martin advocate for factions being the form of organisation, rather than seeing that as two separate steps, and their published book, which Harwin directly referenced in his speech, does not go so far as to explore the transition from their factions hypothesis to the development of political parties, although they do foreshadow that development at the end of their work. The important point here, however, is that the factions hypothesis has become the accepted foundation of our political and parliamentary history. Harwin’s artificial breakdown of Loveday and Martin’s argument to indicate a
period of clear independence before factions may be more accurate than even he realised. This thesis argues that politicians were independent of faction or party during the Fourth Parliament.

In chapter 3, the existence of factions is examined in detail for the Fourth Parliament. Statistical analysis and detailed investigation of specific examples reveal no strong evidence in favour of factions. The evidence instead suggests an ethos of autonomy that is incompatible with the factions hypothesis. Given the reliance of those works discussed above on the existence of factions, we must look elsewhere for sources that shed light on alternative possibilities.

Anna Doukakis is one of the few historians to recognise the need to differentiate individual politicians in colonial history. Rightly noting that the Parliamentary Papers are a largely untapped resource, Doukakis used them extensively for her research into how Aboriginal issues were dealt with in colonial parliaments.\(^{57}\) The result was a nuanced and illuminating study of how individual politicians influenced the outcome of debates on Aboriginal issues in the first sixty years of responsible government in New South Wales. L.F. Crisp called for a similar treatment in examining nineteenth century politicians:

> But it is essential to examine the actual positions of each significant participant in the nation-making drama against his general socio-political background and record and not simply to accept the prejudiced and over-simplified categorizations (not to mention falsification of alleged motivations) insisted upon by some of the eventually victorious Federalist ‘Ultras’.\(^{58}\)

Notwithstanding the polemical tone of much of Crisp’s biography of George Dibbs (in which this quote appears), the approach itself is sound.

Gregory Melleuish has recognised a colonial political culture that ‘emphasized the quality of the men elected into Parliament and political office’ rather than the political structures within which

---


these men operated. The belief that politicians would act ‘in accordance with the traditions’ that they perceived as British political practice might have been sufficient to elect a candidate in the December 1860 election, but it does not explain how that translated into action on the floor of the Assembly. Melleuish also recognised that some of the behaviour the colonial politicians and administrators idealised and attempted to emulate was not actually how the British “back home” were conducting their politics or patronage. The visible signs of British practices, translated through a variety of colonial lenses, led to the development of a different approach to colonial politics – which was not necessarily inferior to the British model and neither juvenile nor chaotic.

For other elements of social history, particularly for what it meant to be a gentleman in the Victorian period, we need to look at international work to fill the gaps that have not been examined in Australian history. Penny Russell’s 2010 book Savage or Civilised looks at the manners of nineteenth century gentlemen in the Australian colonies, but does not examine the nature of gentlemanliness itself. Shirley Letwin’s two books The Pursuit of Certainty, published in 1965, and The Gentleman in Trollope: Individuality and Moral Conduct, published in 1982, have been used here both to show us what to look for in the sources and to provide a framework with which to understand what can be detected. The two works, despite being separated by nearly two decades, are complementary studies into the nature of politicians as individuals, and the nature of individuals as gentlemen. Letwin argues convincingly that British politicians of the same period were heavily influenced by political and social philosophy, and well acquainted with the intellectual arguments of the day. She also provides one of the most intelligent and comprehensive discussions on the elusive understanding of the nature of a gentleman of the mid-nineteenth century. Viewing

60 Melleuish, Despotic State, 7.
Australian nineteenth-century politicians through Letwin’s lens allows us to interpret their ideas and actions in a different way, which provides a clear understanding of both individual politicians and how the parliament operated as a group.

Melleuish has recognised that, in an ideal nineteenth century colonial world, politicians would exhibit some key desirable characteristics:

- They would act as free independent gentlemen on the basis of their conscience.
- They would be able to make decisions in a disinterested fashion in such a way as to benefit the common good.
- They would be able to behave in politics in an elevated moral fashion as exemplars to the wider society.⁶³

This echoes Henry Parkes’ description of the ‘true moral requisites’ that electors should look for in a candidate – personal integrity, independent judgement, the power to reason, and an ability to speak articulately to make their point clear.⁶⁴ Many historians, including John Hirst as well as Loveday and Martin, agree with Parkes that these attributes were rarely encountered. However, this thesis argues that, with some exceptions, many politicians modelled their actions and behaviours to demonstrate the independence and good character of a gentleman. See chapters 4 and 5 for further discussion.

The primary sources

The New South Wales Parliament has performed a significant service for researchers by digitising many of the key records relating to its history. One of the data sets used extensively for this research was the collection of biographies that includes every person to ever serve in the New South Wales Legislative Assembly and Legislative Council since the first Council was appointed in 1824.⁶⁵ The historians who compiled these biographies were thorough, within the limits of the template they worked with, and they have provided references for additional sources, such as the

---

⁶⁴ Cited in Melleuish, Despotic State, 39.
Australian Dictionary of Biography and Men of Mark. Easily searchable by surname, this collection was invaluable for this research.

However, there are some errors in those biographies. For example, Henry Rotton’s biography says that he was the Member for Western Boroughs during the Fourth Parliament (1860-1864).66 The Western Boroughs electorate was split into the electorates of Bathurst and Carcoar just before the 1860 election, and James Hart was returned for Bathurst, while William Watt was returned for Carcoar.67 Rotton stood for the seat of Bathurst but was defeated, and was returned instead for the seat of Hartley for the Fourth Parliament.68 While the information does need to be checked against other sources where possible, as any robust historical enquiry requires, very few such errors were found in relation to the Fourth Parliament.

Another valuable source of information, also made available by the New South Wales Parliament, are the Parliamentary Papers. These are organised by session and have been scanned as pdfs.69 Numbering hundreds of pages in length, they are nevertheless searchable and well organised, although the quality of the scan has created occasional instances where key words are not being recognised by the software and a detailed reading is still required if a researcher wishes to confirm whether they have found all of the relevant examples. The records are divided into two parts. The first is the ‘Votes’ papers, which detail the main business of Parliament including messages received from the Governor or the Legislative Council as well as the progress through the business of the day and the Orders of the Day for the upcoming sitting days. The second is the

'Sessional Papers', which include the detail from the occasions when the House was resolved into a Committee of the Whole.

Other primary sources include the newspapers of the day, accessed through the Trove digitised archive at the National Library of Australia. John West, editor of the *Sydney Morning Herald* during this period, claimed that the scrutiny the press gave to both the elected politicians and the executive was for their benefit. Whether West’s contemporaries agreed with that assessment or not, the detailed focus on political activity has left a rich record for historians to examine. Although Hansard was not introduced until 1879, the *Sydney Morning Herald* and the *Empire* provided a reasonably comprehensive quasi-Hansard style record of the more important parliamentary debates, which are a useful supplement to the *Parliamentary Papers*. In addition, the newspaper reports of speeches from the hustings, and acceptance speeches at post-election dinners, are indicators of what individual politicians were thinking in a time well before the party-political media spin started to govern the public message.

The personal papers of many of the politicians who left behind an archive have now been microfilmed and are available at the State Library of New South Wales. While the microfilm quality is not always very good, the records have at least been made more widely available through this process than if access to the paper copies were restricted due to their fragility. Of the politicians who form case studies for this research, only Marshall Burdekin has left a paper archive. The absence of personal papers for the other politicians has necessarily created a stronger reliance on newspaper accounts and *Parliamentary Papers* to understand their political careers, and required a reading between the lines of biographical details to understand their personal and professional lives.

---

71 Melleuish, *Despotic State*, 66.
72 *Burdekin Family Papers*, MLMSS 147, Mitchell Library, State Library of New South Wales.
Methodologies

Most of the historical research conducted to date in this area of colonial politics has followed a traditional method – that of reading the sources and interpreting their meaning to draw conclusions. While Loveday and Martin appear to have used some level of statistical analysis, they chose not to share their workings or, in many instances, their sources, and it is therefore difficult to re-examine their work at that level. Hawker’s statistical analysis in his institutional history of the Parliament is also unable to be verified. Traditional biographies, which only exist for the more famous politicians such as Charles Cowper and Henry Parkes, often do not integrate the institutional biographies or political science elements in a comprehensive way.

This thesis therefore uses a combination of research methodologies to develop a multi-layered argument in favour of autonomous action in line with the understanding of what it meant to be a gentleman in New South Wales in the 1860s. Those methodologies are: prosopography, individual biography, statistical analysis, and traditional historical enquiry. The statistical analysis has been provided in full in electronic form to enable other scholars to verify the conclusions drawn in this thesis.

Prosopography

Prosopography, sometimes referred to as group biography, has found the greatest popularity amongst scholars of the ancient and medieval worlds, where very few personal details survive for the greatest percentage of the population. However, it has also been successfully used for this type of research, notably by Sir Lewis Namier in examining the British parliament and more recently by Jared van Duinen in his thesis on dissent under Charles I. It is a proven technique for understanding the motivations and outcomes of individual agency within a closed group. Its greatest value lies in analysing historical groups for which data is incomplete and difficult to trace, allowing conclusions to be drawn on a generalisation of data that far exceeds statistical analysis in its

ability to recognize human agency and individuals within the data set. Loveday and Martin’s methodology has been described as Namierist in nature, however as they were more concerned with the system than the people that appears to be a stretch. Interestingly, the criticism seems in part to have been that it was combined with a behaviouralist political science methodology rather than remaining a purely historical and biographical enquiry. As this research also employs a mixed methodological foundation, there is at least some degree of continuity in the approach to answering the question of how politicians made their decisions.

Lawrence Stone has set out one of clearest descriptions of prosopography as a research tool. He described it as:

a tool with which to attack two of the most basic problems in history. The first concerns the roots of political action: the uncovering of the deeper interests that are thought to lie beneath the rhetoric of politics; the analysis of the social and economic affiliations of political groupings; the exposure of the workings of a political machine; and the identification of those who pull the levers. The second concerns social structure and social mobility ...

He describes the technique to be employed as that of ‘a meticulously detailed investigation into the genealogy, business interests, and political activities of the group’, using case studies to show the relationships that exist within the group, and using statistical analysis as a ‘relatively minor’ supporting player in the discussion. Stone’s prosopography has a strong resemblance to Social Network Analysis, the depth of which is unnecessary for this research. Instead, statistical analysis will play a much larger role than Stone advocates, however the depth that it provides to the argument will show that it is appropriate in this particular instance. Stone’s emphasis on political activities is key for this research, while family background and business interests have been included in the biographies.

---

74 Loveday and Martin, ‘Colonial’, 223.
76 Lawrence Stone, ‘Prosopography’, Daedalus 100, no. 1 Historical Studies Today (Winder 1971) 46.
77 Stone, ‘Prosopography’, 47.
Namier, sometimes saddled with the unwieldy moniker of “the father of prosopography”, used group biography to examine the backgrounds of English politicians who served in the House of Commons between 1761 and 1784. This work is particularly relevant to this study, as his intention was to understand the lives of those people ‘who never held to the center of the stage’. For Namier, the focus was on finding out who the people were, through the lens of what they accomplished and how their actions were reflected in the historical record. In the process, he believed it was possible to ‘re-create the mental and moral atmosphere in which they lived, to eliminate the pre-conceptions of a later age, and to see political problems in their proper context’. Namier was credited with turning prosopography into an academically sound methodology, although it remains an under-utilised approach to historical enquiry and an admission that it is a current research methodology outside of classical circles often elicits a polite yawn.

There are good reasons for this under-utilisation, and the concerns raised by various scholars over the past thirty years sound useful warnings. A purely numerical approach to prosopography can lead to a false view of a particular research question. Statistics can be manipulated to achieve the answers that a researcher is looking for, and the manipulation is not always conscious. As William Bruneau discovered in his 1994 collective biography study of the University of British Columbia’s Professoriate for the three decades from 1915, only a mix of quantitative and intellectual history could provide some of the answers. Even where qualitative and quantitative data is combined, the conclusions drawn can still be erroneous – the correlations are only as reliable as the base data. Thomas Carney, a historian who worked mainly in the fields of ancient Greece and Rome, warns of a danger in the tendency for extrapolation from a large but incomplete data set, and an

---

79 Brooke, ‘Namier’, 333.
80 Brooke, ‘Namier’, 333.
81 Brooke, ‘Namier’, 335.
equal danger in further extrapolating those results to apply to a wider population.\textsuperscript{83} His warning regarding resting too many or too strong conclusions on too flimsy a set of assumptions, illustrated by an amusing variation on the ‘pigs might fly’ scenario, is one that any prosopographical study must take into account.\textsuperscript{84}

Stone is equally cautious regarding the reliability of prosopography as a research methodology, although his cause for concern has a different base. Stone accepts as ‘self-evident’ the idea that such biographical studies are limited by the quality and quantity of the available information, and that in all groups the amount of information available in relation to different members will be uneven.\textsuperscript{85} His stronger warning is in relation to classification of the data. Every individual plays a variety of roles in their public and private lives, and some of those are, or may appear to be (based on available information), in conflict with others.\textsuperscript{86} Stone sees potential problems arising from the fact that ‘no one classification is of universal validity’, and that in assigning an historical actor to a particular classification the historian is very likely unable to reflect the nuances of change over time. Stone’s examples concern status categories, which may bear little relation to wealth, or class categories based on wealth which may not reflect social reality. He also warns that historians may ‘fail to identify important subdivisions, and may thus be lumping together individuals who differ significantly from one another’.\textsuperscript{87} These considerations have been taken seriously in this research, and were assisted by Shirley Letwin’s work referred to earlier in this chapter, and which is discussed in more detail in chapter 4.

Carney’s other warning, delivered this time in a parody of The Lord of the Rings, is that prosopography should be used as one tool, not as the only tool, in historical research – pre-empting, at least in part, Andrew Sayer’s call for a post-disciplinary research approach when it comes to

\textsuperscript{84} Carney, ‘Prosopography’ 175.
\textsuperscript{85} Stone, ‘Prosopography’, 58.
\textsuperscript{86} Stone, ‘Prosopography’, 60.
\textsuperscript{87} Stone, ‘Prosopography’, 61.
understanding why things matter to people, and aligning with Bruneau’s experience.\footnote{Carney, ‘Prosopography’, 177; Andrew Sayer, \textit{Why Things Matter to People: Social Science, Value and Ethical Life}, (Cambridge: Cambridge University Press, 2011) 14.} He is, of course, correct; especially where the primary sources allow for considerably more detail than is commonly available from ancient or medieval sources. Nineteenth century primary sources tend to hold a great deal of information. My research on the Female Middle Class Emigration Society governesses who emigrated to Australia between 1861 and 1888 used a combination of prosopographical analysis and more traditional social research methods to analyse the validity of the vision advocated by the FMCES.\footnote{Kate Nielsen Matthew, ‘The Female Middle Class Emigration Society governesses in Australia: a failed vision?’, \textit{Journal of Australian Colonial History}, (2012) 107-130.} In that research, as in this thesis, neither methodology used on its own would have given such a complete analysis.

**Individual biography**

The details of individual lives are an important factor in understanding the person, even if we can, and do, always wish for more detail. Family life, business activities and associations, philanthropic activities, community relationships, and religious affiliations have always exercised a push and pull effect on individual agency. Individual biography is important for the simple reason that people are history, and this remains true when talking about political history, even when the focus is on the politics. Edgar Holt, when researching his book on Robert Menzies, came to the conclusion that biography was an important part of political history, and vice versa. In 1969 he wrote:

“Politics is people” is an old saying. In a literal way, too, people in politics are more interesting, as part of the human scene, than politics in people. I had in mind to attempt a sketch in words of Sir Robert Menzies, the man, but quickly discovered that I could not wholly divorce him from political events or from many of his contemporaries in politics.\footnote{Holt, \textit{Politics is People}, ‘Foreword’, pages not numbered.}

That Holt could not divorce Menzies from his contemporaries is significant for this research. Many biographers of colonial politicians tend to emphasise the achievements of the individual they are
writing about, relegating their relationships with other politicians to ones of adversary or support. 

This is an often-unavoidable result of biography – the focus is, after all, on the drawing the subject to the forefront of his or her environment. However, Holt recognised that, although Menzies was the best known public face of his administration, his political contemporaries on both sides of the aisle were important players in the political outcomes of the era and that drawing Menzies too far forward risked divorcing him from the circles that supported and challenged him, shaping his life and political career. There is no reason why the situation would be any different in the colonial period.

The methodologies used in this thesis owe a great debt to technological advances in the past decade. When Loveday and Martin wrote their PhD theses, and their book, on parliamentary factions they were working in dusty archives with paper copies of old newspapers, parliamentary records, and personal papers – only some of which were available on microfilm or microfiche. These records are now digitised. The newspaper records, available online through Trove thanks to the National Library, are far more accessible using search engines and key words. The ability to review digital records repeatedly to check details and correct transcription errors has supported the creation of a data set that would have been far more difficult to produce with the same level of accuracy in the 1960s.

Access to digitised versions of the individual records is only half of the story. The other is the availability of computer analysis to any researcher who wants it. In the second decade of the twenty-first century, it is easy to forget that, during the 1960s, computers were large, fixed in one place, slow, and available only to a select few for research purposes. The ability to analyse data on the move has revolutionised scholarship and made it possible to process larger amounts of data more accurately than at any time in the past. This thesis makes extensive use of Microsoft Excel for the analysis and Microsoft PowerPoint for the diagrams, both of which have made it much easier to

---

analyse and assess the data, and then present it clearly, than was available to Loveday and Martin in the 1950s and 1960s. While this journey is not over, and technology will continue to change the way we research and disseminate findings, we have reached a point in this evolution which allows a re-assessment of scholarship conducted fifty years ago in a new way and including new evidence. This aligns neatly with conducting a reassessment of Loveday and Martin’s factions hypothesis at this time.

There are some limitations of Excel as a program for data analysis. The program is designed to track and analyse financial information and has been successfully used to track and analyse other information in primarily business settings, such as sales figures or training enrolments. It is not designed to conduct the type of analysis done here, and yet it has remained the most appropriate software to use. For example, Excel has been able to calculate the percentage of politicians who voted with the ayes and were considered by Loveday to be part of the Cowper/Robertson faction for each division we have records for. Building on this, Excel can then calculate how many of the politicians who were supposed to be members of the Cowper/Robertson faction voted on the side of the ayes versus those who voted on the side of the noes – for each individual division it is possible to see whether there is sufficient evidence to conclude whether this hypothesised faction had voted together on that division. The discussion in chapter 3 will show how often they did not.

However, Excel cannot calculate how often a particular politician voted in line with (or against) their supposed faction leader. Nor can it calculate how often a supposedly independent member voted in line with the government of the day. These are the limitations of the program when attempting to work with a very large dataset that has so many variables.

Marijka Batterham, of the National Institute for Applied Statistical Research Australia based at University of Wollongong, reviewed the Excel file in October 2017. She advised that Excel was not

---

92 Office 365 was the version of Excel used for the analysis.
93 Meeting between Marijka Batterham and author in her office, 12noon, 12 October 2017.
capable of providing a more in-depth analysis than had already been created. She also advised that there were no off-the-shelf database programs that would be able to provide a better outcome. The only option would be to have a custom-built database created. Given the prohibitive cost associated with custom-building a database, that option has not been pursued for this research. Instead, the calculations that Excel cannot do have been completed manually.

**Which divisions are significant for this research?**

The divisions recorded in the Sessional Papers files were mostly divisions over wording. Divisions over wording have been excluded from the analysis completed for this research because they do not significantly contribute to our understanding of how politicians made decisions. For example, on Tuesday 29 October 1861, David Buchanan moved that an address be presented to the Governor suggesting the immediate removal of Justice Wise from the New South Wales Bench. William Allen proposed an amendment to the wording of the motion, which was defeated. In this case, the majority of the House intended to vote against Buchanan’s motion, and just needed to get past the debates over wording to do so. Understanding who voted for or against the change in wording does not help us understand who supported the idea or not. A more general example is all the motions to amend wording within a particular Bill. Politicians would have voted in favour of, or against, wording in particular clauses, but they may still not have supported the Bill if they did not like its final form, or they may have supported it regardless of whether they agreed with all of the wording in all of the clauses because they supported the Bill’s overall aims and anticipated outcomes. While the debates over wording are interesting in relation to how a politician felt about the different aspects of a Bill, they are not sufficient to illuminate the politician’s position on most issues.

---

An additional consideration is that the data sample was large enough using divisions over questions of policy or procedure, so that additional data from divisions over wording risked both obscuring the analysis and making the data sample too unwieldy. The data sample using the Votes papers alone also seems to be the same one that Loveday and Martin used for their analysis of factions (see following) – there is no evidence to suggest that they looked at the debates over wording. Where they discuss specific examples, they have used issues, Bills, and those they have classified as ‘party’ divisions. While it is possible that the addition of the debates over wording may help to answer related questions, it is outside the scope of this PhD thesis to include them.

**Analysing voting patterns**

The detail from the Votes papers has been entered into a database (constructed in Microsoft Excel) to allow the analysis to be conducted. The use of quantitative elements in history is not new. Most researchers use statistics of some form of another to substantiate their research. Those statistics have often been produced for other purposes, but many historians do create their own statistical databases for their own research. Larger scale quantitative coding as a biographical methodology has been growing over the last two decades since the widespread availability of computers put such research within reach of more people. The potential for coded quantitative data to provide fresh insights into existing knowledge, and to pose new questions for current or future research, is widely recognised as a key aspect of biographical enquiry.

Every division recorded in the Votes *Parliamentary Papers* has been included and the data set is available on request. A full list of all motions made by the Parliament throughout the five sessions has also been created, making it easy to trace the progress of a Bill or issue through the parliamentary process and identify the outcome. Not all motions required a formal division. Some were passed or negatived on the cry of the voices in favour or against. In those cases a division may have been called for if there was some dispute over the result, and the practice is consistent with

---


established parliamentary procedure. However it is not clear how it was determined whether a division would be called for.

One hypothesis could suggest that a formal division might be called only for those motions where the topic was potentially controversial or particularly important. An example of a motion with a potentially controversial outcome is the defeat of the New Trials Limitation Bill on 8 August 1862. The New Trials Limitation Bill sought to limit the grounds on which a new trial could be requested to a misdirection of the jury on a point of law. At the time of the debate, a new trial could also be granted where the jury had returned a verdict against the evidence, and it was argued by supporters of the Bill that this undermined the value of trial by jury – an institution considered to be ‘of undoubted importance to the community’. That this Bill was defeated at the second reading, and the record of the debate goes for multiple newspaper columns, shows that it was a controversial idea that the politicians who spoke on the Bill took very seriously. A formal division was called for this motion.

However, there are motions that do not appear, at this distance, to have been controversial or important, but where a division was called. For example, a division was called for the motion to refer documents from another Select Committee (Charles Skerrett - February 1860) to the Select Committee sitting in the matter of Miss Isabella Mary Kelly on 23 October 1862, which is arguably administrative in nature. This suggests that the decision regarding whether to call for a division was not necessarily based on the apparent importance of the topic, nor the potential for controversy.

---

This is supported by the fact that there are motions that could be considered controversial or important where a division was not called, for example, the motion to adopt the Committee’s resolution on Assisted Immigration on 26 April 1861.\textsuperscript{100} This motion was potentially controversial because it called for the Governor to add a sum of £50,000 to the supplementary estimates for 1861 to pay for assisted immigration.\textsuperscript{101} There was considerable debate over who would be included or excluded from the program as it was proposed (for example, it would be focused on English immigrants and would exclude female domestic servants). There were also concerns that with a focus on England over Ireland it would be discriminatory against Catholic immigrants, a consideration that was first articulated and argued against by the Irish MLA George Markham. However, this motion did not proceed to a formal division and was instead recorded as ‘put and passed’, implying that it was passed on the voices.\textsuperscript{102}

There is no clear pattern in the motions for which formal divisions were called and which ones were passed on the voices that aligns with an identifiable hierarchy of importance. It is also difficult to determine at this distance which motions or issues would have seemed potentially more important or more controversial at the time, compared to our assessment through the lens of history. There is a risk of distortion in trying to apply a hierarchy, no matter how sensibly constructed, if one cannot be discovered in the historical record. The impact on this research is not significant, but it remains an avenue of enquiry that niggles because it cannot currently be explained.

The divisions provide a data sample of 431 cases. This represents 11 per cent of the total number of motions recorded in the Votes papers, excluding those concerning wording changes. While this percentage may appear small, it is significantly larger than the fraction of one per cent


\textsuperscript{101} ‘Assisted Immigration’, The Sydney Morning Herald, 27 April 1861, 5-6.

\textsuperscript{102} V&P1861, 359.
used by modern pollsters to predict voting behaviour.\textsuperscript{103} It is also considerably larger than the data sample used by either Loveday or Martin in their respective PhD theses (approximately two per cent), or in their combined work. As there will never be any additional information available for the Fourth Parliament, there is value in using the records that we have to conduct an analysis.

To assist in the analysis of the divisions, some classification was required. The first classification that is important to consider is that of ‘party’ divisions. Party divisions were those Loveday and Martin used for their analysis.\textsuperscript{104} Their explanation is that these are motions which were considered by contemporaries to be matters which would be decided along factional lines. The seven ‘party’ divisions that Loveday used to construct factional groups for the fourth and fifth sessions of the Fourth Parliament fit that description. They represent crisis points in the lives of both the Cowper and Martin ministries. It is logical that times of crisis would be the times that factional allegiance would be evident, if factions existed. These divisions are discussed in detail in chapter 3.

Legislation is always a key focus of political (and some social) history and is therefore one classification that is important to consider. Clune and Griffith have indicated that the key moment in considering legislation in the 1860s was the second reading of a Bill, which is the same in today’s New South Wales Parliament.\textsuperscript{105} This appears to be supported by newspaper accounts of the debates during the motion to read a bill a second time. For example, during the motion to read the Education Bill a second time, the members articulated their support for or against the Bill, while noting clauses that they would like to see changed in Committee.\textsuperscript{106} That they felt those changes needed to be made but that did not affect their support for the Bill. However, the second reading of

\textsuperscript{103} For example, Pew Research Centre published a study in January 2016 that examined whether the models predicting voting behaviour could be improved. Their voter sample was 2,424 people, representing approximately 0.00076 per cent of the total population of the United States of America. See Scott Keeter and Ruth Igielnik, ‘Can Likely Voter Models Be Improved?’, \textit{Pew Research Center}, accessed 12 June 2016, \url{http://www.pewresearch.org/2016/01/07/can-likely-voter-models-be-improved/}

\textsuperscript{104} Loveday and Martin, \textit{Parliament}, 39.


a Bill has three stages: the motion to read the Bill a second time; the debate in Committee (in the 1860s it was a Committee of the Whole House, today it is usually a Select Committee appointed for the purpose); and the motion to adopt the Committee’s report including any amendments proposed. The adoption of the Committee’s report could be further delayed by motions to return the Bill to the Committee for reconsideration of specific clauses, but ultimately its adoption was the trigger for a politician to move that the Bill be read a third time. There could be numerous motions while the Bill was being considered in Committee to change the wording of the Bill and, as Clune and Griffith noted, there were times in the 1860s when the Bill emerged from Committee in a significantly different form than it was first proposed. 107

It is clear that all of the stages that were included in the second reading of a Bill are important. For analytical purposes, it is equally important to attempt to identify which one, or a combination of two or all three, shows clear support for a particular piece of legislation. As discussed earlier, using the myriad of motions that shape the Bill during the Committee stage is too complex, because each division is only a reliable indicator of how each politician felt about that particular principle, provision, or wording. The motion to read the Bill a second time is a good indicator of broad political support, as it was at this stage that many Bills were either postponed for an extended period (or indefinitely) or ‘put and passed’ through to the Committee stage, which indicates support for the broad principles of the Bill. The adoption of the Committee’s report, which could be delayed by the Assembly if desired, was also a good indicator of who supported the Bill in its final form.

Given that all three stages of a second reading of a Bill would appear to be equally valuable indicators of which politicians supported the Bill, and that divisions were only called for some motions rather than all, for this research I have counted any division called for in relation to any of the stages as part of the analysis of divisions for the second reading. In most cases, only one stage of

107 Clune and Griffith, Decision, 39.
the second reading of a Bill had a division. There are only seven examples where the ayes and noes have been recorded in more than one stage of a particular Bill’s passage.\textsuperscript{108}

For those seven examples, I have used the data for both divisions because they reflect different information. For example, the Duties of Customs Bill of 1861 was read for a second time on 6 February 1861.\textsuperscript{109} A total of 55 votes were cast in that division, and the motion was passed 34 votes to 21. This Bill was considered quickly in Committee, and a division to accept the Committee’s report was called on the same day.\textsuperscript{110} However there were only 42 votes cast for this division, and it was passed 34 votes to 8. A preliminary conclusion based on the numbers could suggest that those on the side of the noes might have just left the chamber in droves. However it was a little more complicated than that. Certainly 12 of the members who voted against the second reading had left the chamber, but William Allen had changed his position during the debate, and had voted with the ayes when it came to accepting the report. Equally interesting is the changing roll-call of those who voted with the ayes. Five of the original aye votes had left the Assembly during the Committee stage (Alexander Mcarthur, James Dickson, John Peisley, William Arnold, and John Douglas), and four additional aye votes had entered the chamber during that time (Alexander Dick, James Atkinson, Silvanus Daniel, and Richard Driver). If one of these divisions was excluded from the analysis, we would be omitting the positions of the four additional politicians on this issue, as well as the opportunity to observe William Allen’s change of position on the issue.

In asking the question how did politicians make decisions in the Fourth Parliament, it becomes necessary to make an assessment of the possible role of factions in that decision-making process. Presumably, therefore, this thesis is utilising at least some of Loveday and Martin’s methodology.


\textsuperscript{109} ‘Duties of Customs Bill of 1861’, \textit{V&P1861}, 90.

\textsuperscript{110} ‘Duties of Customs Bill of 1861’, \textit{V&P1861}, 90.
with the added benefit of digitised records and Microsoft Excel to do the calculations that would have been out of their reach fifty years ago. Of course, without the detailed data that supports their conclusions, I can only guess at whether I am re-creating this analysis in a similar way. The discussion in chapter 3 goes more deeply into this issue and the analysis completed for this project.

The method used to analyse the data has been very simple. Using a coding system that captures all of the main variables that may have impacted on how politicians made decisions, I have then used the count function in Excel to determine how many in each group were on the side of the ayes or noes of a particular division. What this method lacks in sophistication it gains in transparency. It is possible for anyone to go into the spreadsheet and trace every conclusion back through its formulas to the raw data – laying bare the entire process for scrutiny by future scholars who venture into this space. As noted earlier, the full data set is available on request.
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Ayes</th>
<th>Noes</th>
<th>Factions</th>
<th>% of votes cast</th>
<th>% of group present</th>
<th>% of total votes cast</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 June 1863</td>
<td>Limitation of Business Hours (Sessional Order)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Passed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CONPER Sir Charles (ib) (n) (g) (p) (c) (g) (c) (FTN) (rural) (35)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SMART Thomas (ib) (m) (n) (c) (g) (c) (FTN) (rural) (31)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>DALGLEISH Daniel Cameron (i) (m) (m) (i) (p) (c) (FTN) (rural) (34)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>GARRETT Thomas (i) (n) (c) (p) (c) (FTN) (rural) (31)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>WITH LOVEAY's shdy supporters included in the factions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Procedure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>HAWORTH Robert (i) (n) (c) (p) (c) (FTN) (rural) (60)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>LORD George William (ib) (m) (m) (p) (c) (FTN) (rural) (43)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>FORSTER Robert Henry Manley (i) (i) (n) (c) (FTN) (rural) (41)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>FORSTER William (i) (i) (m) (m) (c) (FTN) (rural) (43)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>BELL David (ib) (m) (n) (c) (p) (c) (FTN) (rural) (33)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>WITH LOVEAY's shdy supporters included with the independents</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>V1663/4 p 11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CALDRELL John (i) (m) (n) (c) (FTN) (rural) (44)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MORRIS Augustus (ib) (m) (n) (c) (p) (c) (FTN) (rural) (41)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>WITH LOVEAY's shdy supporters included with the independents</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>BURDELL James (ib) (m) (n) (c) (p) (c) (FTN) (rural) (24)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>ESSEX Daniel (ib) (m) (n) (c) (p) (c) (FTN) (rural) (53)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CONPER Sir Charles (ib) (m) (n) (c) (g) (c) (FTN) (rural) (47)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>STEWART Robert (ib) (m) (n) (c) (p) (c) (FTN) (rural) (46)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>FLETCHER Henry (ib) (n) (m) (n) (c) (p) (c) (FTN) (rural) (53)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>HARPER Joseph (ib) (m) (n) (c) (p) (c) (FTN) (rural) (51)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EISER Geoffrey (ib) (m) (n) (c) (p) (c) (FTN) (rural) (43)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TERRY Samuel Henry (ib) (m) (n) (c) (p) (c) (FTN) (rural) (23)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MURPHY Hiram Marsh (ib) (m) (n) (c) (p) (c) (FTN) (rural) (47)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>WALKER John (ib) (m) (n) (c) (p) (c) (FTN) (rural) (81)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CUNNING James Augustine (ib) (m) (n) (c) (p) (c) (FTN) (rural) (33)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>DAVIS Thomas (m) (n) (c) (p) (c) (FTN) (rural) (41)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>BROWN Robert (ib) (m) (n) (c) (p) (c) (FTN) (rural) (44)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>RUSSELL Joseph (ib) (m) (n) (c) (p) (c) (FTN) (rural) (36)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PIDDINGTON William Richard (ib) (m) (n) (c) (p) (c) (FTN) (rural) (46)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SUTHERLAND John (ib) (m) (n) (c) (p) (c) (FTN) (rural) (33)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Divisions 1861-1862*
An example using two of the politicians forming case studies for this thesis can illustrate the coding system (more detailed biographies are available in chapter 5):

- **BURDEKIN Marshall**  (nb)  (cr)  (l)  (unk)  (FTY)  (rural)  (24)
  Marshall Burdekin was native born (shown by the (nb)), but with no emancipist or convict connections in his family that I could find.  According to Loveday, he was a member of the Cowper/Robertson faction (cr), and was a lawyer (l).  His religious affiliation was unknown to his parliamentary biographer (unk), and he was a first time politician in the Fourth Parliament (FTY).  During the Fourth Parliament he represented the rural (rural) electorate of Liverpool Plains, with which he claimed some connection due to family ties.  At 24 years of age (24) when Parliament commenced sitting in 1861, Burdekin was the youngest man to serve during the Fourth Parliament.

- **DALGLEISH Daniel Cameron**  (i)  (m)  (o)  (Pres)  (FTY)  (metro)  (34)
  Daniel Cameron Dalgleish was an immigrant (i), who arrived in Sydney in 1852.  According to Loveday he was a member of Martin’s faction (m), and he was a qualified engineer, having trained in Edinburgh and worked in London before emigrating.  As the only engineer in the Fourth Parliament, Dalgleish has been included in the category of “other” for occupation (o) for the purposes of this analysis.  He was a Presbyterian (Pres), and a first time politician in the Fourth Parliament (FTY).  He was one of four representatives of the metropolitan (metro) electorate of West

---

111 ‘Burdekin’, Former Members.
112 Loveday, Development, 511-514; ‘Burdekin’, Former Members.
113 ‘Burdekin’, Former Members.
115 ‘Dalgleish’, Former Members.
116 Loveday, Development, 511-514; ‘Dalgleish’, Former Members.
117 ‘Burdekin’, Former Members.
Sydney, and was 34 years of age (34) when the Parliament commenced sitting in 1861.\textsuperscript{118}

As the research progressed, it became apparent that the classification of occupation was not necessary to answer the questions posed in the Introduction. It remains in the coding of the data set to show the potential for additional research into connections between politicians who earned their living in, or derived their family money from, the same field.

As the above examples show, this coding picks up far more than just Loveday’s allocation of each politician to a particular faction. Other scholars have suggested that alliances may have been drawn along other lines. For example, the issue of opening up the land to colonists other than wealthy squatters is considered to have been the defining issue of the 1860 election that ushered in the Fourth Parliament, and the subsequent passing of the Robertson Land Acts is regarded as the work of the new crop of politicians who replaced those who had opposed some of the crucial elements of land reform in the Third Parliament.\textsuperscript{119} This issue is discussed in more detail in chapters 2 and 3. It is therefore important to be able to analyse whether those first time politicians (FTY in the coding system articulated above) were grouping together in any significant way, both in relation to the Land Acts and in relation to other issues and Bills that came before the Parliament. By coding the divisions for which voting information is available in the Fourth Parliament in this way, it is possible to see whether these first time politicians were voting in a block, whether organised or not, on any issue.

The sources and methodologies discussed above provide firm foundations for this research. Drawing on a variety of sources written for different purposes allows a depth and breadth of enquiry that is supported by the mixed methodological approach to drawing conclusions from that enquiry. The next stages of this thesis move through prosopography and individual biography as the

\textsuperscript{118} ‘Dalgleish’, \textit{Former Members.}

\textsuperscript{119} Loveday and Martin, \textit{Parliament}, 32.
foundations to support the statistical analysis of factionalism, and the alternative hypothesis of autonomy, commonly referred to then and now as political independence.
2. The Fourth Parliament

The three parliaments that sat between 1856 and 1860 were dominated by the sense that the political reform agenda, which had achieved a significant milestone with the granting of responsible government through the *Constitution Act 1855 (NSW)*, remained unfinished. The 1856 election was heavily focused on the constitutional issues that remained (electoral reform and the mechanism by which the *Constitution* itself could be amended) and land reform.1 Despite general agreement that the conservatives outnumbered the liberals in the First Parliament, the four ministries between April 1856 and December 1857 were evenly divided between the two camps.2 Stuart Donaldson formed the first conservative ministry, but resigned in August 1856 in frustration at not being able to move forward in a climate of procedural harassment, filibustering, absenteeism, and fluctuating support.3 Charles Cowper’s liberal ministry was shorter, lasting only a month.4 Henry Parker’s conservative ministry lasted twelve months, and he resigned in the face of opposition to his attempts to create land and electoral reform that did not go far enough to gain the support of the liberal members.5 Cowper returned to office in September 1857, but sought a dissolution three months later when his moderate land reform measure received too little support in the Assembly.6 While the instability should perhaps have been expected of the First Parliament, it is interesting that the difficulties arose because attempts at reform did not go far enough.

During the 1858 election campaign (13 January to 12 February), the press and the electorate understood that there were liberal and conservative candidates.7 David Clune has argued that this

---

2 Hogan, ‘1856’, 59.
5 Clune, ‘1858-9’, 66; McMinn, ‘Parker’, 60.
7 Clune, ‘1858-9’, 63.
stance was more important to the electorate than the candidate’s personal qualities. However the issues in the campaign closely reflected those of the 1856 campaign. Electoral and land reform were still the key topics for the electorate, and a new alignment between Cowper and the more radical John Robertson appeared to close a gap in the liberal ranks. When the Second Parliament assembled in March 1858, the Governor announced that the focus would be on electoral reform, and that another election would be held as soon as possible after that legislation was passed. The Second Parliament was, therefore, pre-determined to be much shorter than the constitutionally allowed five-year term. The Electoral Bill passed the Assembly in August 1858 and the Legislative Council in November that year, and provided for the introduction of the secret ballot, virtual manhood suffrage, and a redistribution of electoral boundaries. In line with the promise made by the Governor when the Second Parliament took their seats, the Assembly was dissolved in April 1859 for an election using the new measures.

The Third Parliament convened in June 1859. The redistribution of electoral boundaries had also created some new electorates, and increased the size of the Assembly from 54 to 80 members, which resulted in a significant number of first time politicians entering the House. The election had been focussed on land reform, education reform, and state aid to religion, and most candidates across the colony addressed both state aid and education in their campaigns. These issues made little progress during the Third Parliament, which saw three ministries in less than eighteen months (Cowper: June to October 1859, Forster: October 1859 to March 1860, and Robertson: March to November 1860). While Clune felt that the liberals would have been better to focus purely on land reform without introducing the distractions of education and religion, all three issues remained a

---

8 Clune, ‘1858-9’, 63.
10 Clune, ‘1858-9’, 76.
11 Clune, ‘1858-9’, 76-77.
12 Clune, ‘1858-9’, 77.
14 Clune, ‘1858-9’, 78-79.
15 Powell, ‘Cowper’, 35; McMinn, ‘Forster’, 69; McMinn, ‘Robertson’, 81
key focus of the December 1860 election and were dealt with through robust debate during the Fourth Parliament.\textsuperscript{16}

Given the similarity between the June 1859 and December 1860 elections, it is interesting that the historiography focusses so heavily on the latter.\textsuperscript{17} Both elections resulted in a significant number of first time politicians being returned, and both focussed heavily on a core set of colony-wide issues: land reform, education reform, state aid to religion, and a move to make the Legislative Council an elected body (arguably more significant in 1860 than it was in 1859 as the first five-year appointments of MLCs were due to expire in 1861). The significant difference is the stability of the parliaments themselves. The Third Parliament, with three ministries in less than eighteen months, was also impacted by the separation of Moreton Bay in October 1859, which reduced the size of the Assembly by 8 members.\textsuperscript{18} In contrast, the Fourth Parliament had only two ministries (Cowper: January 1861 to September 1863, and Martin: October 1863 to November 1864) and lasted for four years.

As discussed in the introduction, there was a strong sense of frustration and unease with the instability and apparent lack of progress from the first three parliaments. However, the debates in the apparently chaotic Third Parliament helped to crystalise the positions of both politicians and their electors on the major issues, particularly land reform and education. At the end of the Third Parliament, it was clear that free selection of land before survey was one of the key elements of land reform and, as discussed in more detail in chapter 5, many of the candidates in the December 1860 election felt obliged to articulate their position.

The election of 1860 was really a series of elections held across the month of December. This was typical in the colonial period, partly because it was difficult to co-ordinate simultaneous elections in every electorate – especially as they were held on working days and during working

\textsuperscript{16} Clune, ‘1858-9’, 78-79.
\textsuperscript{17} Clune, ‘1858-9’,63-84; and McMinn, ‘1860’, 85-96.
\textsuperscript{18} McMinn, ‘1860’, 85.
hours. Unlike modern elections where the outcome is usually known within a day, it was weeks before the composition of the Legislative Assembly was known.

One particular advantage of this system was that candidates who were not returned during the early ballots could stand in other seats whose elections were being held later. The nomination and ballot days for each electorate were set centrally by the government of the day, allowing them to privilege candidates they particularly wanted to see returned by providing multiple opportunities for them to be elected. This took the form of scheduling the ballot days for those electorates where their supporters currently held seats early in the election period, so that if the supporter was defeated they would still have time to nominate for another seat. While this was certainly possible for the 1860 election, it is not clear whether it was used, and this mechanism for attempting to ensure the return of supporters appears to have been used more frequently from the 1870s onwards.

When the December 1860 election was over, the following politicians had been elected. The names in bold are those politicians who form the individual case studies for this research.

---

<table>
<thead>
<tr>
<th>Seat</th>
<th>Name</th>
<th>Seat</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argyle</td>
<td>Terence Murray</td>
<td>Liverpool Plains</td>
<td>Alexander Dick</td>
</tr>
<tr>
<td>Balranald</td>
<td>Augustus Morris</td>
<td>Lower Hunter</td>
<td>Alexander Scott</td>
</tr>
<tr>
<td>Bathurst</td>
<td>James Hart</td>
<td>Monaro</td>
<td>Thomas Garrett</td>
</tr>
<tr>
<td>Bogan</td>
<td>George Lord</td>
<td>Morpeth</td>
<td>David Buchanan</td>
</tr>
<tr>
<td>Braidwood</td>
<td>Merion Moriarty</td>
<td>Mudgee</td>
<td>Samuel Terry</td>
</tr>
<tr>
<td>Camden</td>
<td>John Douglas</td>
<td>Murray</td>
<td>John Hay</td>
</tr>
<tr>
<td></td>
<td>John Morrice</td>
<td>Murrumbidgee</td>
<td>William Macleay</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Narellan</td>
<td>Joseph Leary</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nepean</td>
<td>James (Toby) Ryan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New England</td>
<td>George Markham</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Newcastle</td>
<td>James Hannell</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Newtown</td>
<td>Alexander McArthur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Northumberland</td>
<td>Thomas Lewis</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Orange</td>
<td>John Peisley</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Paddington</td>
<td>John Sutherland</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parramatta</td>
<td>James Byrnes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Patrick’s Plains</td>
<td>William Lesley</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Patterson</td>
<td>William Arnold</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Queenbeyan</td>
<td>William Redman</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Shoolhaven</td>
<td>John Garrett</td>
</tr>
<tr>
<td></td>
<td></td>
<td>St Leonards</td>
<td>Isaac Shepherd</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tenterfield</td>
<td>Robert Meston</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tumut</td>
<td>Charles Cowper Jnr</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Upper Hunter</td>
<td>John Robertson</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wellington</td>
<td>Silvanus Daniel</td>
</tr>
<tr>
<td></td>
<td></td>
<td>West Macquarie</td>
<td>Richard Driver</td>
</tr>
<tr>
<td></td>
<td></td>
<td>West Maitland</td>
<td>Elias Weekes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>West Sydney</td>
<td>Daniel Dalgleish</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>John Dunmore Lang</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>William Love</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>William Windeyer</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Williams</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>William Allen</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Windsor</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>William Walker</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Wollombi</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Joseph Eckford</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Yass Plains</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Henry O’Brien</td>
</tr>
</tbody>
</table>

Table 1: Politicians elected in December 1860

23 Rotton’s parliamentary biography shows him as the Member for Western Boroughs, but that seat was divided into Bathurst and Carcoar prior to the December 1860 election. See ‘Rotton’, Former Members; Hogan et al, People’s Choice, 82–84 96; and Empire, 20 December 1860, 4.

24 Some seats had more than one member.
Some seats had multiple members. For example, Canterbury, Hawkesbury, Parramatta, East Sydney, and West Sydney all had more than one member, which was based on the population who were eligible to vote.\textsuperscript{25} John Lucas and Daniel Dalgleish, two of the case studies for this thesis, were returned to the multi-member electorates of Canterbury and West Sydney respectively. As property owners could vote in the electorates in which they owned property and business owners could vote in electorates in which they ran businesses (provided they met the property qualification for enrolment), regardless of whether that was their primary place of residence, the eligible voting population could be much higher than the number of people who lived there.\textsuperscript{26}

Over the course of the Fourth Parliament, a significant number of politicians left their seats and were replaced by others. The table below shows the changeovers in chronological order. The names in bold indicate the politicians who form individual case studies for this research.


\textsuperscript{26} Hogan et al, \textit{People’s Choice}, 25-26.
<table>
<thead>
<tr>
<th>Seat</th>
<th>Original holder</th>
<th>Replacement</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parramatta</td>
<td>James Byrnes</td>
<td>Arthur Holroyd</td>
<td>10 April 1861</td>
</tr>
<tr>
<td>Upper Hunter</td>
<td>John Robertson</td>
<td>Thomas Dangar</td>
<td>15 April 1861</td>
</tr>
<tr>
<td>East Sydney</td>
<td>Henry Parkes</td>
<td>William Forster</td>
<td>29 May 1861</td>
</tr>
<tr>
<td>Goulburn</td>
<td>Charles Walsh</td>
<td>Maurice Alexander</td>
<td>13 June 1861</td>
</tr>
<tr>
<td>Patrick’s Plains</td>
<td>William Lesley</td>
<td>Joseph Harpur</td>
<td>4 July 1861</td>
</tr>
<tr>
<td>Newtown</td>
<td>Alexander McArthur</td>
<td>Thomas Holt</td>
<td>12 July 1861</td>
</tr>
<tr>
<td>Lower Hunter</td>
<td>Alexander Scott</td>
<td>Richard Sadlier</td>
<td>19 July 1861</td>
</tr>
<tr>
<td>Hunter</td>
<td>Isidore Blake</td>
<td>John Burns</td>
<td>5 August 1861</td>
</tr>
<tr>
<td>Camden</td>
<td>John Douglas</td>
<td>David Bell</td>
<td>15 August 1861</td>
</tr>
<tr>
<td>Yass Plains</td>
<td>Henry O’Brien</td>
<td>Peter Faucett</td>
<td>15 August 1861</td>
</tr>
<tr>
<td>Tenterfield</td>
<td>Robert Meston</td>
<td>Hugh Gordon</td>
<td>3 December 1861</td>
</tr>
<tr>
<td>Shoalhaven</td>
<td>John Garrett</td>
<td>John Robertson</td>
<td>7 January 1862</td>
</tr>
<tr>
<td>Wellington</td>
<td>Silvanus Daniel</td>
<td>Saul Samuel</td>
<td>26 February 1862</td>
</tr>
<tr>
<td>New England</td>
<td>George Markham</td>
<td>Robert Forster</td>
<td>2 April 1862</td>
</tr>
<tr>
<td>Orange</td>
<td>John Peisley</td>
<td>James Martin</td>
<td>28 June 1862</td>
</tr>
<tr>
<td>Morpeth</td>
<td>David Buchanan</td>
<td>Edward Close</td>
<td>18 September 1862</td>
</tr>
<tr>
<td>Carcoar</td>
<td>William Watt</td>
<td>William Dalley</td>
<td>16 October 1862</td>
</tr>
<tr>
<td>Argyle</td>
<td>Terence Murray</td>
<td>Samuel Emmanuel</td>
<td>30 October 1862</td>
</tr>
<tr>
<td>Northumberland</td>
<td>Thomas Lewis</td>
<td>Atkinson Tighe</td>
<td>23 December 1862</td>
</tr>
<tr>
<td>West Sydney</td>
<td>William Windeyer</td>
<td>Geoffrey Eagar</td>
<td>8 January 1863</td>
</tr>
<tr>
<td>Liverpool Plains</td>
<td>Alexander Dick</td>
<td>Marshall Burdekin</td>
<td>29 January 1863</td>
</tr>
<tr>
<td>Goldfields North</td>
<td>James Hoskins</td>
<td>James Buchanan</td>
<td>7 April 1863</td>
</tr>
<tr>
<td>Central Cumberland</td>
<td>James Atkinson</td>
<td>Allan Macpherson</td>
<td>6 June 1863</td>
</tr>
<tr>
<td>East Maitland</td>
<td>James Dickson</td>
<td>John Darvall</td>
<td>18 June 1863</td>
</tr>
<tr>
<td>Orange</td>
<td>James Martin</td>
<td>Charles Cowper Jnr</td>
<td>4 November 1863</td>
</tr>
<tr>
<td>Tumut</td>
<td>Charles Cowper Jnr</td>
<td>James Martin</td>
<td>16 November 1863</td>
</tr>
<tr>
<td>Braidwood</td>
<td>Merion Moriarty</td>
<td>Henry Milford</td>
<td>3 February 1864</td>
</tr>
<tr>
<td>Kiama</td>
<td>Samuel Gray</td>
<td>Henry Parkes</td>
<td>29 April 1864</td>
</tr>
<tr>
<td>East Macquarie</td>
<td>William Suttor</td>
<td>David Buchanan</td>
<td>6 October 1864</td>
</tr>
</tbody>
</table>

*Table 2: Changes in elected members over the course of the Fourth Parliament*  

These changes were not unusual in parliament, then or now. However, during the Fourth Parliament 55 politicians, or 57 per cent, did not serve a full term, and 28 electorates, or 47 per cent, did not have a full term of 18 months.

---

27 Taken from the Parliamentary biographies and cross referenced with the *Parliamentary Papers*. 
did not enjoy consistent representation during this period. This was arguably of less concern for those seats where the change in representative happened close to the beginning or the end of the Parliament, but for those who were forced to change representatives in the middle of the Parliament, such as the electorates of Argyle, Northumberland, and Liverpool Plains, it might be expected that this would have weakened their chances of getting parliamentary attention on constituency issues. This is discussed further in chapters 4 and 5, which examine the influence of constituencies on the policy decisions made by politicians.

These events appear to challenge the impression of stability attributed to the Fourth Parliament. Despite by-elections being usual, this seems to be a relatively high change-over of politicians during the Parliament’s four years. However, the evidence presented in this thesis suggests that the Fourth Parliament was very stable in relation to policy and management, although that stability must be looked for in other forms.

Terence Murray’s resignation from the seat of Argyle in October 1862 also left the role of Speaker vacant. Murray had been unanimously elected to the Speaker’s Chair at the beginning of the Fourth Parliament, but moved to the Legislative Council and took up the role of President in October 1862. 28 John Hay, Member for Murray, was elected unopposed as the new Speaker. 29 This was the second of only two instances during the colonial period where the election of the Speaker occurred with the full support of the House, and Hay saw out the Fourth Parliament (and the first year of the Fifth) as Speaker. 30 The fact that these instances occurred in 1861 and 1862, and were

30 Hawker, Parliament, 97.
not repeated for the rest of the century, supports the picture of stability associated with the Fourth Parliament.

Sir John Young succeeded William Denison as governor of New South Wales in March 1861. He was a good choice for a colony finding its feet with responsible government, having served in the English House of Commons as a Tory member for County Cavan in Ulster between 1831 and 1855. In the historiography, Young is remembered as ‘a highly proficient political operator who provided “tutelage” in Parliamentary practice to the leading men of New South Wales politics’. Young’s reputation for not granting dissolutions of parliament lightly was never really tested. In his time as Governor, he granted the dissolution that ended the Fourth Parliament, which would have been difficult to refuse (see discussion at the end of this chapter), and refused one during the Fifth Parliament. There is no evidence to suggest that there was a significant number of dissolution appeals that were made and refused, suggesting that while Young may have been a steadying influence, it would be a mistake to give him too much credit for the stability of the Fourth Parliament. That seems to have come from the politicians themselves.

As already discussed briefly in the Introduction, the Fourth Parliament served four years of its five-year term. Very few parliaments in the colonial period ran for their full terms, so this is not unusual. However, it was the first Parliament since 1856 to last so long, and signalled a settling of the business of government. The average life of a ministry was eighteen months, so Cowper’s two-and-a-half years was significantly longer than the average, while Martin’s thirteen months was slightly less than the average.

---

31 Griffith, ‘Young’, 251.
32 Griffith, ‘Young’, 252.
34 Griffith, ‘Young’, 265.
The Parliament sat for five sessions over four years: January to May 1861, September 1861 to January 1862, May 1862 to December 1862, June 1863 to April 1864, and October 1864 to November 1864. The Assembly’s energy appears to have waxed and waned over that time. The first session was characterised by a frenzy of law-making, enquiries through Select Committees and championing of causes. This certainly reflects the sense of urgency regarding the land questions, but also other legislation of interest to the politicians themselves, such as restriction of Chinese immigration and state aid to religion. There was also a sense that the people of New South Wales saw an opportunity with a newly elected Parliament to have their concerns addressed. During the first session, Parliament regularly sat until after midnight, sometimes as late as 6am the following day. The volume of parliamentary business meant that, usually, they would reconvene at 3pm that same day, despite some attempts by weary politicians to have the House adjourned until the next day. While Parliament typically sat Tuesday to Friday, there were some instances during the first session where leave was requested for Select Committees to sit on Mondays and Saturdays to try to get through their workload.

The remaining sessions were less frenetic. A successful motion to amend the Standing Orders at the beginning of the second session to mandate that no new business could be entered into after 11pm meant that the House usually adjourned before midnight. Subsequent sessions had a more ambivalent relationship with this ruling, confirming it at the beginning of each session but frequently rescinding it on a temporary basis to allow parliamentary business to progress. Chris Connolly noted that ‘By the end of 1862, the main objectives desired by the liberal and radical groups had been achieved’. Beyond that, there was a significant reduction in the flurry of work that the House was trying to accomplish. Fewer Committees were appointed, fewer Bills were introduced, and fewer petitions were received. The fifth session achieved very little in the way of real parliamentary

---

37 See, for example, V&P1861, 254; V&P1861-2, 487.
38 V&P1861, 267; V&P1861, 311.
39 V&P1862, 747.
business, as they were continually side-tracked by their inability to pass a reply to the Governor’s opening address.

Over the life of the Parliament, those politicians achieved the following:

<table>
<thead>
<tr>
<th>Table 3: Key statistics for the Fourth Parliament</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of Bills introduced</td>
</tr>
<tr>
<td>No of Bills that became Laws</td>
</tr>
<tr>
<td>No of Select Committees appointed</td>
</tr>
</tbody>
</table>

Young’s sesquicentenary biographer, Gareth Griffith, wrote that ‘A by-product of the faction system was that significant legislative initiatives were few and far between’.\(^{41}\) This statement is not explained, but fits with the general impression that factions inhibited parliament’s ability to get things done. However, the data in Table 3 shows a very different perspective – clearly the Fourth Parliament achieved a significant amount. There are no summary statistics available for other parliaments, or the colonial period as whole, to compare these to, so they are included here more to present a comprehensive picture of the Fourth Parliament than because they contribute to a sense of how the Fourth Parliament fits into the greater picture of colonial politics.

**Parliament demographics**

In many ways, the demographics of the Fourth Parliament are just as would be expected for a colonial government. Of course they were all men, but beyond that they were a reasonably representative mix of different occupations, religious affiliations and family backgrounds. The average age was 45 and over 40 per cent were in their 40s, but the ages ranged from Marshall Burdekin’s rather young 26 years to Henry O’Brien’s more advanced 68 years.

The demographics given below include everyone who served across the Fourth Parliament.

---

\(^{41}\) Griffith, ‘Young’, 265.
Table 4: Key demographic statistics – Fourth Parliament

<table>
<thead>
<tr>
<th>Occupation</th>
<th>No</th>
<th>% of total Politicians (n = 96)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Served for the whole Parliament</td>
<td>41</td>
<td>43%</td>
</tr>
<tr>
<td>First time politicians</td>
<td>40</td>
<td>42%</td>
</tr>
<tr>
<td>Occupation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law</td>
<td>18</td>
<td>19%</td>
</tr>
<tr>
<td>Other</td>
<td>8</td>
<td>8%</td>
</tr>
<tr>
<td>Pastoralist / Grazer</td>
<td>38</td>
<td>40%</td>
</tr>
<tr>
<td>Trade</td>
<td>32</td>
<td>33%</td>
</tr>
<tr>
<td>Religious affiliation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baptist</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Catholic</td>
<td>12</td>
<td>13%</td>
</tr>
<tr>
<td>Church of England</td>
<td>45</td>
<td>47%</td>
</tr>
<tr>
<td>Congregationalist</td>
<td>3</td>
<td>3%</td>
</tr>
<tr>
<td>Jewish</td>
<td>3</td>
<td>3%</td>
</tr>
<tr>
<td>Methodist</td>
<td>3</td>
<td>3%</td>
</tr>
<tr>
<td>Presbyterian</td>
<td>7</td>
<td>7%</td>
</tr>
<tr>
<td>Unknown</td>
<td>22</td>
<td>23%</td>
</tr>
<tr>
<td>Family background</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emancipist</td>
<td>15</td>
<td>15%</td>
</tr>
<tr>
<td>Native Born (but not emancipist)</td>
<td>16</td>
<td>16%</td>
</tr>
<tr>
<td>Immigrant</td>
<td>65</td>
<td>69%</td>
</tr>
</tbody>
</table>

A summary table giving details for each politician is at appendix 1.

---


43 Immigrants include those who arrived in the colony as children.
Using these demographics, we can construct an average – or representative – politician for the Fourth Parliament. He was:

- 45 years old
- had served in an earlier Parliament
- did not serve for the whole Fourth Parliament
- was a pastoralist or grazier
- belonged to the Church of England, and
- was born overseas.

There are two politicians that fit that profile very closely. The first is Silvanus Daniel, who was born in Hastings, England, in February 1815. He was the son of Thomas, a gentleman, and Anna Brown. It is not known when he arrived in Sydney, but he was educated at Singleton and Sydney College, so it was very likely before he was 10 years old. Daniel married Elizabeth Australia West in Sydney in December 1853 and they went on to have seven children. By 1854 he was the lessee of Gulgo, which occupied 19,200 acres in the Wellington District. He was appointed the Commissioner of Crown Lands in the Bligh district, but resigned to contest the seat of Wellington in a by-election in July 1860. He served for the last few months of the Third Parliament and the first year of the Fourth Parliament, resigning his seat in February 1862. In 1861 he turned 46, so was only a year older than the average age of the politicians in the Fourth Parliament. He was a member of the Church of England, and died in December 1874 at Bathurst.

The second is William Forster, who is one of the case studies for this research. His biography is given in more detail in chapter 5.

These demographics reflect something of the fluidity of colonial society in microcosm. The rapid increase in immigration that accompanied the gold rush of the 1850s, not just of gold seekers but of those who saw business opportunities in a rapidly expanding economy, meant that once again

immigrants significantly outnumbered the native born. The development of family and social ties within the colony was still very limited in comparison with England – the tendency for families to stay in the same area over generations in England, and the strong ties that accompany such limited mobility, was absent in the colonies. While ties of business, marriage, and leisure pursuits were clearly evident, social society was still essentially a society of strangers in comparison to the English pattern of generational ties that included intricate webs of obligation and loyalty at all levels of society. For colonial politicians this produced both challenges and opportunities around the question of political allegiance and independence.

One of the arguments for instability in the nineteenth century parliaments is the length of service of each politician. Hawker compiled a comprehensive table based on 699 politicians who served between 1856 and 1900. His figures are contrasted with those for the politicians who served in the Fourth Parliament (showing their full length of service in the Legislative Assembly, not just their years in the Fourth Parliament, but excluding any subsequent service in the Legislative Council):

<table>
<thead>
<tr>
<th>Period as MLA</th>
<th>Between 1856-1901</th>
<th>Fourth Parliament</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 year</td>
<td>7%</td>
<td>5%</td>
</tr>
<tr>
<td>1 year – 2 years 11 months</td>
<td>24%</td>
<td>10%</td>
</tr>
<tr>
<td>3 years – 9 years 11 months</td>
<td>45%</td>
<td>45%</td>
</tr>
<tr>
<td>10 years – 14 years 11 months</td>
<td>12%</td>
<td>14%</td>
</tr>
<tr>
<td>15 years – 19 years 11 months</td>
<td>7%</td>
<td>9%</td>
</tr>
<tr>
<td>20+ years</td>
<td>6%</td>
<td>17%</td>
</tr>
</tbody>
</table>

Table 5: Length of service

This data suggests that the politicians of the Fourth Parliament served longer on average than those of other New South Wales parliaments in the colonial period. The three to ten-year category is steady at 45 per cent, but the ten to 15-year category shows a minor increase of two per cent, as does the 15 to 20-year category. It is the category of 20+ years of service that shows a significant

45 In the Introduction, I stated that there were 688 politicians who served in the colonial period. My list is taken from the list of previous members on the New South Wales Parliamentary website. I do not know what Hawker’s number is based on, so have been unable to reconcile the discrepancy.
increase of 11 per cent over the average – 17 per cent of politicians who served in the Fourth Parliament had long careers of service, compared to only six per cent across the colonial period in New South Wales. The higher percentage of people who served for more than twenty years suggests this cohort of politicians may have had a stronger sense of service and giving back to their community than other colonial politicians.

Beverley Kingston has suggested that most politicians did not stay in Parliament for long, preferring to do their duty for a short time and then moved on to other pursuits.46 This is not supported by either column of statistics in table 4, with 69 per cent serving for more than three years across the second half of the nineteenth century. Hawker notes average terms for other colonial politicians: six years for those serving in South Australia and slightly less in New Zealand.47 Given the uneven timescales that Hawker used for New South Wales do not readily correlate with a six year average for South Australia, this could be interpreted as consistent with, or slightly less than, the three to ten year tenure of New South Wales politicians. However, his main point of comparison is with twentieth century politicians, in which period the average terms of individual politicians ranged between eight-and-a half years and twelve to thirteen years.48

Hawker conducted similar work on why members left the assembly. A comparison here between the statistics for the whole second half of the nineteenth century and the Fourth Parliament shows something interesting.

---

47 Hawker, Parliament, 23.
48 Hawker, Parliament, 23.
### Why Members left the Assembly

<table>
<thead>
<tr>
<th></th>
<th>Between 1856-1901</th>
<th>Fourth Parliament</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dissolution(^{49})</td>
<td>74%</td>
<td>54%</td>
</tr>
<tr>
<td>Resignation(^{50})</td>
<td>16%</td>
<td>28%</td>
</tr>
<tr>
<td>Death(^{51})</td>
<td>6%</td>
<td>8%</td>
</tr>
<tr>
<td>Other(^{52})</td>
<td>4%</td>
<td>10%</td>
</tr>
</tbody>
</table>

**Table 6: Why Members left the Assembly**

This data reflects why politicians ultimately left parliament, rather than necessarily what happened during the Fourth Parliament. For example, John Lucas resigned his seat to enable him to be appointed to the Legislative Council in 1880, and has therefore been counted in the ‘Other’ category for this purpose.\(^{53}\) William Forster died in office in October 1882, while Marshall Burdekin left the seat of East Sydney when the Fifth Parliament was dissolved in November 1867.\(^{54}\)

As this discussion has shown, there were some differences between the Fourth Parliament and the broader picture of an average taken across the colonial era of responsible government. Fewer politicians of the Fourth Parliament served a full term for their final term, with 28 per cent resigning during the course of a Parliamentary term compared to 16 per cent as an average across all of the parliaments. The reason this figure differs from the earlier figure of 57 per cent (see tables 2 and 3) of politicians resigning their seats during the course of the Fourth Parliament is that many of those politicians entered parliament again, either during the Fourth Parliament (for example Charles Cowper Jnr and Henry Parkes) or later, and then subsequently left for the last time under different circumstances.

---

\(^{49}\) The category of dissolution includes those who were defeated at the subsequent election as well as those who chose not to stand again.

\(^{50}\) The category of resignation includes those who resigned to take up government appointments, because they became bankrupt, or due to ill health, as well as those who resigned because they did not wish to serve in parliament for the full term.

\(^{51}\) The category of death includes only those who died while still sitting members of the Legislative Assembly. Many of those who were subsequently appointed to the Legislative Council died while still holding that seat. As far as I know, none of them died while physically present in the House.

\(^{52}\) The category of other is difficult to explain in Hawker’s analysis. He does not specify what it includes. For the figures for the Fourth Parliament, it is those who resigned their seats to take up an appointment to the Legislative Council.

\(^{53}\) ‘Lucas’, Former Members.

\(^{54}\) ‘Forster’, Former Members; ‘Burdekin’, Former Members.
There were also more politicians from the Fourth Parliament appointed to the Legislative Council prior to the end of their careers (ten per cent) than the average across the colonial era (four per cent). This may be explained by the fact that the politicians of the Fourth Parliament stayed involved for fairly lengthy careers (as indicated by the table showing length of service) and therefore naturally came to represent the elder statesmen of politics. The historical record suggests that Lucas was offered the Legislative Council seat by Parkes, who was finding him too troublesome in the Assembly. However, given Lucas’ reputation for belligerent independence, he very likely would not have moved to the Council without feeling that it was the right move for him. Natural attrition through death was reasonably constant, with eight per cent of Fourth Parliament politicians dying while in office, while six per cent died in office across the life of the parliament.

Ministries of the Fourth Parliament

In colonial parliaments, ministries were formed differently than they are today. In modern politics, it is the leader of the party with the most seats in the lower house who forms government. In 1860s New South Wales, the Governor would approach a politician who appeared to have significant support in the Assembly, and whom the Governor felt he could work with, to form government. That politician would need to find enough men to fill the ministerial positions who were willing to serve with him and, if he could, a ministry was duly formed.

There were only two ministries in the Fourth Parliament, which further substantiates the Parliament’s reputation for stability.

---

55 Hogan et al, *People’s Choice*, 221.
56 ‘Nomination and election of Mr W. Forster for East Sydney’, *The Sydney Morning Herald*, 29 October 1863, 2.
Cowper / Robertson ministry  
January 1861 to October 1863

<table>
<thead>
<tr>
<th>Premier</th>
<th>Charles Cowper</th>
<th>James Martin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colonial Secretary</td>
<td>Charles Cowper</td>
<td>William Forster</td>
</tr>
<tr>
<td>Secretary for Lands</td>
<td>John Robertson</td>
<td>John Wilson</td>
</tr>
<tr>
<td>Colonial Treasurer</td>
<td>Elias Weekes to March 1863</td>
<td>Geoffrey Eagar</td>
</tr>
<tr>
<td></td>
<td>Thomas Smart from March 1863</td>
<td></td>
</tr>
<tr>
<td>Attorney General / Solicitor General</td>
<td>John Darvall</td>
<td>Peter Faucett</td>
</tr>
<tr>
<td>Secretary for Public Works</td>
<td>William Arnold</td>
<td>Arthur Holroyd</td>
</tr>
</tbody>
</table>

Table 7: Ministries of the Fourth Parliament

With the exception of Elias Weekes’ departure in March 1863, an event that triggered the financial crisis that ultimately brought down the Cowper ministry (discussed further in chapter 3), there was a period of stable leadership under Cowper for over two-and-a-half years that allowed significant progress to be made through the parliamentary agenda.

Hawker states that ‘it was well understood ... that the chief minister and his colleagues were to hold office only while a majority of the Assembly supported them’. 57 Unfortunately this is unreferenced, and there is no explanation of how that support would be gauged. Clearly a vote of no confidence in the House would signal an unequivocal loss of support, but how sufficient support was to be established to form a Ministry is not articulated. Parkes’ letter to Cowper of 1856 suggests that Ministries held power only as long as the legislation they were introducing received the support of the House, and yet there are many examples in the early period of responsible government when defeat of a government Bill did not result in the defeat of a Ministry. 58 Hawker acknowledged that support in the House could be as low as one-third for a Ministry, citing the Martin Ministry of 1870-72 as an example, but again none of this work is referenced. 59

There were times where the politician approached by the Governor was not able to form a ministry, and the Governor was forced to approach someone else. It seems that Robert Wisdom,

57 Hawker, Parliament, 5.
58 Cited in Hawker, Parliament, 28.
59 Hawker, Parliament, 29.
member for Goldfields West, was the stumbling block for Forster’s attempt to form a ministry after the Cowper government’s resignation:

October 1863 – offered Secretaryship of Public Works by Mr Forster all the other offices in the Cabinet being filled at the time – declined – whereupon Mr Forster gave up the task of forming a Ministry.  

A year earlier, Wisdom had been offered the position of Solicitor General by Cowper, which he also declined. It is interesting to note that neither of those offers came from Martin, in whose faction Loveday had classified Wisdom. At the end of 1877, Parkes had the same difficulty as Forster did in 1863, suggesting that little had changed in the formation of ministries in the intervening years.

Given that ministerial positions were paid, providing at least some incentive to serve, it was probably quite embarrassing for a politician not to be able to form a ministry. Loveday states in his thesis that ‘factions were the only combinations able to take office and construct majorities’, so this needs to be tested against the operations of the Fourth Parliament. See chapter 3 for further discussion.

Parliamentary procedure in the 1860s

Parliamentary procedure in the 1860s was not significantly different to the procedures in the New South Wales Parliament today. Both followed essentially the same process to pass a Bill. All Bills put forward for consideration in the Fourth Parliament followed the same process. The fate of the Bill differed depending on the will of the House in relation to that particular Bill, and is best illustrated in the form of a diagram (see Figure 4).

---

60 Memoranda, Wisdom papers, MLMSS7271, Mitchell Library, State Library of New South Wales.
61 Martin, Political Groupings, 38.
63 Loveday, Development, 114.
Figure 4: Flow chart showing the processes by which a Bill was passed or defeated in 1860s New South Wales

Sometimes a motion to read a Bill a second time was superseded by a subsequent motion to refer that Bill to a Select Committee, without the motion to read the Bill a second time being formally resolved.

This motion was usually introduced without the adoption motion going to a division. If passed, and the Bill was re-considered in Committee, the motion to adopt the Committee’s report would have to be moved again. If the motion to re-consider the Bill in Committee was defeated, the original motion would stand.

From this point on, while it would still theoretically have been possible to defeat a Bill, in practice it did not occur during the Fourth Parliament.
The main difference between nineteenth and twenty-first century processes was that the process in the 1860s allowed more opportunities for debate and delay than the more rigidly followed process does today. During the Fourth Parliament, members could delay Bills by:

- postponing the resolution of the House into a Committee of the Whole after the Second Reading;
- calling for the Chairman to leave the Chair to report progress on the discussion – this usually (but not always) resulted in the Chairman requesting leave to resume the discussion on a future day;
- delaying the acceptance of the Committee’s Report until a future day; or
- calling for a Bill to be reconsidered in Committee to examine specific Clauses (either for the first time or again if they had already been re-considered).

However, as David Clune has discussed, these processes were not simply obstructive. They provided the opportunity for detailed consideration of legislation. Many of the amendments passed in the Committee stage were against the Government’s wishes. This reflects an independence of thought and action on behalf of each politician, rather than an organised opposition capable of diluting the provisions of a Bill. Clune cites Hawker as suggesting that 61 per cent of non-ministerial amendments in the 1883 session, and 42 per cent in the 1897 session, were successful. Unfortunately the same analysis has not been completed for the earlier parliaments, or at least not published.

Another significant difference was the very sparing use of suspending Standing Orders to push a Bill through all its stages in one day. It was used in the 1860s if the Speaker was satisfied that a compelling case for urgency could be made, and he had the power to rule against any that he felt

---

64 Clune and Griffith, Decision, 38.
65 Clune and Griffith, Decision, 38-39.
66 Clune and Griffith, Decision, 39.
67 Clune and Griffith, Decision, 39; Hawker, Parliament, 73.
were not genuine, or if he felt that the sense of urgency was misplaced. After the Standing Orders were changed in 1894 to give the House the power to determine how relevant the sense of urgency was, this practice of suspending Standing Orders to push a Bill through in a single day was more commonly used.

An example to illustrate the passage of a Bill through the House was the *Chinese Immigration Regulation Bill of 1861*. This private members Bill was introduced in response to the unrest on the New South Wales gold fields between the European, British, and Australian diggers and the Chinese diggers, market gardeners and merchants. There was no request to suspend Standing Orders for this Bill, and so it followed the process over a number of sitting days. The sequence of events that this Bill followed through the House are as follows:

- On Wednesday 23 January 1861, John Lucas moved that the House resolve itself into a Committee of the Whole on Friday 25 January to consider whether it was desirable to introduce a Bill on Chinese Immigration. This step was sometimes taken by members who wanted to gauge support for a Bill before seeking leave to introduce it, and it was an effective method of shoring up that support.

- In the early hours of Saturday 26 January 1861, Lucas moved to postpone the Order of the Day relating to this item until the following Friday. The debate over the Capital Punishment Abolition Bill also scheduled for Friday 25 January had taken more than six hours, and many of the other items scheduled for that day were also postponed.

- On Friday 8 February 1861, Lucas moved that the Speaker leave the Chair and the House resolve itself into a Committee of the Whole to consider the desirability of introducing the Bill. Samuel Terry seconded the motion. The Chairman reported that ‘in the opinion of

---

68 Clune and Griffith, *Decision*, 38.
69 Clune and Griffith, *Decision*, 38.
70 V&P1861, 39.
71 V&P1861, 52.
72 V&P1861, 101.
this Committee, it is desirable to introduce a Bill to regulate Chinese Immigration’. On the motion of Lucas, the House adopted the resolution.

- On Tuesday 26 February 1861, Lucas presented the Bill titled ‘A Bill to Regulate Chinese Immigration’, and it was read a first time.\(^{74}\) There was no motion for the first reading, perhaps because approval had already been obtained for the introduction of the Bill via the resolution of the Committee of the Whole. Lucas then moved that the Bill be printed, and that the second reading stand as an Order of the Day for Friday 8 March. Question put and passed.

- On Friday 8 March 1861, Lucas moved that the Bill be read a second time. After some debate, Samuel Gray moved that the debate be adjourned until the following Tuesday and then ‘to take precedence of all other Orders of the Day’. Gray’s motion was passed by 25 votes to 12.\(^{75}\) As it was not a significant time delay, there is no evidence to suggest that Gray was necessarily opposed to the Bill. His motion may reflect the low numbers in attendance. The Parliament was adjourned due to lack of a quorum at 26 minutes past 10pm, by which time both Gray and Lucas had also left the Chamber.\(^{76}\)

- On Tuesday 12 March 1861, the debate on the second reading resumed. The question was put and passed, and the Bill then read a second time. Lucas moved that the Speaker leave the Chair and the House resolve itself into a Committee of the Whole to consider the Bill in detail. The Committee continued to sit until after midnight, at which time the Chairman reported progress and obtained leave to sit again on the following Friday.\(^{77}\)

- In the early hours of Wednesday 27 March 1861, John Hay moved that the petition received from ‘certain merchants’ and other residents of Sydney in relation to the Bill be printed.

\(^{73}\) ‘Chinese Immigration Bill’, *The Sydney Morning Herald*, 9 February 1861, 5.

\(^{74}\) *V&P1861*, 151.

\(^{75}\) *V&P1861*, 189.

\(^{76}\) *V&P1861*, 190.

\(^{77}\) *V&P1861*, 194.
In the first session of the Parliament, motions in the House were required to print petitions. In the subsequent sessions, a Sessional Order passed on 4 June 1862 mandated that petitions be printed as a matter of procedure, in an attempt to free up some of the parliament’s time. By August 1862 politicians had requested information on the cost of printing, but when the report was provided to the House it was printed and not discussed again.

- After midnight on Wednesday 3 April 1861, Lucas moved to postpone further consideration of the Bill in Committee until the following Friday. Terry amended the motion to include the provision that it ‘take precedence of all other Business on the Paper for that day’. The question was put and passed.

- On Friday 5 April 1861, the House resolved itself into a Committee of the Whole after the Order of the Day was read. It appears that a motion was not required if parliamentary business occurred in the order in which it had been scheduled, but this seems to have been an infrequent occurrence for the Fourth Parliament.

The debate was interrupted after Lucas called Terry a ‘jackass’. According to the newspaper account, William Windeyer said in an undertone that the word ‘might be used with great propriety towards some honourable members’. Terry charged that he went to move an amendment when Lucas called him a jackass, and Henry Parkes queried whether, as the comment was used in private conversation rather than directed towards the Committee, it was appropriate for the Speaker to be asked to intervene. When called upon by the Speaker to explain his conduct, Lucas admitted using the term and said that he regretted it and wished to withdraw it. The Speaker asked Lucas to withdraw from the Chamber while the

---

78 V&P1861, 232.
80 V&P1862, 324.
81 V&P1861, 253.
82 V&P1861, 267-268.
83 ‘Legislative Assembly’, Empire, 6 April 1861, 5.
House deliberated on whether to accept his apology. Considerable debate ensued, with the *Empire* journalist noting that it took 25 minutes to resolve. Ultimately Lucas’ apology was accepted and, on the motion of Premier Cowper, the debate resumed.

So much time had been lost, however, that shortly afterwards the Chairman reported progress and sought leave to sit again the following Friday.84

- A week later, on Friday 12 April 1861, the Order of the Day was read and the House again resolved itself into a Committee of the Whole to further consider the Bill.85 The Deputy Chairman William Piddington reported the Bill with amendments, as the Committee had succeeded in changing some elements of the Bill from the version that Lucas had drafted.86 Piddington had replaced Robert Wisdom as Chair of Committees on this particular day because Wisdom was acting as Speaker while Terence Murray was on leave for illness.87

Lucas then moved that the Committee’s report be adopted, but Henry Parkes moved that the Bill be re-committed to further consider Clause 10. Parkes’ motion was in turn interrupted by Henry Rotton’s challenge to the admissibility of the Bill. He felt that there were provisions that were unconstitutional. Wisdom, as Speaker, ruled that Rotton’s question was one of law rather than procedure and ‘that it was not in accordance with the practice of Parliament to call upon the Speaker to decide on such a point’. The House returned to the question of whether to re-commit the Bill, which was put and passed.

After the House had resolved itself into a Committee of the Whole to debate Clause 10, the Deputy Chairman reported the Bill with a further amendment. Lucas moved that this Report be adopted and a division was called, but there were no tellers for the noes, so the Deputy Speaker declared the motion to have passed in the affirmative.

84 V&P1861, 268.  
85 V&P1861, 302-303.  
86 V&P1861, 301.  
87 V&P1861, 301.
Lucas then moved that the third reading of the Bill be scheduled for the following Friday to take precedence of all other business for that day. Rotton moved that the reference to precedence be removed from the motion, but his idea was defeated by 22 votes to 10. Lucas’ motion was then put and passed. 88

- On Friday 19 April 1861, Lucas moved that the Bill be read a third time. After debate, a division was called and the motion was passed by 24 votes to 3. Rotton remained opposed to the Bill and voted with the noes.

The votes were aligned as follows (the names in bold are those who have individual biographies in chapter 5):

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles Cowper Snr</td>
<td>Henry Rotton</td>
</tr>
<tr>
<td>Elias Weekes</td>
<td>Francis Rusden</td>
</tr>
<tr>
<td>Alexander Dick</td>
<td>Augustus Morris</td>
</tr>
<tr>
<td>James Hoskins</td>
<td></td>
</tr>
<tr>
<td>George Markham</td>
<td></td>
</tr>
<tr>
<td><strong>Daniel Dalgleish</strong></td>
<td></td>
</tr>
<tr>
<td>Thomas Lewis</td>
<td></td>
</tr>
<tr>
<td>Thomas Smart</td>
<td></td>
</tr>
<tr>
<td>Silvanus Daniel</td>
<td></td>
</tr>
<tr>
<td>John Peisley</td>
<td></td>
</tr>
<tr>
<td>Robert Stewart</td>
<td></td>
</tr>
<tr>
<td><strong>Samuel Terry</strong></td>
<td></td>
</tr>
<tr>
<td>Arthur Holroyd</td>
<td></td>
</tr>
<tr>
<td>John Sutherland</td>
<td></td>
</tr>
<tr>
<td>William Allen</td>
<td></td>
</tr>
<tr>
<td>Henry Parkes</td>
<td></td>
</tr>
<tr>
<td>James Cunneen</td>
<td></td>
</tr>
<tr>
<td>John Laycock</td>
<td></td>
</tr>
<tr>
<td>James Buchanan</td>
<td></td>
</tr>
<tr>
<td>Charles Walsh</td>
<td></td>
</tr>
<tr>
<td>Alexander Dick</td>
<td></td>
</tr>
<tr>
<td>John Douglas</td>
<td></td>
</tr>
<tr>
<td>William Love</td>
<td></td>
</tr>
<tr>
<td><strong>John Lucas</strong></td>
<td></td>
</tr>
</tbody>
</table>

Table 8: Division for the third reading of the Chinese Immigration Bill, 19 April 1861

88 V&P1861, 302-303.
Lucas then moved that the Bill be titled ‘An Act to regulate Chinese Immigration’. Question put and passed. Lucas moved that the Bill be carried to the Legislative Council for their concurrence.\textsuperscript{89}

This lengthy example illustrates some points which are important for this research. It suggests that private members’ Bills were taken seriously. A considerable amount of the legislation introduced was in the form of private members’ Bills, and as this example indicates they were not routinely delayed in favour of government business. Very few of the so-called senior statesmen of the parliament were there for the third reading division. Of the ministry, only Charles Cowper Snr was present. Given that this was a private members’ Bill, rather than a government Bill, this is not necessarily surprising. Even though this was a motion to read the Bill a third time, which is very late in the process, it was still possible for the Bill to be defeated outright, or delayed significantly as a stalling tactic if the Parliament had opposed the Bill. The absence of the majority of the ministry suggests that they were sure it would pass, and were comfortable for it to do so. Terry, despite the apparently personal disagreement with Lucas two weeks earlier, still supported the Bill, suggesting either that he was not a man to hold a grudge, or that the politician’s role to act in the interests of the colony as a whole over-rode any lingering resentment he might have felt.

While legislation is certainly one of the main areas of focus for most Parliaments, there were other parliamentary activities that also involved politicians making decisions regarding which issues to support. Two of the biggest, both in terms of frequency and range of effect, were Addresses to the Administration of the Government (the Governor) requesting additional money to be included in the Estimates for the year for various projects, and requests for information regarding Government projects, expenditure or actions. These two processes followed slightly different procedures from each other, but both were simpler than the process to have a Bill considered and passed.

\textsuperscript{89} V&P1861, 328.
Figure 5: Procedure for requesting additional funds be added to the Estimates for a particular project or cause

An example helps to illustrate the diagram more fully. In the very late hours of Tuesday 23 April 1861, Henry Rotton moved

“...That this House will on Friday next, resolve itself into a Committee of the Whole, to consider the propriety of presenting an Address to His Excellency the Administrator of the Government, requesting that the sum of £100,000 may be placed upon the Supplementary Estimates for 1861, to be expended in promoting Immigration to the colony.”

A motion from Joseph Leary succeeded in having the amount reduced to £50,000, and shortly after midnight on Wednesday 24 April 1861, the House passed the resolution by 28 votes to 10.

On Friday 26 April 1861, Rotton moved that the Speaker leave the Chair and the House resolve itself into a Committee of the Whole to consider the motion. The Chairman reported that it was ‘Resolved, that an Address be presented to His Excellency the Administrator of the Government

---

90 V&P1861, 336.
91 V&P1861, 359.
requesting that the sum of £50,000 may be placed upon the Supplementary Estimates for 1861, to be expended in promoting Assisted Immigration to this Colony’. Rotton moved that the House adopt the resolution, and the question was put and passed.

Requests for information were, on the face of it, fairly straightforward. The motion was required as part of parliamentary procedure, and the process was a very simple one:

![Diagram of the procedure for making a request for information to the Administrator]

Again, an example helps to explain the process more completely. On Tuesday 17 June 1862, Daniel Dalgleish moved that information relating to a planned road between Glebe Island and Parramatta
Road be laid upon the Table of the House. Isaac Shepherd seconded the motion. After some debate, the question was put and passed by 20 votes to 8. On the same day, a motion from Shepherd, seconded by John Lackey, requesting information on the probable cost a bridge across the Parramatta River was defeated by 17 votes to 12.

There is no evidence in the available records that clearly establishes why one request was supported and the other was not. However, based on the record of the debates, we can propose a hypothesis. The first was a project that had already been completed but not to Dalgleish’s satisfaction. The second was a project that Shepherd believed had already been scoped, but the Secretary for Public Works, William Arnold, advised that he thought the plans had been prepared by a Mr Langley and were for ‘relatively minor roads with which he [Arnold] had nothing to do’. The politicians present on that day examined the issues on their merits, and determined that the first was within the Parliament’s purview, while the second was not. Even though requests for information were, at face value, relatively straight-forward, politicians still decided each one on a case-by-case basis, and each one seems to have been debated to establish the merit or necessity of the request.

**Key issues**

Of the 139 Bills that became laws during the Fourth Parliament, only a handful have entered the historiography in a way that has defined this period of colonial history. For this research, I have chosen six of the best-known examples of Bills and issues to form a set of case studies. These will intersect with the biographies of the five individual politicians, whose stories are expanded in chapter 5, to facilitate the investigation of how the politicians of the Fourth Parliament made their decisions on policy.
The Robertson Land Acts

The election of 1860 has been called ‘a referendum on land legislation’, and the Reverend John Dunmore Lang, who was elected to the seat of Western Sydney for the Fourth Parliament, wrote that the cry of ‘free selection before survey’ rang from one end of the colony to the other. 98 Public opinion was that ownership of land in New South Wales had become too concentrated, and that legislation was required to give the small land-holder a chance to access the good land held by the squatters. The election result did not dampen the high emotions surrounding this issue. On his arrival in March 1861, Governor Young found, in his own words, ‘a political storm raging with utmost violence’. 99 He quickly realised that this violence was purely rhetorical and, while at the ‘high end of the normal range of political disputation’, it did not seem to have been particularly unusual for New South Wales. 100

John Robertson had been Premier during the Third Parliament from March 1860 until its dissolution at the end of that year, but his efforts to introduce land legislation at that time had run into problems. When the Assembly succeeded in amending the Bill to remove the clause that provided free selection before survey, Robertson obtained a dissolution and went to the polls. 101 Free selection before survey was intended to allow selectors to choose their land and start living on it and working it, without waiting for government surveyors to confirm the exact location of the parcel of land and officially peg out the area. This would accelerate access to the land, but carried with it a risk that selectors would register the wrong location (either as a whole or in part) and begin working land that the surveyors would later confirm was not actually theirs.

100 Griffith, ‘Young’, 251.
101 Clune and Griffith, Decision, 19.
The Fourth Parliament made the land issue a priority, and passed the *Crown Lands Alienation Bill 1861* and the *Crown Lands Occupation Bill 1861* within the first year. The clause that granted free selection before survey was included, and this seems to have given rise to the idea that it was the new politicians – those elected for the first time in December 1860 – that were responsible. As discussed in chapter 3, this is not quite as straight-forward as it seems.

Despite the promise these Acts held, they did not resolve all the issues – nor did they make everyone happy. Some residents of the colony later remembered it as setting ‘the men who wanted land and the men occupying land at each other’s throats’, and that some squatters were effectively ruined within a couple of weeks by selectors staking their claims on the best parts of the land.¹⁰² Connolly has argued that ‘for the liberals their significance lay less in their actual results than in their metaphorical shattering of ‘monopoly’’.¹⁰³

The right to free selection before survey that was so hard won had a slower uptake than expected. Robin Gollan wrote that the interest in land reform rested on a belief held by a majority of ordinary people that unlocking the land would ‘open the door to social justice and the realisation of the idea of economic independence’.¹⁰⁴ Instead, I.D. McNaughton described it as ‘the long disaster of free selection’, an assessment with which Gollan agreed.¹⁰⁵ Free-selectors had difficulty raising the purchase price of (minimum) £1 per acre, and few of those in a financial position to purchase were successful in making that purchase profitable enough to support a family.¹⁰⁶ Those who did not walk off their holdings turned to grazing rather than farming, and supplemented their income by working as drovers or shearers for the same squatters whose run they had selected their

---

¹⁰³ Connolly, ‘Middling’, 383.
¹⁰⁶ Macintyre and Scalmer, ‘Colonial States’, 192, 196; Connolly, [thesis], 173, 178.
land from. The squatters still lacked the stability they wanted through secure title to all of the land
that they were accustomed to seeing as their own, although Connell and Irving have asserted that
‘the Land Acts served to protect the tenure of the squatters’, arguing that they did not go far enough
to dispossess the squatters of their illegal holdings and unlock the good lands properly for other
selectors. ¹⁰⁷ The question of land reform remained a focus of subsequent governments for the next
30 years. ¹⁰⁸

The Legislative Council

The Legislative Council had originally been nominated in 1856 for a five-year term, with the
intention that this would be reviewed at the end of that period. The five-year term expired in 1861,
and was a high-profile issue during the 1860 elections. There was a great deal of sensitivity around
the nomination process, and the fact that members were therefore not accountable to an
electorate. ¹⁰⁹ *Freeman’s Journal* wrote a strongly worded editorial on the subject in May 1861,
while William Forster was standing for the by-election for East Sydney, blaming Charles Cowper for
maintaining a nominated Legislative Council. ¹¹⁰ The *Journal* felt that, had Forster been Premier, the
Assembly would have changed the Council’s Constitution to make it an elective body.

The so-called swamping of the Legislative Council was a measure Cowper identified as crucial
in passing the Land Acts. ¹¹¹ With their tenure due to expire on 11 May, the Council attempted to
amend the Land Acts in early May to provide greater protection for the squatters. Cowper
convinced the Assembly to reject the majority, and most important, of the Council’s amendments,
on 9 May, and then on 10 May the ministry showed their unity in presenting the Governor with a list
of 21 people to be appointed to the Council immediately so that the Land Bills could be passed on
the last sitting day – 11 May. Governor Young felt cornered and complied rather than risk the

---

¹⁰⁷ Connell and Irving, *Class*, 92.
¹⁰⁹ C.N. Connolly, [thesis], 1-44.
ministry attempting the same move with the permanent appointments that were yet to come.\textsuperscript{112} However, the Cowper ministry never intended for the new members to take their seats. When Council President Sir William Burton was informed of the move, he promptly resigned and took many of the remaining members opposed to the Land Bills with him.\textsuperscript{113}

The move to swamp the Legislative Council caused a brief constitutional crisis that settled quickly once the new nominees were appointed.\textsuperscript{114} Griffith believes that Governor Young’s personal experience with ‘the power struggles of British politics’ allowed him to quickly and expertly understand the situation he faced. Young ‘relied on his own political judgement instead of mechanically applying abstract rules or constitutional conventions handed down to him’.\textsuperscript{115} Griffith sees the resolution of the crisis as entirely due to Young’s actions.

Even though a number of politicians stood for election on the platform that they opposed a nominated upper house, the Bill introduced by Cowper in 1861 was defeated in the Council itself.\textsuperscript{116} As Connolly noted, the potential for swamping the Council was recognised as early as 1853, although not in the way it occurred in 1861.\textsuperscript{117} The ability to gently expand the membership of the Council had been intended as a way to make it more representative over time, with a side benefit that swamping could be used as a remedy for dead lock.\textsuperscript{118} The fact that the swamping, when it happened, was not aligned with what had been envisaged was not sufficient reason to prompt a change.\textsuperscript{119} The attempt by the Legislative Council to amend their own constitution, referred to the Assembly on Wednesday 8 October 1862, was consistently postponed by the Assembly to avoid considering it.\textsuperscript{120} On 26 November 1862 they voted in favour of discharging the Bill from the

\textsuperscript{112} Powell, ‘Cowper’, 46-47; Griffith, ‘Young’, 257.
\textsuperscript{113} Powell, ‘Cowper’, 46-47; Griffith, ‘Young’, 257.
\textsuperscript{114} Macintyre and Scalmer, ‘Colonial States’, 200, 202.
\textsuperscript{115} Griffith, ‘Young’, 258.
\textsuperscript{117} Connolly, \textit{Politics}, 44, 314.
\textsuperscript{118} Connolly, \textit{Politics}, 28, 314.
\textsuperscript{119} Connolly, \textit{Politics}, 42-44.
\textsuperscript{120} V&P1862, 516.
By this time, both Houses and the colony’s residents appeared to have accepted the new nominees, possibly helped in part by William Charles Wentworth taking up the position of President of the Council. At this point in his career, Wentworth combined conservative beliefs with a commitment to meeting the needs of the colonists, and he pushed the Land Bills through the Council a few months after his appointment.

**State aid to education**

The issue of education touched all the electorates, and nearly every politician who spoke in the debates in the Assembly prefaced their remarks by stating that it is was one of the most important issues for the welfare of the colony. Schooling in New South Wales had grown quite organically, with a mix of state, private, and denominational schools evolving alongside family-based education built around tutors and governesses who often lived with the family and worked within the family structure. From 1848, the state started to become more involved in regulating education, and in the process raised teaching standards significantly and rapidly through higher wages and an entrance examination that ensured teachers had a good command of the subjects required. Teachers in the state system, male and female, could command salaries of more than £100 per year, which was a significant and respectable salary for the late 1850s and early 1860s. During his visit to New South Wales in the 1870s, the author Anthony Trollope noted that the quality of education available in the colony was (generally speaking) better than that which was available in England, and that education generally was more wide-spread. In 1862, the education system consisted of a National Board of Education which looked after secular government schools, and a Denominational Board of Education which oversaw educational practices in Church-run schools. The two boards

---

121 V&P1862, 674.
122 Powell, ‘Cowper’, 48
were making decisions regarding funding and standards of education quite independently of each other, resulting in significant differences in the quality of education between the two systems. An attempt to introduce a similar education Bill during the Third Parliament in 1859 had caused the end of the Cowper ministry when it did not proceed to a second reading.127 There was, therefore, quite a bit at stake for the Cowper ministry this time.

The debate over education in the Fourth Parliament was whether the state should continue to fund Church-run schools, and under what conditions. The Bill as it was introduced at the first reading in 1862, proposed to dissolve the current boards and form a new Board of Education that would oversee the entire system.128 State aid to Church-run schools was not proposed to be abolished entirely, but significant restrictions were imposed. Only schools that were ‘for deaf and dumb or blind pupils’ could request funding without meeting the other requirements. Other schools could only request state funding if they were more than two miles by main highway from another school (unless they were segregated into boys and girls schools), and no assistance would be provided for new buildings or repairs to existing buildings unless the school had been vested in the Board of Education. This last provision effectively ended any significant assistance to private schools, including church-run schools. However, it was clauses 14 and 15 that were significant for schools run by religious institutions. Clause 14 specified that at least four hours per day must be spent in purely secular instruction, two hours before noon and two hours after noon, while clause 15 specified that no school could refuse admittance to a student based on that student’s religious affiliation, or that of one or both of their parents. Hoskins asked for a reasonable period for the Parliament to consider the Bill, and ‘for the country to express an opinion’ before it went to a second reading, noting that the proposed dissolution of the Denominational Board and the intention to have the education system run by just one Board was ‘novel’. The Parliament agreed, and the second reading was scheduled for three weeks’ time.

128 ‘Elementary Education Bill’, The Sydney Morning Herald, 23 October 1862, 3.
Michael Roe has suggested that the support for non-denominational education arose from the idea that all religious division would melt away if education was not run by the religious institutions.\textsuperscript{129} This is an interesting parallel to the idea that land reform would create conditions more conducive to social justice. Many candidates stood for election on the platform of a totally secular education system, while others felt that the churches were the only ones equipped to provide education services in the rural and regional districts that would be too expensive for the State. Samuel Sidney, who wrote his guide to New South Wales, Victoria, and South Australia in 1852, observed that it was only the largest regional areas that would be capable of supporting church-based education if it were funded by the community.\textsuperscript{130} The politicians in the second group were more prepared to live with the compromise of church interference in curriculum and the lower teaching standards that often came with it, than risk a funding shortfall trying to support single teachers in one room schools in districts where the population were either too few or too poor to contribute.

The Bill as proposed in 1862 expired at the end of that session without moving to a second reading, and was re-introduced in July 1863.\textsuperscript{131} The ministry proposed essentially the same Bill, however the second reading debate showed that some amendments were required. Lucas spoke early, and indicated that he supported the Bill, but would propose some significant amendments in Committee. One was that education should be free for pupils, and funded by the government, so that the proud but poor families would also have access to education for their children and therefore opportunities to raise their standard of living. Another was that any regulations made by the Board should require approval by Parliament before being introduced, and that measure was widely supported.\textsuperscript{132} Thomas Holt argued in favour of a Ministry of Education to oversee the

\textsuperscript{129} Michael Roe, \textit{Quest for Authority in Eastern Australia, 1835-51}, (Parkville: Melbourne University Press, 1965) 152.

\textsuperscript{130} Samuel Sidney, \textit{The Three Colonies of Australia: New South Wales, Victoria, South Australia}, (London: Ingram, Cooke, & Co, 1852) 372.

\textsuperscript{131} V&P1863/4, 160-161.

\textsuperscript{132} ‘Education – Adjourned Debate’, \textit{The Sydney Morning Herald}, 24 July 1863, 3.
education system, rather than a Board, and supported Lucas’ proposal for teachers to be salaried. Holt felt that the only way to improve and maintain standards of instruction would be for teachers to be remunerated by the government in accordance with the number of pupils they taught, the level of instruction provided, and the subjects they taught.\(^{133}\) He also proposed that any teacher ‘guilty of a misdemeanour, or, of conduct unbecoming a gentleman’ would have their licence to teach suspended or cancelled, and would not be able to collect fees for teaching until such time as their suspension was lifted.

Geoffrey Eagar complained that the Bill was a ‘skeleton’ one, which required significant work from the Assembly to flesh out into a sensible, workable piece of legislation, and he objected to the assumption that he would have to be party to that.\(^{134}\) William Piddington noted that the Bill as presented in 1863 was almost diametrically opposed to the one Cowper had presented in 1859, which had favoured the denominational system of education over the state system. He was pleased to see this shift, and felt that Clause 14, requiring four hours of secular instruction per day as a requirement of receiving any public money, was the key principle of the Bill.\(^{135}\) Daniel Dalgleish also saw secularisation as the primary principle of the Bill, and welcomed it, and he supported Lucas’ push towards free education for students, with the government providing a salary for school teachers sufficient that they would not need to charge fees.\(^{136}\) William Forster played peace-maker, reminding his colleagues that their duty was to overcome difficulties rather than complain about them. He also supported Lucas’ suggestion that education should be free but was concerned that the restrictions regarding the provision of religious education were such that rural and remote areas would find they were completely un-provided for. He felt that religious schools would not be able to abide by such a provision and that, if they could or would not, that they would not be able to provide any form of education at all.

\(^{133}\) ‘Education – Adjourned Debate’, *The Sydney Morning Herald*, 24 July 1863, 2.
\(^{134}\) ‘Education – Adjourned Debate’, *The Sydney Morning Herald*, 24 July 1863, 2.
Despite considerable debate, and printing several petitions from interested parties, there was no Education Bill passed during the Fourth Parliament. The Bill was discharged from the paper in November 1863, after a change of ministry saw James Martin lead a new government.\textsuperscript{137} The Assembly passed a motion in March 1864 for Martin’s government to introduce a new Bill, but it never reached the stage of a first reading.\textsuperscript{138}

**State aid to religion**

One of the first items on the agenda for the new Parliament was the issue of state aid to religion. The debate was tied to the debate over state aid to education and had a similarly rocky passage through Parliament.\textsuperscript{139} It would only ever affect the largest religious denominations present in the colony, as the Baptists and Congregationalists had always refused to accept financial assistance from the State in New South Wales.\textsuperscript{140}

The first attempt to introduce a Bill to abolish state aid to religion was defeated on 23 January 1861.\textsuperscript{141} The aim of this Bill was to legislate for ‘total and immediate abolition’ of any state aid to any religious group.\textsuperscript{142} David Buchanan, who proposed the motion to bring in the Bill, felt that the reasoning for this was largely self-evident, and reserved his discussion on the principles and merit of the Bill until the second reading. Lucas seconded the motion. Cowper Snr, who noted that it was unusual to oppose a Bill at this early stage of the process, nevertheless did exactly that. His argument was that it should be a government Bill, not that of a private member, which would deal with this issue, and that it was not the appropriate time to consider it given that there were other important matters on the legislative agenda. Presumably he was referring, at least in part, to the Land Acts.

\textsuperscript{137} V&P1863/4, 665.  
\textsuperscript{138} V&P1863/4, 1181.  
\textsuperscript{139} Roe, Quest, 4-5.  
\textsuperscript{140} Sidney, Three Colonies, 372.  
\textsuperscript{141} V&P1861, 39.  
\textsuperscript{142} V&P1861, 39; ‘Abolition of State Aid’, The Sydney Morning Herald, 24 January 1861, 4.
James Hoskins suggested that Buchanan should defer the Bill until the second session, and that if he did not it would be considered as deliberately obstructive to the public agenda. Given Buchanan’s passionate interest in the subject (which was not evident until later in the year), it is fair to say that Hoskins mis-read Buchanan’s intention, although based on the circumstances he was aware of in January 1861 it is understandable that he did. Debate was short, but it did show that there was some political support for the idea. Thomas Lewis and Thomas Garrett were vocal supporters. Henry O’Brien opposed the idea, while Dalgleish agreed with Hoskins that it should be withdrawn as the pursuit of the Bill at the current time would ‘embarrass the position of the Government’. Buchanan agreed to withdraw the motion on the distinct understanding that the Government would introduce a measure in reference to the subject on an early day next session. He would not for the worlds embarrass the Government at the present crisis.\(^\text{143}\)

He then took the opportunity to criticise the clergy for what he believed to be their laxity in performing their duties in the bush, which sparked off a round of short speeches where politicians defended the clergy that they personally knew or had observed diligently exercising their duty. The motion was not withdrawn, and was instead put and negatived.

In the very early hours of 3 April 1861, Buchanan again moved for leave to introduce the Bill.\(^\text{144}\) The motion was seconded by Egan. The debate was short, with arguments mostly concerned with whether this was an appropriate time for the Bill, and whether it should be more properly introduced by the government. Buchanan argued that it had waited long enough, and noted that now the Land Acts had been passed the concern that this Bill would interrupt the progress of those Acts was no longer an impediment.\(^\text{145}\) Dalgleish was, this time, among those who argued that the issue was not necessarily something that had to be left to the government, a position that was

\(^\text{143}\) ‘Abolition of State Aid’, *The Sydney Morning Herald*, 24 January 1861, 4.
\(^\text{144}\) ‘State-Aid’, *The Sydney Morning Herald*, 3 April 1861, 4.
\(^\text{145}\) The Land Acts had passed the Assembly but were still held up in the Legislative Council as discussed in the earlier section on the Legislative Council crisis in 1861. However, Buchanan was correct in that they were no longer under discussion in the Assembly, and therefore would not be impacted by a debate over state aid to religion.
supported by Wilson. This time a division was called, and the motion was defeated by 23 votes to 13.146

On 3 December 1861, Buchanan took a different approach. He moved that ‘in the opinion of this House, the Government should introduce a bill this session for the abolition of State-aid to religion’.147 Buchanan obviously felt very strongly on the subject, as this was his third attempt in the same year to have the matter debated. This time, his spoke of the grounds on which he opposed state aid, noting that it was not about money as many had assumed. Buchanan felt that support from the state was ‘entirely indefensible’ on scriptural grounds. He then proceeded to introduce theological aspects to the question, against the advice of the Speaker, who reminded him that it was a ‘rule of Parliament that in discussing questions of this nature, nothing should be said which might be calculated to offend the religious belief of any honourable member’. Buchanan had a personal mission, and responded that ‘I have the truth to state with reference to a great question, and if in doing so it offends the feelings of anyone, it is no fault of mine’.

The debate this time was a long and protracted one, with many side-branches which were followed by different members according to their interests. Buchanan’s statement that the Church of England was ‘a mass of corruption’ sparked some interesting statements in response.148 Cowper Snr ‘could not understand what the corruption of the Church of England had to do with the motion before the House’. Piddington noted that it mattered because ‘There is the union of Church and State’, to which Cowper replied that ‘there was no union of Church and State here, because there was no established system of religion’. James Hart tried to reintroduce an element of calm by reminding his fellow politicians that this line of argument regarding corruption could only be unpleasant to the feelings of those who belong to that particular denomination, and noted that it could lead to similar comments being made about other denominations which would be equally

146 V&P1861, 252.
147 ‘State-Aid to Religion’, The Sydney Morning Herald, 4 December 1861, 3.
148 V&P1861-2, 359. See also Connolly, Politics, 232.
unpleasant and unnecessary. Despite many of the members present calling upon him to withdraw the expression, Buchanan refused. Dalgleish said he understood Buchanan to be speaking of the Church of England as a ‘political engine’ rather than a spiritual one, and noted that he would have to support the motion if it went to a division, even though he thought the language was unfortunate. Shortly afterwards, the motion did go to a division and was defeated by 23 votes to 16.\(^{149}\)

The government introduced its own Bill on 11 June 1862.\(^{150}\) It had the slightly more conciliatory working title of Grants for Public Worship Prohibition Bill. Premier Cowper introduced the Bill by stating that it had only four clauses, which provided that only ministers or clergy who currently received stipends would continue to receive them, that as those particular positions fell vacant the stipend would also end (ie it would not be granted to the new incumbent), and that prison chaplains would not be affected. It was a far more moderate measure than Buchanan had advocated in 1861, but Buchanan still saw an eventual abolition of state aid within this measure and was willing to support it.

Forster objected to the title of the Bill on the grounds that the House could not prohibit future grants. Buchanan pointed out that a Bill titled Abolition of State Aid would have had the same effect. Most of the other speakers noted its weakness, and felt that it was, in effect, a perpetuation of state aid, because some of the present incumbents could live for many years yet. The second reading was duly scheduled, however the Bill was discharged from the paper on 25 June to introduce a different Bill with the same title and very minor amendments.\(^{151}\) Cowper had inadvertently handed the wrong version to the Clerk.\(^{152}\)

From there, the Bill moved quickly through the parliamentary process. The second reading motion was passed on 24 July 1862, by 29 votes to 28. Lucas voted with the ayes, while Forster,  

\(^{150}\) V&P1862, 61, ‘State-Aid to Religion’, The Sydney Morning Herald, 12 June 1862, 3. See also Connolly, Politics, 237-238.  
\(^{151}\) V&P1862, 119.  
\(^{152}\) ‘Grants For Public Worship’, The Sydney Morning Herald, 26 June 1862, 3.
Dalgleish, and Terry voted against. Given that Forster and Dalgleish were known supporters of the abolition of state aid, their decision to vote against the Bill is likely a reflection of their dissatisfaction with the provisions it contained. The Bill was formally read a third time in the very early hours of 28 August and passed by 30 votes to 23. This time, Dalgleish voted in favour, along with Lucas, suggesting that Dalgleish was now comfortable with the provisions of the Bill. Terry and Forster remained with the noes.

In July 1863 the debate took a different turn. On 7 July 1863, very close to midnight, William Macleay introduced a motion titled Support of Ministers of Religion. Macleay's motion was

That this House will, on Friday next, resolve itself into a committee of the whole to consider of an address to the Governor, praying that his Excellency will be pleased to cause to be placed on the Estimates for 1864, a sum not exceeding £25,000 for the support of ministers of the English and Roman Catholic Churches, and of Presbyterian, Wesleyan, and of other denominations, where the members are in sufficient number, at the rate of £300 to each clergyman, at the following places ...

There was no explanation as to why the list of places that completed the motion were chosen. Macleay's argument was that, when the Act to prohibit future Grants of Public Money in aid of Public Worship was passed, the close margin did not ‘properly convey the feeling of the House’ because several members who had declared themselves to be in favour of state aid had either absented themselves from the debate, or voted against it (ie, had voted in favour of the Bill). Interestingly, Macleay quotes the margin of 29 votes to 28 – he is referring to the motion for the second reading, not the motion to pass the final version of the Bill. He also argued that ‘the feeling throughout the country was entirely opposed to the abolition of state aid’. Hugh Gordon seconded the motion.

---

153 V&P1862, 385.
154 V&P1863/4, 67.
Dalgleish and Lucas opposed the motion. They both agreed that the House had already dealt with the matter the previous year, and Lucas noted that he ‘believed that at least two out of three of the members of the House had, at the last general election, pledged themselves to the abolition of State-aid’. After considerable debate, motions to have the debate adjourned to a future date were negatived, and the original motion was therefore lost.

It is evident that this was a contentious issue throughout the Fourth Parliament. There were a number of reasons for this. Although Buchanan may have had more theological reasons for opposing state aid to religion, for many other politicians it was about saving money. While the passing of the Land Acts had the potential to create additional revenue, the reality was that these revenues were slow to come through. Despite Macleay’s assertion that the community was opposed to the abolition of state aid, Lucas was right that many politicians had campaigned on the platform of abolishing state aid. That so many of those politicians were returned suggests that there was considerable and widespread community support for the idea that the state was wasting money supporting religious institutions that showed evidence of being wealthy enough to support themselves.157

In many of the debates, the tension was largely over what would happen in rural and regional areas, just as it had been for the education question. While the city parishes had sufficient population to sustain religious establishments through voluntary contributions, the population in rural and regional areas would struggle to provide for even a small religious establishment, no matter how much they wanted one in their area. While there is plenty of evidence within the debates of politicians being careless or, in some cases, deliberately insulting to particular religious denominations, there is no evidence to suggest that politicians were grouping together with others

of the same religious background to advance a particular position. There is, however, plenty of
evidence to suggest that they assessed the situation on its merits, and formed their own opinion.

**Payment of Members**

Members of parliament were unpaid until 1889. This was a cornerstone of nineteenth century
political ideology – payment for members raised concerns over their independence, and over
whether politicians would become more focussed on retaining their salaried positions instead of
making the best decisions for the colony as a whole. Ministers were paid, in compensation for the
higher workload that accompanied the position. However, as discussed earlier in this chapter, this
was not always sufficient incentive to join a ministry. Given that the average ministry only lasted for
eighteen months, it would also have been an unreliable source of income. Politicians in search of a
reliable salary from the government usually resigned in favour of a paid public sector post.

Some members were supported by their constituents. Daniel Dalgleish was presented with
165 sovereigns to help with his living expenses while he was in parliament.158 David Buchanan was
sponsored by the electoral committee of Morpeth, who paid him £3 per week.159 Matthew Allen
considers Buchanan to be one of the ‘earliest professional MPs’ as, in exchange for his weekly
stipend, Buchanan reported to his constituents on his legislative activities at regular public meetings.
These arrangements, conducted very informally, could be construed as a pseudo-employment
arrangement. As discussed in chapter 4, this did not necessarily mean that these politicians were
beholden to their constituents in ways that would influence decisions on policy.

During the Fourth Parliament, it was the electorate that made the first move. On 12 March
1861, James Hoskins presented to the Parliament a petition received from the residents of the

---


northern districts requesting that a Bill be introduced to facilitate the payment of members.\(^{160}\) The residents of New England sent a similar petition in favour of payment for all members, which was tabled by Robert Forster on Friday 4 July 1862.\(^{161}\) They were concerned that the field of available candidates to stand for election was too restricted by excluding those who could not afford to live without an external income. Joseph Harpur took the next step, and on 27 August, he introduced a motion suggesting that a Bill be introduced into the House for payment of members.\(^{162}\) Thomas Lewis seconded the motion. Harpur agreed with the 217 residents of New England regarding the narrow field of candidates, but also stated that if members were paid they would be able to spend time in the House, performing the tasks they were elected for, without the competing requirements of managing their business affairs to maintain their income.\(^{163}\) Cowper Snr disagreed, stating that he did not believe payment would make any politicians who were currently irregular attendees any more conscientious. The debate continued until after midnight, slowly deteriorating into veiled and then less veiled suggestions regarding the motives and beliefs of their fellow politicians. When a division was called, Harpur’s motion was defeated by 33 votes to 13. Lucas, Forster, and Dalgleish voted with the noes, while Burdekin and Terry were not present.

On 30 June 1863, Harpur tried again.\(^{164}\) The wording of the motion was exactly the same as it had been in August 1862. This time he argued that payment of members would encourage electorates to be more careful in who they selected to represent them, because they would effectively be making a choice about where some of the public money was spent. Again, Cowper disagreed, stating that he did not believe payment of members would introduce a better class of politician. The debate did not last as long this time, but it followed a similar direction, moving from principal to policy to personal comment. Again, the idea failed at the first hurdle, this time by 39

\(^{160}\) \(\text{V&P1861, 200.}\)

\(^{161}\) \(\text{V&P1862, 163; ‘Petitions’, The Sydney Morning Herald, 5 July 1862, 6.}\)

\(^{162}\) \(\text{V&P1862, 377.}\)

\(^{163}\) ‘Payment of Members’, \(\text{The Sydney Morning Herald, 27 August 1862, 2.}\)

\(^{164}\) \(\text{V&P1863/4, 34-35; ‘Payment of Members’, The Sydney Morning Herald, 1 July 1863, 3.}\)
votes to 11. On this occasion, Burdekin joined Lucas, Dalgleish, and Forster in voting with the noes. Terry was not present.

The primary source of tension in this issue was the question of personal independence. Piddington, during the August 1862 debate, said he believed the introduction of payment for all members would bring with it widespread corruption (although he did not explain how). There was considerable discussion regarding whether a politician who owed a portion of his income to his role as a politician would make decisions that might reduce his standing with his own electorate. It is interesting to note that putting the interests of his electorate before the good of the colony as a whole was considered to be poor political form. This is discussed further in chapters 4 and 5.

However, part of the debate included the fact that ministers and the speaker were paid, as were all of the attendants who worked in the parliamentary building ‘down to the doorkeeper’. Harpur argued that payment for everyone connected with the Parliament except the ordinary serving members indicated that there was acceptance of the principle of payment for members, and that it was only policy inherited from England that prevented payment being extended to everyone. He also claimed that England was the only parliament not paying its members at that time, apart from the Australian colonies. Garrett mentioned in his speech in August 1862 that New Zealand and Canadian parliaments were paying all members, and Piddington noted that American politicians were paid.

This debate was also linked to the state aid debates. Piddington found the proposal to pay members interesting in light of the debates against state aid for clergyman and against state support for religious schools. There appears to have been a strong sense that clergy served the public in the same way that politicians did, and that if the sitting members felt that clergy should not be paid

---

166 ‘Payment of Members’, The Sydney Morning Herald, 27 August 1862, 2.
from the public purse then neither should politicians who were not also performing the extra duties of speaker or minister. It was an interesting correlation given the tension over state aid to religion, and one which may well have been the primary driver for defeating any attempts to introduce a Bill for debate.

One aspect of this debate also has an interesting link to both the Land Acts and the education debates. As discussed earlier, historians have seen both as evidence of a push towards egalitarianism, with the hope that access to land and a quality secular education would reduce, or even eliminate, the divisions in society. The residents of New England appear to have wanted to take that egalitarianism further by removing one of the barriers to political participation for men that remained, ie how they would support themselves in Parliament. None of the debates during the Fourth Parliament went as far as suggesting an amount for payment for all members. If they had, a fault line would no doubt have appeared between some politicians who would have felt that the payment should equal a living wage, and others who felt it should be a supplementary payment. This would have further tested an egalitarian sentiment. The appetite from constituents for this type of reform does suggest that they supported the broader egalitarian-liberal agenda, and saw this as another opportunity.

Restriction on the movement of Chinese nationals

Unrest on the gold fields between the Chinese diggers and merchants and others (mostly Europeans) had increased during 1860. However it was not a focus of the election in December 1860. It was not reported as even rating a mention in the speeches for the seat of Canterbury, which was relatively urban and far from any of the working goldfields. Yet it was one of the Members for Canterbury, Lucas, who championed the legislation through parliament. Given its prominence in the historical record and in the historiography, this is an important issue to consider as part of this research.
Lucas felt this was one of the most important questions the new parliament would face, and that it deserved early attention. On 23 January 1861, he introduced a motion for the House to consider whether it would be desirable to bring in a Bill restricting the immigration of Chinese nationals. On 8 February, the House resolved into a Committee of the Whole to consider the question. Lucas was not taking any chances. He wanted to ensure that he had support before he introduced the Bill. Terry supported the motion to consider the question in Committee. In response to calls from various members that the government should state their opinion on the matter, Robertson stated that there were good reasons for dealing with this issue now, and he supported the introduction of a Bill as ‘desirable’. There was not the same objection to the timing as Cowper had raised in relation to Buchanan’s push for the Assembly to consider abolishing state aid for religion. The House voted in favour. The Bill was introduced on 26 February 1861, the same day that Hoskins asked the government a question without notice regarding the disturbances on the Burrangong gold field at Lambing Flat. There was no discussion on the nature of the Bill, beyond Lucas’ outline that it was essentially a Bill to require fees to be paid for all Chinese immigrants who arrived in New South Wales (regardless of their mode of arrival or point of origin) and that those fees would be kept separately for ‘any expenses connected with the Chinese’.

Lucas’ primary objection to Chinese nationals entering the colony was unashamedly racist. He argued that ‘he did not think they would make good colonists, or tend to raise the social condition of New South Wales’. Despite his assurance to the House that he did not take a monetary view of the matter, the Bill was composed almost entirely of monetary provisions in the form of payments required for every Chinese person who entered the colony. However, exemptions for women, children, and the men (husbands and fathers) who provided protection for the women and children,

169 V&P1861, 39.
resulted in a Bill that targeted single men only. The fees raised were to be kept aside for repatriating
lunatic or criminal Chinese to their homeland, and for maintaining Chinese prisoners who were
convicted of breaking colonial law.

The debate ranged widely. Comparisons were drawn with race relations in America, and there
were numerous stories of atrocities allegedly committed by Chinese nationals, as well as unflattering
comments on their hygiene habits.\footnote{‘Chinese Immigration Regulation Bill’, \textit{The Sydney Morning Herald}, 9 March 1861, 7.} A number of speakers believed that the Bill should have been
introduced by the government, but that consideration did not appear to prevent anyone from
supporting it. After that, the Bill moved through the parliamentary process relatively quickly. It was
passed by the Assembly on 19 April 1861, and titled ‘An Act to regulate Chinese Immigration’.\footnote{V&P1861, 328.}

While this Act was passed quickly, it was not the end of the story. Petitions kept coming in,
telling tales of the behaviour of Chinese nationals that the diggers found objectionable. On 10
September 1861, John Wilson, Member for Goldfields South, proposed the motion that any Bill to
regulate the gold fields should include a provision to exclude Chinese nationals.\footnote{V&P1861-2, 26-27; ‘Exclusion of Chinese from the Gold-Fields’, \textit{The Sydney Morning Herald}, 11 September 1861, 4.} His position was
as racist as Lucas’ had been earlier in the year. Wilson argued that it was deplorable that Chinese
nationals should enjoy the same privileges on the gold fields as English nationals. William Allen
seconded the motion. Cowper Snr expressed regret that Wilson had chosen to engage with the
issue in this way, when it could more effectively (in his opinion) have been raised as part of the
debate on the Gold Fields Bill. Cowper Snr’s objection was related to process, but others opposed
the motion on policy-related grounds. Sadlier and Dickson both advocated that it would be cruel to
force the Chinese off the goldfields as that was the easiest place for them to earn a living. Dalgleish
noted that the debate in the House was tinged with fear – fear of creating slavery conditions, or of
upsetting ‘the whole labour economy of the colony’. He too was afraid that if the Chinese influence
was not halted, they would over-run the English colony. Lucas felt that Wilson’s proposal was
impractical to enforce, although he appeared to support the idea in principle. Despite the apparent support for the motion in the debate, it was defeated by 33 votes to 11. Lucas voted against this motion, as did Forster, while Dalgleish and Terry supported the motion. Burdekin was not present.

On 18 September 1861, the government stepped up to bat. Despite the Act to Restrict Chinese Immigration being only months old, Cowper Snr obtained agreement to introduce a new Bill to the Assembly to regulate and restrict Chinese immigration to New South Wales. It was passed on the voices. The petitions kept coming in, asking the government to remove the Chinese from the goldfields. On 25 September the Bill had its second reading, and the third reading was held on 26 September. Unfortunately for the historians, there were no divisions called. All motions were passed on the voices. The new legislation was named An Act to regulate and restrict the immigration of Chinese. It was only after the new Act was referred to the Legislative Council for their concurrence that the ongoing debate over the goldfields Bill was continued.

The petitions kept coming. On 23 October 1861, the Legislative Council returned the latest legislation with amendments. Then in 1863, the prevailing sentiment shifted. Petitions regarding aggression against the Chinese on the gold fields started arriving in Parliament, and politicians started asking for more information. Debate continued, but there were no further moves to introduce new legislation or amend existing legislation as a result.

*     *     *     *     *

The fifth session of the Fourth Parliament lasted only three weeks – from 18 October to 8 November 1864. For the first time in the parliamentary record, the reply to the Governor’s

---

179 V&P1861-2, 57; ‘Chinese Immigration Bill’, The Sydney Morning Herald, 19 September 1861, 3.
180 V&P1861-2, 85, 91.
181 V&P1861-2, 183.
182 V&P1863/4, 570.
Opening Speech took longer than a few hours to compose. John Lackey proposed, and Henry Milford seconded, a motion that the Committee to respond to the Governor’s address be composed of themselves, plus Gordon, Piddingon, Emmanuel, Cunneen, and John Ryan.\footnote{V&P1864, 4.} The Committee’s draft was continually rejected by the Assembly and new committees were formed. In the early hours of Thursday 8 November 1864, a version was passed that included the phrase ‘We further desire respectfully to state to Your Excellency, that in consequence of our dissatisfaction with the conduct of the Government, the Ministry does not possess the confidence of this House’.\footnote{V&P1864, 84.}

During the long recess between the end of the fourth session on 22 April and the commencement of the fifth session on 18 October 1864, the ministry had taken steps affecting the public revenue and the commercial interests of the colony which the Assembly felt should not have been taken without the sanction of Parliament. This was Premier James Martin’s attempt to address a serious financial crisis that is discussed in detail in chapter 3. The Parliament had also passed resolutions in earlier sessions requesting that the gap between sessions not be so long, and so were doubly grieved at apparently being by-passed for expediency. Governor Sir John Young had no choice but to prorogue parliament and go to the people.

When the Fourth Parliament was dissolved in November 1864, a year short of its maximum five-year term, it had successfully demonstrated that New South Wales was capable of taking charge of its political destiny. The key legislation that had been passed during its term set the course for the Colony for decades to come, and the stability displayed by the Parliament had set a new benchmark for politics in New South Wales. It is these characteristics that make the Fourth Parliament a suitable focus for this research.
3. Loveday and Martin’s factions

Loveday and Martin’s work on factions is a key point of focus for this research because of its prominence in the scholarship of political history and political science in New South Wales. As discussed in chapter 1, their explanation of how they believed factions had operated has become a standard short-hand term for describing political decision-making in colonial New South Wales – possibly far beyond what they intended when they published their book in 1966. Regardless of how extensively their conclusions may have been extrapolated beyond their intention, Loveday and Martin’s theories on factions have a core relevance to the research questions for this thesis.

Defining a faction as a noun should be more straightforward than it turns out to be. As twenty-first century society is most familiar with the term in a political context, the most readily recognisable definition is ‘A small organised dissenting group within a larger one, especially in politics’.¹ Removing the political lens provides a similar understanding: ‘A group of persons forming a cohesive, usually contentious minority within a larger group’.² Other definitions use different language to describe a similar idea but retain the political focus, for example ‘a group or clique within a larger group, party, government, organisation or the like’, or ‘a party or group (as within a government) that is often contentious or self-seeking’.³ All four definitions are largely in agreement regarding a faction being an identifiable group within, and contra to, a larger collective. Words like ‘organised’ and ‘cohesive’ imply that there is a certain level of cooperation or solidarity without which a faction would not exist. The first, second and fourth definitions include a value judgement in the terms ‘contentious’ and ‘self-seeking’, implying that factions are a negative or troublesome force.

The Sydney Morning Herald, which provides the best source of parliamentary reporting in the 1860s outside the Parliamentary Papers themselves, used the term ‘faction’ 687 times between

January 1861 and November 1864.\(^4\) Other New South Wales papers and journals also used the term frequently. Not all relate to the New South Wales parliament. Some refer to events in other colonies, or overseas. For example the obituary for the Earl of Aberdeen, reprinted from *The Times*, includes reference to his peacemaking among factions on the international stage, and a report from America refers to political actions which ‘concealed from the gaze of strangers those exhibitions of faction and madness which so often disgrace the name of liberty in America’.\(^5\) These examples appear to confirm that contemporary usage included some understanding of factions as both shadowy (or hidden) and not reputable or admirable. Some other examples refer to New South Wales but to other socio-political events rather than parliamentary activities, for example the description of the Lambing Flat riots by a reporter as assuming ‘the appearance of a regular faction fight’.\(^6\)

It is where the word appears in relation to Parliament and parliamentary activities that it becomes relevant for this research. It would be unusual for a newspaper or journal to define a regularly used term, and this instance is no different. A comprehensive list appears at appendix 2, however some relevant examples include:

- Letters to the editor: ‘... and factions who will openly proclaim Mr Buchanan’s creed, and of whom he is the type and forerunner, will no doubt hold the reins of government’.\(^7\) Interestingly, Loveday classified David Buchanan as an independent in his examples of parliamentary factions.
- Reporting: ‘Mr Dalgleish did not offer factious opposition; his was conscientious opposition’.\(^8\)

\(^6\) ‘Lambing Flat’, *The Sydney Morning Herald*, 15 April 1861, 2.
\(^8\) ‘Legislative Assembly’, *Empire*, 7 May 1861, 3.
Editorial: ‘The announcement of a new Opposition excited no astonishment. That it has in store all the extreme measures devised by all the factions which have struggled for power might be expected from its sinister erudition’.  

Reporting: ‘Mr W Forster defended himself from the charge of factionally opposing the Government. This was proved by his support of the Police Act.’

It seems clear from these examples, and the ones listed in appendix 2, that the press used the term ‘faction’ as broadly synonymous with, but not quite the same as, ‘group’. However it was sometimes used as a verb, as in this example: ‘A Nation’s Best Gift ... [is a politician who] without being factious is firm and independent; who in his political life is an equitable mediator between king and people ...’. This common usage seems to have been recognised by all who wrote letters to the editor of a New South Wales newspaper, and the term is used in those letters in such a way as to make it almost indistinguishable from those pieces written by journalists or editors themselves. The use of faction instead of group implies a level of organisation and/or malevolence that may have been intended by some writers but possibly not by others. Matthew McCormack argues that in England the term was understood from the early Georgian period as a form of self-interested behaviour that directly contradicted the already well-established ideal of political independence.

The way that the term was used appears to denote a group that the writer disapproved of, but that the exact membership of that group was either unknown or uninteresting to the writer. It was, in some ways, a rhetorical device rather than a descriptive one. The fact that it was used this way both in parliamentary and broader socio-political contexts suggests that this rhetorical device was widely understood and widely used without necessarily ever being closely defined in the written record.

---

11 ‘Wit and Wisdom of Sydney Smith’, *The Sydney Morning Herald*, 1 April 1861, 3.
Hawker explains something of why this might be the case. In his introduction to The Parliament of New South Wales, he notes that

The vague rhetoric of parliamentary sovereignty and potency was used by nearly all members, friends and critics of the parliamentary institution, and bound them all in a set of common presumptions. Those presumptions were not spelled out clearly, and they would have lost much of their force if they had been. Yet a shared rhetoric defined the limits of the political rules of the game and so served, in the broadest sense, a political purpose.  

If we accept that the rhetoric includes terms like faction, Hawker has illustrated why a definition is so difficult to pin down. This is not the only term where modern scholars have difficulty determining nineteenth century meaning – see chapter 4 for a discussion on the contemporary meaning of the term ‘gentleman’ in the 1860s.

The most interesting absence from all of these examples (both those discussed above, and those in appendix 2) is that no factions are named in any way that implies they were recognisable groups. No leaders are mentioned. No members are identified as working together. If factions existed they were so shadowy that the press could not identify their membership.

The other interesting absence is any evidence that would support the assertions by Loveday and Martin, and Hawker, that factional leaders (including those in the ministry) spent significant time bidding for factional support in return for favours or patronage. There are no allegations along these lines anywhere in the press reports. Vague allegations of factious behaviour are never supported by examples or narratives of deals being made. While it would be reasonable to expect that any deals would be done behind closed doors, there is no evidence anywhere that details even one of them. The one instance cited by Loveday and Martin as an example of a faction meeting in October 1863 is not labelled as such in the press reports, and there is no suggestion in either the newspaper account or Loveday and Martin’s book that support was gained by promising patronage or favours of any kind. This example is discussed in detail later in this chapter.

---

13 Hawker, Parliament, xiv.
14 Hawker, Parliament, 21, 28-29. See also Macintyre and Scalmer, ‘Colonial States’, 197.
Loveday and Martin did not define the term faction in their work. The reader is left to distil a meaning from the language they used, which results in an impression that they saw factions essentially as groups of indecisive men gathering around a strong personality for guidance in the political sphere, and determining the focus of their allegiance by assessing who could give them the most in terms of direct personal advantage or benefits for their constituents. This fits broadly with the earlier definitions, except that there is less emphasis on cohesion or solidarity in Loveday and Martin’s more nuanced descriptions. Loveday and Martin do, however, reflect the same negative connotation regarding factions as seen in those earlier definitions.

In his thesis, Martin argued that colonial politics was a shambles because of a lack of ‘suitable’ men. In support of this statement, he quoted a letter from Henry Parkes to Frederick Harrison in July 1873:

Our legislatures are composed of men for the most part who have thought little on political questions, and have less insight into the casuistries of party deputation. Hence this majority is swayed either by the unconscious feeling of obedience to a temporary leader, or by the veriest superficial estimates of the matters under consideration, with which prejudice has much to do.

The comment regarding a temporary leader is interesting, suggesting that if Loveday and Martin were correct and factions existed, their leaders did not necessarily remain the same. The other interesting point is that Parkes regards the ‘feeling of obedience’ as ‘unconscious’, which suggests that there was no overt trading of favours for support. Two letters from William Spain to John Darvall in the late 1850s set out similar criticisms of the intellectual capacities of politicians. In April 1858, Spain wrote

the result of Cowper’s appeal to the Country is the return of a majority in his favour composed of the most incongruous lot of men ever assembled [sic] together within the

---

walls of our Parliament House not any three of them agreeing upon any general line of politics ...  

While Spain refers to ‘a majority’ in Cowper’s favour, there is no indication of how that was determined. As discussed below, ministries did not need a declared majority in the House to govern. Spain’s statement can only have been a subjective one. His statement about no three men agreeing on ‘a general line of politics’ is an interesting indication of independent thought, even though Spain thought that was not necessarily a good thing.

Interestingly, in the electorates where two members were returned, the voters appeared to have no difficulty in returning both a politician identified by Loveday as an independent and a politician whom Loveday classified as being part of a faction. In the 1860 election Lucas, considered by Loveday to be independent, and Edward Raper, who Loveday classified as being in Martin’s faction, were returned for the seat of Canterbury. In that electorate, Lucas received 44 per cent of the vote and Raper 31 per cent, with the remainder split between the two unsuccessful candidates – William Roberts and Richard Cowan. As discussed further in chapter 5, Lucas and Raper presented themselves as something of a united ticket in the election of December 1860, giving some assurances to the electorate that they thought alike on the majority of issues. Again, this suggests that the electorate was not particularly interested in any potential faction allegiance for Raper, or perhaps it suggests that he was not a member of a faction. It raises the question of whether the electors would even have been aware of a factional allegiance for any of the candidates if those factions existed.

In his thesis, Martin stated that factions existed ‘for the purpose of personal aggrandisement’. Although not stated so overtly, the same idea is implied in the book he co- 

---

18 William Spain to John Darvall, letter, 10 April 1858, Darvall Papers, A5436, Mitchell Library, State Library of New South Wales. See also Spain to Darvall, 8 January 1857.
20 Martin, Political Groupings, 63.
authored with Loveday.\textsuperscript{21} The result is an enduring picture of colonial politicians as self-serving, weak and mostly ineffective. Despite a negative picture of factions, in both the press of the 1860s and their scholarship of the 1960s, Loveday and Martin assert that factions brought stability to the New South Wales colonial parliaments. They saw factions as the only arrangement capable of supporting stable governments, even if they did not always do so, and Martin argued in his thesis that responsible government ‘could only function through majorities organised around some principle or person’.\textsuperscript{22} They also assert that factions caucused, although there is only one example cited as supporting evidence for the early period that includes the Fourth Parliament (1860-1864).\textsuperscript{23} This example is discussed in detail later in this chapter.

Hawker agrees with Loveday and Martin that factions were a necessary condition for parliamentary operations at this point in the evolution of colonial politics.\textsuperscript{24} As discussed briefly in chapter 1, Hawker somewhat simplifies Loveday and Martins’ argument by using a language style that makes it easier to understand, and simultaneously strengthens (and arguably overstates) their argument through language that removes much of the nuance and ambiguity that is inherent in Loveday and Martin’s published work. For example, statements by Hawker such as

‘... made the operation of the faction system anything but a matter of chance. Factions were far more stable than they seemed: they were not just shifting agglomerations of members’

echoes Loveday and Martin’s

‘Once we identified the factions and the members of parliament clustering around them, it became apparent to us that they and they alone provided a focus for the politicians’ loyalties’.\textsuperscript{25}

The changes in wording present factions as both more stable and more clearly identifiable in Hawker’s version than in Loveday and Martin’s. In stating that factions were far more stable than

\textsuperscript{21} Loveday and Martin, \textit{Parliament}, 149.
\textsuperscript{22} Loveday and Martin, \textit{Parliament}, 1; Martin, \textit{Political Groupings}, 60.
\textsuperscript{23} Loveday and Martin, \textit{Parliament}, 5.
\textsuperscript{24} Hawker, \textit{Parliament}, 28-29.
they seemed, Hawker implies that he has some evidence to support that assertion, but none is presented in his work. Interestingly, Hawker uses slightly different language regarding factions if it better suits his argument. When discussing the election and re-election of the Speakers of the House throughout the nineteenth century, he notes that ‘the shifting membership of Parliament and of the factions themselves made ancient allegiances less relevant’. As already noted in chapter 2 the election of two speakers during the Fourth Parliament occurred without contest, so this statement is interesting purely for the choice of words.

Hawker’s extrapolation of Loveday and Martin’s work is shown clearly in this statement regarding factions: ‘Their central membership, as Loveday and Martin have shown, tended to alter only slowly and the voting patterns of members could be identified as a consistent factor in the political struggles of the Assembly’. As discussed above, Loveday and Martin do not demonstrate this in a clear and comprehensive way. Neither does Hawker. There are no additional references in this section of his work, apart from a letter from Parkes to Cowper in 1857 urging him to advance a clear and mature policy founded on sound principles and wisdom if he hopes to win the support of the House. Hawker has paraphrased Loveday and Martin and presented their work as definitive, without questioning their evidence or enquiring further himself.

**Factions in the Fourth Parliament of New South Wales**

As noted above, Loveday and Martin’s book does not list any particular factions in their entirety; however, Peter Loveday’s PhD thesis covers the same time period as this research. Loveday and Martin referred to Loveday’s thesis for the supporting data for the 1856-1870 period in their book, indicating that their thinking had not changed and that they intended their readership to refer to Loveday’s thesis for supporting evidence if required. For this research Loveday’s factional

---

29 Loveday and Martin, *Parliament*, 174. Note 46 to chapter 2 refers the reader back to Loveday’s thesis, as do other notes throughout the different chapters. Note 46 to chapter 2 states ‘The original calculations of faction strengths from division analysis are set out in appendices to the two theses … The material has been
groupings are used to examine whether factions help to explain parliamentary behaviour. As discussed in chapter 1, his thesis lists factional groups only for the fourth (1863-4) and fifth (1864) parliamentary sessions. Therefore, the data in this chapter includes divisions in the fourth and fifth sessions, but excludes divisions in the earlier sessions.

Loveday identifies four factions in the fourth and fifth sessions of the Fourth Parliament. The leaders of these factions are, in no particular order, Charles Cowper and John Robertson, James Martin, Henry Parkes, and William Forster. The group of independent politicians was not allocated a leader in Loveday’s classifications. Loveday allocates the membership of these factions as follows (the names in italics indicate those that Loveday felt showed unsteady support to that faction, and the names in bold are those for whom individual biographies have been constructed for this thesis):

---

30 Loveday, Development, 190.
31 Loveday, Development, 511-514. The term ‘unsteady support’ is used both in Loveday’s thesis and the co-authored book. Loveday and Martin, Parliament, 40-42.
<table>
<thead>
<tr>
<th>Cowper/ Robertson</th>
<th>Martin</th>
<th>Parkes</th>
<th>Forster</th>
<th>Independents (no leader)</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. Alexander</td>
<td>J. Buchanan</td>
<td>H. Parkes</td>
<td>W. Forster</td>
<td>W.B. Allen</td>
</tr>
<tr>
<td>W.M. Arnold</td>
<td>J.F. Burns</td>
<td></td>
<td>H. Gordon</td>
<td>D. Bell</td>
</tr>
<tr>
<td>M. Burdekin</td>
<td>D.C. Dalgleish</td>
<td></td>
<td>W. Macleay</td>
<td>D. Buchanan</td>
</tr>
<tr>
<td>J. Caldwell</td>
<td>G. Eager</td>
<td></td>
<td>A. Macpherson</td>
<td>W.B. Dalley</td>
</tr>
<tr>
<td>E.C. Close</td>
<td>P. Faucett</td>
<td></td>
<td></td>
<td>R. Driver</td>
</tr>
<tr>
<td>C. Cowper</td>
<td>J.J. Harpur</td>
<td></td>
<td></td>
<td>T. Holt</td>
</tr>
<tr>
<td>C. Cowper Jnr</td>
<td>A.T. Holroyd</td>
<td></td>
<td></td>
<td>C. Irving</td>
</tr>
<tr>
<td>W. Cummings</td>
<td>J. Lackey</td>
<td></td>
<td></td>
<td>J. Leary</td>
</tr>
<tr>
<td>J.A. Cunneen</td>
<td>G.W. Lord</td>
<td></td>
<td></td>
<td>J. Lucas</td>
</tr>
<tr>
<td>T. Dangar</td>
<td>J. Martin</td>
<td></td>
<td></td>
<td>J.H.B. Milford</td>
</tr>
<tr>
<td>J.B. Darvall</td>
<td>T.H. Mate</td>
<td></td>
<td></td>
<td>A.W. Morris</td>
</tr>
<tr>
<td>J. Eckford</td>
<td>M.M. Moriarty</td>
<td></td>
<td></td>
<td>W. Redman</td>
</tr>
<tr>
<td>D. Egan</td>
<td>W.R. Piddington</td>
<td></td>
<td></td>
<td>H. Rotton</td>
</tr>
<tr>
<td>S. Emmanuel</td>
<td>E. Raper</td>
<td></td>
<td></td>
<td>J.T. Ryan</td>
</tr>
<tr>
<td>H. Flett</td>
<td>F.T. Rusden</td>
<td></td>
<td></td>
<td>J.N. Ryan</td>
</tr>
<tr>
<td>R.H.M. Forster</td>
<td>R. Stewart</td>
<td></td>
<td></td>
<td>S. Samuel (CR)</td>
</tr>
<tr>
<td>T. Garrett</td>
<td>A.A.P. Tighe</td>
<td></td>
<td></td>
<td>I. Shepherd</td>
</tr>
<tr>
<td>J. Hannell</td>
<td>W. Walker</td>
<td></td>
<td></td>
<td>S.H. Terry</td>
</tr>
<tr>
<td>J. Hart</td>
<td>J.B. Wilson</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R. Haworth</td>
<td>R. Wisdom</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J.D. Lang</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J.C. Laycock</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Love</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Morrice</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Robertson</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R. Sadlier</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T.W. Smart</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Sutherland</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E.C. Weekes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 9: Loveday's factional groups as outlined in his 1962 PhD thesis

There are some immediate issues raised by these data. For example, Henry Parkes has been allocated a faction of one, himself, which cannot constitute a faction by any definition of the term and appears to be a projection backwards in time of his later political dominance. This gives some support to Nairn’s criticism that Loveday and Martin were too focused on Parkes.\(^{32}\) Loveday and Martin asserted in 1968 that ‘no acceptably supported criticism of our picture of Parke’s political actions before 1887 has in fact yet been offered’.\(^{33}\) In 2018 one clear and precise criticism can be offered. A faction of one is anachronistic. Parkes was present for very few of the divisions during this period – see (Table 20 following) – which would have made it more difficult for Loveday to find a

\(^{32}\) Loveday and Martin, ‘Review’, 156.
\(^{33}\) Loveday and Martin, ‘Colonial’, 230.
clear classification for him. The appropriate classification would therefore have been as an independent.

A key issue is the coalition faction of Charles Cowper and John Robertson. If factions were a coalescing of support around individuals based on personality or patronage, how can the constituent parts of a coalition faction be determined? Loveday notes that two factions working together to achieve political ends cannot be considered to be amalgamating, and yet he cannot determine which of these politicians were supposed to be in Cowper’s faction and which were supposed to be in Robertson’s. In the case of Marshall Burdekin, there seems to be no way of knowing whether he was supposed to be a supporter of Cowper or Robertson.

Another key issue is that of unsteady support. Unsteady support implies at least infrequent support, and those politicians deemed by Loveday and Martin to show unsteady support for one or another of the supposed factions were clearly exercising at least some independence in terms of when to support their supposed faction and when not to. Certainly unsteady support would not have been derived from any ongoing sense of obligation for patronage or favours, which were two of the three reasons most commonly articulated to account for factional support (the third being the winning personality of the faction leader). Those politicians who were classified as unsteady supporters of any supposed faction leader would have been more appropriately classified as independent.

The allocation of unsteady support to a faction leader is a topic that Loveday and Martin wrestled with, arguably with limited success. They described their choices in light of the consideration that ‘... the boundary of the faction must be set at the point where steady, if possibly

---

34 Loveday, Development, 190, 511.
35 Loveday and Martin, Parliament, 149.
detachable, support passes over into unsteady support and beyond that into independence’. It is not clear how those points were determined and there is no further explanation offered beyond:

... it is sometimes impossible to determine which of two leaders a member supported steadily when they were in coalition or in opposition together, or whether his support was given them only because they were in coalition and balancing one another. ... Over a period of several ministries, these members could be and were considered as independents, but during the time they gave steady support to a particular leader they were commonly considered as members of his faction, at least for immediate practical purposes.

The classification of politicians such as Henry Rotton and John Ryan as ‘unsteady independent’ is also never explained – where they belonged when they were not demonstrating independence remains unclear. It would be reasonable to read into this that Loveday classified politicians as unsteady independents if he did not have enough evidence to feel confident about his classification, but that is not clearly articulated in his work.

Other work suggests that this issue was never satisfactorily resolved, at least for Martin. In a 1962 paper (that was presented at an ANZAAS Conference but not published until 1982, and then without revision according to John Hirst), Martin noted:

... the colony’s old liberal tradition – a tradition that had been born in the anti-transportation movement, had blossomed in the constitutional struggles of the 1850s, and had survived in the 1860s and 1870s to provide a dominant political ethos to which almost all politicians had subscribed. Vigorous development of the colony, good government, personal independence: these were the three watchwords of the New South Wales Liberal, to whom it had always seemed possible that, regardless of his personal background and interests, the wise lawgiver was capable of devising measures to advance the interests of the community as a whole.

This fits more consistently with Loveday’s and Martin’s view that factions only existed for the purposes of ‘party’ questions or votes of confidence. By 1977, there is some evidence that Martin, in particular, had amended his stance slightly. He wrote of politics before 1910 as being ‘a mode of

---

politics that was essentially personal and individualistic’. Certainly Loveday and Martin both recognised that politicians could exercise some degree of independence on questions of policy, which no doubt made their classification of politicians into factions more difficult.

Interestingly, this appears to echo a slightly earlier period in England’s political development. As Brian Hill notes ‘At most times between 1688 and 1832 Tory and Whig parties did not constitute the whole of the parliamentary scene. Independent MPs were numerous …’ [emphasis in original]. It is therefore unsurprising to see a similar composition in a colonial parliament only thirty years later.

With that in mind, I have re-classified those that Loveday considered to be unsteady members of factions as independent, and added to that group Henry Parkes, to remove the anomalous conclusion that he was a faction of one. As a result, the proportions of Loveday’s list changes considerably, and independent members can be seen to have comprised approximately 40 per cent of the Fourth Parliament, with those remaining in Loveday’s factions dividing the remaining 60 per cent between them. Even the supposedly dominant Cowper/Robertson faction would not have had sufficient support to govern alone if it were based purely on these classifications. This is most easily demonstrated through a diagram.

---

41 Loveday and Martin, Parliament, 39.
Independents
William Allen
David Bell
David Buchanan
James Buchanan
John Burns
Edward Close
William Dalley
Richard Driver
Samuel Emmanuel
James Hannel
Robert Haworth
Thomas Holt
Clark Irving
John Lackey
Joseph Leary
George Lord
William Love
John Lucas
Thomas Mate
Henry Milford
Augustus Morris
Henry Parkes
William Redman
Henry Rotton
James (Toby) Ryan
John Ryan
Saul Samuel
Isaac Shepherd
Robert Stewart
Samuel Terry
Loveday and Martin, despite the title and early pages of their book giving the impression that factions permeated colonial politics from 1856, do acknowledge that they were weaker for the first decade of responsible government. Despite Loveday establishing what he felt were clear faction groups for the first three parliaments, and the fourth and fifth sessions of the Fourth Parliament, in his thesis, in the published book Loveday and Martin suggest that factions only began to gain significant traction towards the end of the Fourth Parliament, in 1863 and 1864. For that period, the book only cites one example of a faction meeting, referenced as being reported in the *Sydney Morning Herald* in October 1863, which is discussed in detail later in this chapter.

**Factions and ministries**

As foreshadowed in the discussion in chapter 2, factional support may have been irrelevant when it came to forming ministries. Loveday did not articulate faction members for 1861 when Cowper was forming his ministry, but suggests that Martin was able to form a ministry in October 1863 with possibly only the support of Forster’s supposed faction. Loveday and Martin suggest that at this point, faction leaders would seek the support of independent members to form a ministry. That ongoing support would be very tenuous unless the independents committed to voting with the faction on key legislation or issues. There is no evidence to suggest that they did so, and it would appear to have been unnecessary. It is possible to argue that the men who agreed to serve in a ministry would only have done so with the support, or at least agreement, of their faction. Again it would appear to be unnecessary.

The data for the Cowper ministry is only directly comparable to Loveday’s factions for the first part of the fourth session (1863-4), however the stability of both ministries allows the suggestion that, in this respect at least, allegiance was also remarkably stable.

---

In both cases, the ministers are politicians Loveday has identified as being from that leader’s factional group. In Cowper’s ministry, there are no members whom Loveday did not already consider to be members of the Cowper/Robertson faction. Martin’s ministry reflects a similar composition, with the exception of William Forster. This would appear to support Loveday and Martin’s assertion that

> after 1863 when the Assembly had become multi-factional, no leader could take office on the unaided strength of his own faction. He had therefore to secure as colleagues men who could bring steady supporters with them to augment his own following.\(^{44}\)

The inclusion of Forster in the key position of Colonial Secretary may well have been to gain the support of his group, although his faction of four would only have brought the combined faction membership to 18, still fewer than the 24 members of the supposed Cowper/Robertson faction, or the group of independents. Loveday and Martin recognised this as the usual state of coalition factions, and went on to discuss the requirement to win the confidence of ‘uncommitted men’.\(^{45}\)

The two examples narrated in support of this understanding, from 1866 and 1872, are detailed explanations without solid facts to support them, based on Loveday and Martin’s interpretations of Parkes’ ‘veiled hints’.\(^{46}\)

This may help explain where the impression of factional allegiance has come from. The men who formed a ministry together would have voted together as often as possible – it was the only way to demonstrate a cohesive leadership team that would inspire confidence in the House. In

---

\(^{44}\) Loveday and Martin, Parliament, 64.

\(^{45}\) Loveday and Martin, Parliament, 64.

\(^{46}\) Loveday and Martin, Parliament, 66.
earlier parliaments, dissent within the ministry had led to its downfall, and this commitment to public allegiance may have been the first step in developing that political stability that both the politicians themselves and the public craved.\textsuperscript{47} In this sense, the stability of each ministry has lent some suggestive support to the idea of factions, but has, perhaps, led to an erroneous conclusion. It is far easier to see evidence for factions in a group that owed some allegiance to each other because they served in the same ministry, than it is for the wider parliament, and drawing the conclusion that factions existed based on this evidence is possible, but ignores the broader portfolio of evidence that suggests otherwise.

To test this hypothesis, an analysis of each ministry’s voting patterns was conducted to see how often they voted on the same side of a division while in that Ministry:

<table>
<thead>
<tr>
<th>Ministry</th>
<th>Total number of divisions</th>
<th>Where the ministry were all present and voted together</th>
<th>Where one or more of the ministry was absent</th>
<th>Where one or more of the ministry voted against the others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cowper / Robertson ministry</td>
<td>64</td>
<td>23%</td>
<td>73%</td>
<td>11%</td>
</tr>
<tr>
<td>(July to October 1863 only)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Martin ministry</td>
<td>78</td>
<td>25%</td>
<td>73%</td>
<td>3%</td>
</tr>
<tr>
<td>(October 1863 to November 1864)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 11: Analysis of how often the Cowper and Martin ministries voted together

These percentages do not tally to 100 per cent for either ministry. That is because it is possible for the criteria for the second and third column to exist simultaneously – i.e. occasionally one member of the ministry was absent for the same division in which another member voted against those who were present. As these data show, the number of times where a ministry was all present and voted together are surprisingly low. The Cowper ministry had all their members present and voting together for only 23 per cent of the time, while the Martin ministry had all members present and voting together for only 25 per cent of the divisions. While the Martin ministry certainly had fewer dissenting votes than the Cowper ministry, occasions where at least one minister was absent from the Assembly during a division was the same for both ministries at 73 per cent.

\textsuperscript{47} Powell, \textit{Cowper}, 44-45.
These allegiances were only present while the ministry was in power. There was no sense of a shadow ministry, and any sense of a factional allegiance disappeared if the so-called factional leaders were not currently in power. For example, the division to read the Public Education Bill for a second time on 23 July 1863 shows a strong allegiance within Cowper’s Ministry. All members of the Ministry who were present voted in favour of a second reading. Darvall was absent, as evidenced by the fact that he was not counted in either of the Teller’s lists for that division. By contrast, those who would later form Martin’s ministry in October 1863 were represented on both sides of the division. There is nothing that suggests there was any allegiance between them at this point in time. Holroyd, in his acceptance speech upon re-election to his seat after joining Martin’s ministry in October 1863, noted that ‘he never sought the office, and had no communication with Mr Martin until last Tuesday week’. By this he meant that there was no plan prior to the fall of Cowper’s ministry that Holroyd would be included in any future hypothetical Martin ministry.

The regular absence of ministers from the House does not appear to have caused problems for the ministry, or any reduction in the Assembly’s confidence in them. While nearly all members of each ministry were absent for divisions on occasion, most of the absences were two individuals: Darvall from the Cowper ministry, and Faucett from the Martin ministry. While their low attendance numbers could lead to a conclusion that they were uncommitted or lazy, they may have been quite the opposite. Both men held the position of Attorney General in their respective ministries. That both men were absent from divisions so often suggests instead that the role of Attorney General may have been one of the most complex and high-volume positions in the ministry and that they were often too busy with the work of the office to attend Parliament.

The most important aspect of this analysis, however, is that the occasional dissenting votes from ministers in the Cowper government did not impair the function of government. In some cases, the dissenting vote was Robertson, who would be expected to show the greatest loyalty to

---

49 ‘Nomination and return of Mr T.A. Holroyd for Parramatta’, The Sydney Morning Herald, 29 October 1863, 2.
Cowper. Hawker saw this as evidence of a lack of control of the Ministry over each other, and as evidence of a chaotic system, or at least ‘so went the comments of the critics of the day’.\(^{50}\) He asserts that the ‘collective responsibility of Cabinet … was an idea accepted in New South Wales at the onset of responsible government’, and that only united ministries could hope to survive for any length of time.\(^{51}\) However, there is no indication in the parliamentary records or the newspaper reports that these dissenting votes caused even a ripple of concern. There was no reason for a politician to vote against his conscience, even if it set him in opposition to his fellow ministers. Clune and Griffith agree with this view.\(^{52}\)

Despite Hawker’s statements that dissenting votes within a Ministry were indicative of chaos and disunity, his own statistical analysis suggests otherwise.

<table>
<thead>
<tr>
<th>Ministry</th>
<th>Lost</th>
<th>Split</th>
<th>Tied</th>
<th>Total</th>
<th>Total of all Divisions</th>
<th>Per cent not controlled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cowper 1861-1863</td>
<td>171</td>
<td>89</td>
<td>27</td>
<td>287</td>
<td>1,275</td>
<td>22.5%</td>
</tr>
<tr>
<td>Martin 1863-1865(^{53})</td>
<td>26</td>
<td>10</td>
<td>2</td>
<td>38</td>
<td>272</td>
<td>14%</td>
</tr>
</tbody>
</table>

Table 12: Divisions not controlled by Ministries - extract from Hawker\(^{54}\)

In this table, lost divisions are those where the ministry’s position was defeated, split divisions are those where the ministers voted on either side of the division, and tied divisions are those where the House was evenly divided and the Speaker was required to break the tie.\(^ {55}\) This table clearly shows that Ministries need not have a tight control over all divisions to survive. Which divisions were lost,

---

\(^{50}\) Hawker, *Parliament*, 21-22.

\(^{51}\) Hawker, *Parliament*, 43-44.


\(^{53}\) Hawker has recognised Martin’s continuation as premier into the Fifth Parliament, possibly to create equal time periods for comparison.

\(^{54}\) Hawker does not state which divisions he has used for this analysis. Hawker, *Parliament*, 67.

rather than how many, was the crucial indication of whether a ministry would survive. Losing on minor issues was not considered a cause for resignation.\textsuperscript{56}

**Factions and pairs**

Politicians in the 1860s were paired for important debates. The practice of pairing provides that, if a politician must be absent for reasons beyond their control, someone from the opposite side also removes themselves. It does not seem to have occurred often during the Fourth Parliament, but the details of a couple of examples suggests that factions may not have existed in any meaningful form. On 15 June 1863, \textit{The Sydney Morning Herald} reported the following in relation to the Assembly on the previous day: ‘Paired off – On Mr Martin’s motion in reference to the Colonial Treasurer – Mr Egan for, with Mr Darvall against’.\textsuperscript{57} According to Loveday, both Darvall and Egan were part of the Cowper/Robertson faction. There was clearly no factional allegiance operating in this instance, as both were absent for a motion against the Treasurer in Cowper’s ministry, and they were paired, rather than just coincidentally absent. If there was any form of factional organisation operating, it was useless in this instance.

Another example was a division regarding tariffs.\textsuperscript{58} In February 1864, the following politicians were paired off for this particular division:

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Love (CR?)</td>
<td>Sutherland (CR)</td>
</tr>
<tr>
<td>Harper (M)</td>
<td>Dalley (ind)</td>
</tr>
<tr>
<td>Faucett (M)</td>
<td>Lang (CR)</td>
</tr>
<tr>
<td>Holt (ind)</td>
<td>Burdekin (CR)</td>
</tr>
</tbody>
</table>

Table 13: Pairings for tariff division, February 1864

If factions were a strong organising principle in the Fourth Parliament, and were relied on to secure outcomes, then only one of these pairings makes sense. Faucett from Martin’s faction and Lang from the Cowper/Robertson faction would appear to be an appropriate pairing to balance two opposing factions in the Parliament. However, Love and Sutherland, by Loveday’s classification,

\begin{footnotes}
\item ‘Paired off on the Tariff’, \textit{The Kiama Independent, and Shoalhaven Advertiser}, 9 February 1864, 3.
\end{footnotes}
would be expected to vote on the same side of the division, and pairing faction members with independents makes very little sense, unless those independents had already declared their intention to support one side or another. If, in this example, Holt had declared his intention to support Martin’s ministry, then it would make sense to pair him against Burdekin. However, there is no indication in the historical record to support this.

From these examples, it is difficult to determine how pairing worked in the Fourth Parliament, and no modern scholarship addresses it. These examples appear to indicate that any factional allegiance had little impact, but that by itself does not create a working hypothesis to explain how pairs were determined. A deeper investigation into this aspect of parliamentary procedure is outside the scope of this thesis, but it is an area that deserves further investigation. For the purposes of this research, it is enough to show that, if factions existed, they had no influence on the pairing practice.

Analyzing Loveday and Martin’s evidence

The example in Loveday and Martin’s book that is cited as evidence of a faction meeting, or caucus, centres on the actions of William Allen. As he is not one of the focus politicians for this thesis, a very short biography is appropriate. William Bell Allen was born in Ireland in 1812, and arrived in Sydney in March 1841 with his wife Ruth and four children as assisted immigrants. He established a soap and candle factory, which was producing 70 tonnes of soap per year by 1847, making it the fourth largest soap manufacturer in Sydney. Allen was elected to the seat of Williams in the December 1860 election, and was defeated in the 1864 election. He died in December 1869 and was buried in Waverley cemetery. As shown in Figure 7, Loveday considered Allen to be an independent.

In Parliament Factions and Parties Allen’s actions are summarised in three short sentences:

‘Martin faction, with others in opposition. Planned motion to defeat Cowper ministry and secured support for it. Allen in S.M.H., 9 October 1863’. 60 The Sydney Morning Herald relates it differently:

... he [William Allen] might say now that it was intended to move the Chairman [Robert Wisdom] out of the chair, a motion which, if carried, would have been a vote of censure equally as strong as that moved by the hon. Member for Sydney West. He might add also that it had been arranged that that motion should be carried; and it would have been carried, even though the Government had a majority of four on Mr Eagar’s [Geoffrey Eagar, later Treasurer in Martin’s ministry] amendment.61

Allen then goes on to further defend his actions, and this quote is itself in defence of his decision not to tell Edward Close ahead of time about the plan to initiate the motion to remove the Chairman of Committees when the House resolved itself into a Committee of the Whole. Close was the member for Morpeth, having been elected at a by-election in September 1862 to replace David Buchanan.62 Close had approached Allen about pairing off for the divisions that related to the financial issues scheduled for discussion on that day. Allen refused, but did not tell Close why.

The Chairman of Committees was elected (or re-elected) at the beginning of each Session, so a majority of the House had approved Robert Wisdom’s appointment only four months before and, like the Speaker, Wisdom had been appointed unopposed.63 Interestingly, Loveday considered Close to be only an unsteady supporter of the Cowper/Robertson faction, Wisdom was considered to be a member of the Martin faction and, as noted earlier, Allen was considered to be independent. This is also interesting in terms of the pairing request – Close, if he was a member of the Cowper/Robertson faction, would have been more likely to approach a member of Martin’s faction (if one existed), rather than an independent like Allen with a request to pair off for any divisions that involved financial issues.

---

60 Loveday and Martin, Parliament, 157.
61 ‘New South Wales Parliament, Legislative Assembly’, The Sydney Morning Herald, 9 October 1863, 2. Which particular Member for Sydney West is not recorded in the SMH article, and the Proceedings papers for this particular period were the only ones from the Fourth Parliament not made available online.
62 See chapter 2.
63 Clune and Griffith, Decision, 59-61; ‘Chairman of Committees of the Whole House’ [Motion that Wisdom be Chairman of Committees for this session], V&P1863/4, 11.
The *Herald* appears to quote Allen as saying that there was a plan to remove the Cowper government by carrying a motion to remove the Chairman from the Chair at a time when the Legislative Assembly had resolved itself into a Committee of the Whole to debate a Bill. Allen seemed to feel that a successful motion to remove the Chairman from the Chair at that point in proceedings would have been an effective vote of no-confidence in Cowper and his ministry.\(^{64}\) However, Hawker noted that ministers ‘did not regard the election of a Chairman as anything approaching a vote of confidence ... The Chairman of Committees could, as a result, be out of sympathy with the ministry of the day’.\(^{65}\) Hawker also notes that asking the Chairman to leave the Chair during a Committee debate was a common way of delaying debates.\(^{66}\) Why Allen thought it would have such a meaningful impact on this occasion as to result in a vote of no confidence against the Government is unclear, and neither *The Sydney Morning Herald* nor Loveday and Martin explain why they thought it might be significant.

Ultimately it did not matter. Before Allen and his colleagues had their chance, the relatively new Treasurer, Thomas Smart, who had decided to balance the State’s books in a more conventional way than his predecessor Elias Weekes had done, presented to Parliament the significant level of debt that the government had accumulated – crucially without sufficient income to service it.\(^{67}\) Smart had a proposal to raise additional revenue to service the debt, but that motion was defeated – not because it would have been unsuccessful, but because the Assembly were too shocked by the size of the debt and the strong impression that they had been misled to trust the current ministry to resolve the issue. In this instance, Wisdom voted with the House rather than the Ministry, as he had done on a number of occasions since his first election as Chairman in 1861.\(^{68}\)

---


\(^{67}\) ‘The Budget’, *The Sydney Morning Herald*, 8 October 1863, 3.

ministerial colleagues accepted that defeat as a vote of no-confidence by the Assembly, and asked Governor Young to approach someone else to form a ministry. The amendment proposed by Eagar, which the Herald refers to in its report, was a motion to declare the financial condition of the colony to be unsatisfactory. This motion was made during the debate over Smart’s proposal for the colony to move itself out of the financial crisis, and was defeated by 27 votes to 26. This was a direct attempt at a censure motion, which Cowper’s government survived. However, as they could not pass the resolution to solve the financial crisis, they chose to resign. This tells us a great deal about the nature of support that any group in the Assembly could command. The politicians present in the House on that day did not want to formally censure the Cowper government, showing that they respected the ministry overall, and the majority would not sanction an opportunist attempt to change government. However, the majority of those present then found themselves unable to support the Cowper ministry’s proposal to fix the problem, and therefore defeated that motion. There is clear independence in thought and action in the decisions made by each politician as they considered both questions on their merits and voted accordingly.

Despite the fact that the plan Allen was involved in was never implemented, the footnote remains the only evidence that Loveday and Martin identified in their book that they claimed showed factions meeting to plan for a particular outcome during the Fourth Parliament. For the purposes of this discussion, what is interesting is the absence of any evidence as to who was included in this plan to carry the motion. Allen does not name anyone else, and the Herald does not seem to have followed up with any further investigation. We have only Allen’s word for the fact that his group had the numbers to pass the motion. As they did not get the opportunity to try, we have no way of knowing whether everyone would have kept their commitment. With Loveday classifying Allen as an independent, there is no way of making an educated guess as to who his colleagues

70 ‘The Budget’, The Sydney Morning Herald, 8 October 1863, 3.
might have been, beyond Loveday and Martin’s presumption that Martin was involved and therefore, by extension, that his followers must also have been involved.

Eagar’s motion raises additional questions. If Allen was acting with Martin’s faction, as Loveday and Martin suggest, and there was an agreement to support his motion, why did Eagar propose a different one? If Allen had enough support to pass his motion, why could Eagar not get enough support to pass his motion – especially if they both effectively amounted to a vote of no confidence? Given that Eagar’s motion is one of the seven that Loveday uses as the basis for his allocation of politicians to factions (see discussion later in this chapter), but the Allen plan was cited in the book as the only example of a meeting of a potential faction, it becomes clear how difficult it is to identify convincing evidence for the existence of factions during the Fourth Parliament in the historical record. Loveday and Martin believe James Martin was involved in Allen’s plot but cite no evidence to support it.\(^{71}\) Their conclusion seems to rest on their unsupported idea that Martin was consistently working in opposition to Cowper and Robertson. As shown later in this chapter, that was not always the case.

After receiving advice from Cowper that his ministry now considered themselves to occupy the positions only until replacements could be found, Governor Young approached William Forster to form a ministry.\(^{72}\) It was only after Forster notified the Governor that he could not do so that Martin was approached.\(^{73}\) This does not give much indication of Martin’s involvement or otherwise, but it suggests that Young thought Forster the more likely man to be able to form a ministry at that time.

In this case, the final hurdle that Forster could not clear was the portfolio of Public Works. As discussed in chapter 2, Robert Wisdom, the Member for Morpeth and the Chairman of Committees that Allan and his supporters wanted to remove, noted in a memorandum that he was offered the


\(^{72}\) V&P1863/4, 8 October 1863, 615.

\(^{73}\) V&P1863/4, 13 October 1863, 625.
position but declined it. Although all of the other positions were already filled, Forster went to Young and advised that he could not form a ministry.

This point is interesting because Loveday classified Wisdom as being part of Martin’s faction. Forster only had a faction of four, so he would clearly have needed to look outside that group to fill the ministerial positions – but why approach someone who was supposedly a member of another faction? Those that Loveday classified as independent or owing unsteady allegiance to a faction leader comprised approximately 40 per cent of the parliament. They would seem to be more likely to take a paid ministerial position than those who potentially owed allegiance to someone else although, as discussed in chapter 4, both independence and the appearance of it was important in mid-nineteenth century politics, and the result may well have been the same.

When Forster advised Young that he could not form a ministry, Young approached Martin. Martin appears to have had little difficulty in forming his ministry, but had more difficulty solving the financial problem they inherited and Parliament only sat for approximately half the time the Martin ministry held government. Interestingly, Martin offered Forster the role of Colonial Secretary, but the apparently loyal Wisdom was not included.

When politicians accepted ministerial positions, they immediately had to resign their seats and be re-elected by their constituents. This allowed the people – of that electorate at least – to endorse that particular ministerial appointment. In this case, only Martin was opposed by an opportunistic candidate, Charles Cowper Jnr, who had to resign his seat of Tumut to do so. Cowper Jnr won the seat of Orange on 4 November 1863, leaving Martin to contest the by-election for Tumut. Martin was returned for that seat on 16 November 1863. It was not an auspicious start for Martin’s new ministry, and does provide some evidence that, at the very least, the Cowpers tried to derail the new government by depriving it of a leader.
The speeches made by the rest of the ministry in acknowledgement of their re-election (unopposed) were focused on the recent crisis. Forster claimed that he and his colleagues were ‘weak in the Legislative Assembly; we have no party there’. This seems to indicate that neither he nor Martin felt that they had a faction of any type to lead. This may have been simple misdirection – the kind of thing you would expect a politician to say because he knows that people expect to hear it. However elsewhere in the speech he seemed to admire Cowper’s ability to draw together a group that looked like a party in the Assembly. Forster’s *Australian Dictionary of Biography* biographer, Bede Nairn, suggests that Forster was quite difficult to work with. He quotes the *The Sydney Morning Herald* from 1874,

> Mr. Forster seeks no friends in public life, makes no alliances, asks no one to help him, takes no one into his confidence, and is sometimes evidently repentant that he has ventured to confide in himself. [75](#)

Gregory Melleuish agrees with Nairn’s assessment of Forster’s irascibility. Perhaps most importantly, Forster did not think that the absence of a party or faction to support the ministry was much of a problem. He noted that the Assembly would support them if their proposed legislation and position on issues that came before the Parliament warranted that support. [77](#)

The concern over the budget seems to have been widespread among the politicians in the House. In this example, with all its different elements, there is no evidence of potential factional activity in operation. There is no evidence trail, and no identifiable impact on how politicians were making decisions in this moment where Loveday and Martin had seen key support for their hypothesis.

---

74 In this context, Forster was talking about ‘party’ in the more general sense of following or group of like-minded supporters, rather than ‘party’ in the sense that we recognise them today. ‘Nomination and election of Mr W. Forster for East Sydney’, *The Sydney Morning Herald*, 29 October 1863, 2.


76 Melleuish, *Despotic State*, 89.

Individual voting records with regard to factional allegiance

An important test regarding the possible existence of factions is how often individuals voted with or against their supposed factional leader. If factions were indeed based on personal allegiance, founded on promises of patronage or favours, or simply on a strong personal relationship, then it would be reasonable to expect that straying from that allegiance would have consequences – electoral, social, or commercial.

Before this analysis can be understood, a determination of what would constitute allegiance needs to be made. Did it require 100 per cent conformity with the voting pattern of the supposed faction leader? Was it possible to follow a leader’s direction only 70 per cent of the time and still be considered a consistent supporter? As discussed earlier in this chapter, Loveday and Martin never articulated how they made the determination between those they considered consistent factional members and those they considered unsteady ones. Subsequent historians, including those writing for the sesquicentenary celebrations in 2006, have used the same or similar terminology, also without articulating what they understand by it, or how they reach their conclusions regarding who is classified in which camp.

As already discussed, the classification of unsteady supporters is unconvincing, and attempting to establish a threshold for measuring their support for a faction leader does not add value to the discussion. However, it is important to establish a threshold over which we can consider a supposedly committed member of a faction to possibly be demonstrating factional allegiance. Chris Connolly suggests a weighting in his 1972 PhD thesis, which was supervised by Peter Loveday. Connolly’s thesis focussed on the Legislative Council, and he is careful to stress that his conclusions should not necessarily be applied to the Legislative Assembly.78 However, he states that the criteria he used to determine whether a member of the Legislative Council was voting with

78 Connolly, Politics, 92.
a ‘party’ was that ‘a member had to agree with it in more than two-thirds of his votes’. How he determined that as an appropriate weighting is not explained.

The biggest concern with a threshold of 67 per cent is that it is too easy to meet. While all historians agree that in the absence of modern party discipline expecting to see 100 per cent consistency is too ambitious, a threshold of 67 per cent is too low to exclude other possible explanations, such as supporting the government of the day rather than a faction, or statistical coincidence.

A figure of 80 per cent has therefore been chosen as the threshold for this research, without a stronger rationale than anything less than 80 seems to lack steadfastness and more than 80 seems to be setting the bar too high. Knowing that nineteenth century commentators and political players would base their judgements on perceptions rather than a detailed count naturally makes this threshold feel somewhat artificial, and yet the analysis is impossible to complete without it.

For the purposes of this analysis, every politician in the House during 1863-64 has been included. This allows an examination of the evidence of how frequently politicians voted in accordance with the government of the day, and then how often they voted in line with a supposed faction leader. To ensure consistency in the data, I have only used divisions from the fourth and fifth sessions.

The first test to determine how much value the theory of factions has as an organising principle for the decision-making process of the Fourth Parliament politicians is to examine their voting behaviour in the seven divisions that Loveday selected for his analysis. Those divisions are:

1. Martin’s motion attacking Cowper’s ministry for its failure to secure life and property and for its appointments to magistracy. 27 August 1863. Motion defeated by 44 votes to 18.  

---

79 Connolly, Politics, 84.
80 V&P1863-64, 333; Loveday, Development, 517.
2. Forster’s motion that the Cowper Ministry’s conduct at the intercolonial conference was unsatisfactory. 1 September 1863. Motion defeated by 27 votes to 16.\textsuperscript{81}

3. Eager’s motion against the Cowper government that the financial condition of the Colony was unsatisfactory. This was a censure motion and, although it was defeated, the Cowper ministry resigned shortly after. 7 October 1863. Motion defeated, in committee, by 27 votes to 26.\textsuperscript{82}

4. Robertson’s motion attacking the Martin ministry’s finance proposals. 17 December 1863. Motion defeated by 22 votes to 19.\textsuperscript{83}

5. Charles Cowper Jr’s motion to the same effect as above. 22 December 1863. Motion defeated by 23 votes to 10.\textsuperscript{84}

6. Robertson’s motion to the same effect as above. 23 December 1863. Motion defeated by 27 votes to 11.\textsuperscript{85}

7. Cowper’s motion of no confidence in Martin’s ministry. 2 and 3 November 1864. This was the censure motion that ended both Martin’s ministry and the Fourth Parliament, as discussed in chapter 2. Motion passed by 36 votes to 29.\textsuperscript{86}

The most striking thing about these seven divisions is that six out of the seven were defeated. If factions existed, and were indeed a factor in these divisions, they were spectacularly ineffective. While in the third example the motion was only defeated by one vote, in the second, fifth, and sixth examples the motions were defeated by more than 10 votes. In the first example the motion was defeated by more than 20 votes. Based on this evidence, any factions that existed were effectively useless.

\textsuperscript{81} V&P1863-64, 351; Loveday, Development, 517
\textsuperscript{82} ‘The Budget’, The Sydney Morning Herald, 8 October 1863, 3; Loveday, Development, 516.
\textsuperscript{83} V&P1863-64, 780; Loveday, Development, 517.
\textsuperscript{84} V&P1863-64, 799; Loveday, Development, 517.
\textsuperscript{85} V&P1863-64, 810; Loveday, Development, 517.
\textsuperscript{86} V&P1864, 83; Loveday, Development, 516.
Loveday and Martin both characterise the divisions that they chose for their analysis as ‘party’ divisions. The divisions that Loveday has used fit that description, given that they are focussed on potential crisis points for the government of the day. They are the most logical place to look for factional activity – if there was ever a time to draw together a group of politicians using promises of favour and patronage in exchange for support to either stay in power or take power, these moments would have been it.

These seven divisions have been split into the three that occurred during the Cowper ministry, and the four that occurred during the Martin ministry. It is valuable to examine whether factions were potentially stronger or activated more often when a particular ministry was in power. A total has also been calculated, to illustrate overall voting behaviour across all seven divisions.
<table>
<thead>
<tr>
<th>Name</th>
<th>Faction</th>
<th>During the Cowper government (n = 3)</th>
<th>During the Martin government (n = 4)</th>
<th>Total (n = 7)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. present for</td>
<td>Voted with govt</td>
<td>Voted with faction leader</td>
<td>No. present for</td>
</tr>
<tr>
<td>M Alexander</td>
<td>CR</td>
<td>2</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>W Allen</td>
<td>Ind</td>
<td>2</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>W Arnold</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>D Bell</td>
<td>Ind</td>
<td>1</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>D Buchanan</td>
<td>Ind</td>
<td>3</td>
<td>0%</td>
<td>---</td>
</tr>
<tr>
<td>J Buchanan</td>
<td>M</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>M Burdekin</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>J Burns</td>
<td>M</td>
<td>2</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>J Caldwell</td>
<td>CR</td>
<td>2</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>E Close</td>
<td>CR?</td>
<td>1</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>C Cowper Snr</td>
<td>CR</td>
<td>3</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>C Cowper Jnr</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>W Cummings</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>J Cunneen</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>D Dalgleish</td>
<td>M</td>
<td>3</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>W Dalley</td>
<td>Ind?</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>T Dangar</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>J Darvall</td>
<td>CR</td>
<td>2</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>R Driver</td>
<td>Ind</td>
<td>3</td>
<td>33%</td>
<td>---</td>
</tr>
<tr>
<td>G Edgar</td>
<td>M</td>
<td>3</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>J Eckford</td>
<td>CR</td>
<td>1</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>D Egan</td>
<td>CR</td>
<td>1</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>S Emmanuel</td>
<td>CR?</td>
<td>3</td>
<td>67%</td>
<td>67%</td>
</tr>
<tr>
<td>P Faucett</td>
<td>M</td>
<td>2</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>H Flett</td>
<td>CR</td>
<td>2</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>R Forster</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>W Forster</td>
<td>F</td>
<td>3</td>
<td>0%</td>
<td>---</td>
</tr>
<tr>
<td>T Garrett</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>H Gordon</td>
<td>F</td>
<td>1</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>S Gray</td>
<td>N/A</td>
<td>2</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>J Hannell</td>
<td>CR?</td>
<td>2</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>J Harpur</td>
<td>M</td>
<td>2</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>J Hart</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>R Haworth</td>
<td>CR?</td>
<td>3</td>
<td>100%</td>
<td>67%</td>
</tr>
<tr>
<td>A Holroyd</td>
<td>M</td>
<td>2</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>T Holt</td>
<td>Ind</td>
<td>2</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>J Lackey</td>
<td>M?</td>
<td>3</td>
<td>67%</td>
<td>33%</td>
</tr>
<tr>
<td>JD Lang</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>J Laycock</td>
<td>CR</td>
<td>1</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

---

M? Cowper is assumed to be the primary faction leader by virtue of his position as Premier, so I have not recorded him voting in line with himself.

Ind In this instance, the test is whether he voted with his father. It is reasonable to assume that the stronger allegiance in this particular case would be to family.

Forster is supposedly a faction leader, so I have not recorded him voting in line with himself.

There are a few politicians who were in the Assembly during 1863-64, but who are not included in Loveday’s list.
Loveday identified as being a member of Forster’s faction, was also present for all seven divisions, and voted on the same side of all of them as Martin did. Similarly, William Macleay, who Loveday identified as being a member of Martin’s faction, was present for all seven divisions, and voted in line with Cowper as faction leader.

These data show something of the faction groups that Loveday identified. For example Geoffrey Eagar, who Loveday identified as being a member of Martin’s faction, was present for all seven divisions, and voted on the same side of all of them as Martin did. Similarly, William Macleay, who Loveday identified as being a member of Forster’s faction, was also present for all seven divisions,

<table>
<thead>
<tr>
<th>Name</th>
<th>Faction</th>
<th>During the Cowper government (n = 3)</th>
<th>During the Martin government (n = 4)</th>
<th>Total (n = 7)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No. present for</td>
<td>Voted with govt</td>
<td>Voted with faction leader</td>
</tr>
<tr>
<td>J Leary</td>
<td>Ind</td>
<td>2</td>
<td>0%</td>
<td>---</td>
</tr>
<tr>
<td>G Lord</td>
<td>M?</td>
<td>1</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>W Love</td>
<td>CR?</td>
<td>1</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>J Lucas</td>
<td>Ind</td>
<td>3</td>
<td>0%</td>
<td>---</td>
</tr>
<tr>
<td>W Macleay</td>
<td>F</td>
<td>3</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>A Macpherson</td>
<td>F</td>
<td>3</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>J Martin</td>
<td>M</td>
<td>3</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>T Mate</td>
<td>M?</td>
<td>3</td>
<td>33%</td>
<td>67%</td>
</tr>
<tr>
<td>H Milford</td>
<td>Ind?</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>M Moriarty</td>
<td>M</td>
<td>2</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>J Morrice</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>A Morris</td>
<td>Ind</td>
<td>3</td>
<td>67%</td>
<td>---</td>
</tr>
<tr>
<td>H Parkes</td>
<td>P</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>W Piddington</td>
<td>M</td>
<td>3</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>E Raper</td>
<td>M</td>
<td>3</td>
<td>33%</td>
<td>67%</td>
</tr>
<tr>
<td>W Redman</td>
<td>Ind</td>
<td>1</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>J Robertson51</td>
<td>CR</td>
<td>2</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>H Rotton</td>
<td>Ind?</td>
<td>1</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>F Rusden</td>
<td>M</td>
<td>2</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>JT Ryan</td>
<td>Ind</td>
<td>2</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>JN Ryan</td>
<td>Ind?</td>
<td>1</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>R Sadlier</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>S Samuel</td>
<td>CR?</td>
<td>2</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>I Shepherd</td>
<td>Ind</td>
<td>3</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>T Smart</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>R Stewart</td>
<td>M?</td>
<td>2</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>J Sutherland</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>W Sutor</td>
<td>N/A</td>
<td>1</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>SH Terry</td>
<td>Ind</td>
<td>2</td>
<td>50%</td>
<td>---</td>
</tr>
<tr>
<td>A Tighe</td>
<td>M</td>
<td>3</td>
<td>67%</td>
<td>33%</td>
</tr>
<tr>
<td>W Walker</td>
<td>M</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>E Weekes</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>J Wilson</td>
<td>M</td>
<td>3</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>R Wisdom</td>
<td>M</td>
<td>1</td>
<td>100%</td>
<td>0%</td>
</tr>
</tbody>
</table>

Table 14: Voting patterns of politicians in the seven divisions that Loveday selected to determine his faction groups

---

51 Loveday considered Robertson to be a faction leader, however as discussed above, Cowper is assumed to be the primary faction leader by virtue of his position as Premier. In this instance, the test is whether Robertson voted in line with Cowper as faction leader.
and voted on the same side of all of them as Forster did. Richard Sadlier, who Loveday identified as a member of the Cowper / Robertson faction was also present for all seven divisions, and voted on the same side as Cowper for all of them.

However, there are also those examples that suggest a different picture. Atkinson Tighe, identified by Loveday as a member of Martin’s faction, was present for all seven divisions, but voted on the same side as Martin only 43 per cent of the time. At first glance, this might suggest that Tighe was not as firm a supporter of Martin as Loveday had assumed, and that perhaps Tighe’s loyalty was inconsistent, or required some bolstering. To answer that question we would need to ask, and answer, another important question, one that applies to all of the data discussed in this section. How do we know when a politician is voting for or against their supposed faction leader, or voting for or against the government of the day, or supporting / opposing a Bill or issue on its merits? While the Cowper government was in power, Tighe voted in line with the government 67 per cent of the time, and in line with Martin 33 per cent of the time. How do we know what his primary consideration was? While the Martin government was in power, Tighe voted with them 50 per cent of the time. Again, how do we know whether he was considering the merits of the issue (ie voting for or against the government) or his loyalty to his supposed faction leader when he decided how to cast his vote in each case?

From the seven divisions that Loveday chose, this question is impossible to answer. They all represent flash points in the life of the parliament, and would therefore be expected to polarise opinion. In very real ways, with or without the existence of factions, developing an opinion on these questions necessarily included forming a personal and subjective opinion about the people involved. These were questions of conduct and integrity which, as the discussion in chapter 4 explores in more depth, were a reflection of the public and private character of each individual which was so important in the nineteenth century.
Some politicians were allocated by Loveday to faction groups even though they were present for very few divisions. For example, James Buchanan was present for only two divisions out of the seven that Loveday uses for his analysis, but Loveday was comfortable classifying him as a firm supporter of Martin. Similarly, Joseph Eckford was present for only three divisions, but Loveday was comfortable classifying him as a firm Cowper / Robertson supporter. Loveday and Martin argue that these classifications are supported by further research into examples of faction meetings, but that evidence is not cited in any published work.

The case study politicians were chosen in part because Loveday saw them as firm members of one of the factions, or considered them to be clearly independent of those factions. Their responses to these divisions is interesting.

<table>
<thead>
<tr>
<th>Name</th>
<th>Faction</th>
<th>During the Cowper government (n = 3)</th>
<th>During the Martin government (n = 4)</th>
<th>Total (n = 7)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No present for</td>
<td>Voted with govt</td>
<td>Voted with faction leader</td>
<td>No present for</td>
</tr>
<tr>
<td>M Burdekin</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>D Dalgleish</td>
<td>M</td>
<td>3</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>W Forster</td>
<td>F</td>
<td>3</td>
<td>0%</td>
<td>---</td>
</tr>
<tr>
<td>J Lucas</td>
<td>Ind</td>
<td>3</td>
<td>0%</td>
<td>---</td>
</tr>
<tr>
<td>SH Terry</td>
<td>Ind</td>
<td>2</td>
<td>50%</td>
<td>---</td>
</tr>
</tbody>
</table>

Table 15: Subset of table 14 showing case study politicians only

Burdekin was classified as being part of the Cowper/Robertson faction, and this data would appear to support that. He voted in the same way as Cowper when Cowper was in government 100 per cent of the time, and 66 per cent of the time when Martin was in government. Dalgleish was classified as part of the Martin faction, and he voted in the same way as Martin in all seven divisions. Burdekin and Dalgleish voted in line with the government of the day only for the divisions where their supposed faction leader was in power. While this implies a strong correlation between the two, it does not discount other factors in the decision-making process (such as co-incidental agreement on issues), nor does it prove the existence of factions.
Forster was identified by Loveday as a faction leader in his own right, and as will be shown in the tables following there is good reason for that conclusion to have been drawn. However, based on this data, Loveday could conceivably have considered Forster to have been a member of a Martin faction. Forster voted with the Martin government in all four divisions that occurred while that government was in power, and against the Cowper government for the three divisions that occurred while that government was in power. It is the same pattern as for Dalgleish, and yet Loveday drew a different conclusion.

The two independents provide some variation. Lucas voted against the government of the day for all seven divisions. Terry was present for five of the divisions, and supported the government of the day approximately two-thirds of the time. The differences in the way these two men voted illustrates the diversity that you would expect from two genuinely independent politicians – there are no identifiable patterns that link them to each other, or to the government of the day.

Despite the wealth of information that the data presents, and the perspective it provides on Loveday and Martin’s idea of factions and when they would operate, concerns remain regarding the validity of this approach to understanding how politicians made decisions on legislation and issues during the Fourth Parliament. The sample size of divisions is too small. While acknowledging that these seven divisions are representative of the type of division over which Loveday and Martin feel that faction allegiances would be activated, what was happening the rest of the time? How were factions maintained if they were only activated during crisis points? What measures were taken to gain and maintain that support in a continually shifting but largely positive political landscape where shared ideologies of white colonial liberalism, egalitarianism, and economic growth drove most of the decision making? Were factions irrelevant when other questions were being decided?

Loveday and Martin never claimed that factions would explain all the political decision-making in colonial politics – as discussed in chapter 1 that is an extrapolation applied by other historians and
later political scientists. As already discussed, they were very careful to maintain their belief in the independence of all politicians when it came to legislative and issues-based decisions. If that was the case, then factions would appear to explain very little about how colonial politics operated, and how individual politicians made decisions.

To explore this further, the analysis was expanded to examine whether there is any evidence of factions operating when politicians made decisions regarding legislation. A government’s legislative achievements usually define their legacy and it would be reasonable to assume that political leaders might want to activate any factional support they felt they could command to ensure that any government Bills they wished to pass were passed, and any private members Bills they wished to defeat were defeated. As already discussed in chapter 2, the second reading of a Bill is the generally accepted point at which support for the issue is gauged. No sources specify exactly where within the second reading process this occurs. As shown in Figure 4, there are three elements to this:

- the motion to read the Bill a second time (after which it was read aloud by the clerk),
- the motion for the House to consider the Bill in a Committee of the Whole (after which it was discussed in detail), and
- the motion to adopt the Committee’s report (after which the Bill could proceed to a third reading).

Each of these stages provides an opportunity for the House to derail the passage of the Bill — a defeated motion on any one of these elements would suffice. However, a precise point to gauge support is difficult to determine, and a Bill could still (theoretically at least) be defeated at the third reading stage if politicians were either not happy with the final form of the Bill or were not present during the second reading stage and strongly objected to the premise of the Bill. The Third Reading of the 1858 Electoral Reform Bill that widened the franchise in New South Wales saw some previous
supporters of the Bill vote against it because they didn’t like its final form. Piddington and Daniel Deniehy voted against it because they did not like the proposal to divide electorates according to police districts rather than county boundaries, which created more electorates with a smaller number of electors than they felt was appropriate for the size of the colony. The Bill passed without their support, but it is interesting that they voted against a Bill whose primary purpose they did support because they did not like one significant element of it.

I have therefore grouped together any divisions relating to elements of the second reading stage of a Bill to create another series of divisions that can be used as a comparison point for Loveday’s divisions. This series uses more than double the number of divisions that Loveday used, so in addition to creating a comparison point for the types of divisions being examined it also shows what happens when the number of examples is increased. While 16 divisions are certainly an improvement on seven, it remains too small to make a distinction between those divisions concerned with government Bills and those concerned with private members Bills helpful.

---

92 Cochrane, Colonial Ambition, 481-482.
<table>
<thead>
<tr>
<th>Name</th>
<th>Faction</th>
<th>Cowper’s government (n = 8)</th>
<th>Martin’s government (n = 8)</th>
<th>Second Reading divisions (n = 16)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No present for</td>
<td>Voted with govt</td>
<td>Voted with faction leader</td>
</tr>
<tr>
<td>M Alexander</td>
<td>CR</td>
<td>4</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>W Allen</td>
<td>Ind</td>
<td>5</td>
<td>80%</td>
<td>---</td>
</tr>
<tr>
<td>W Arnold</td>
<td>CR</td>
<td>8</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>D Bell</td>
<td>Ind</td>
<td>3</td>
<td>67%</td>
<td>---</td>
</tr>
<tr>
<td>D Buchanan</td>
<td>Ind</td>
<td>1</td>
<td>0%</td>
<td>---</td>
</tr>
<tr>
<td>J Buchanan</td>
<td>M</td>
<td>7</td>
<td>57%</td>
<td>29%</td>
</tr>
<tr>
<td>M Burdekin</td>
<td>CR</td>
<td>6</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>J Burns</td>
<td>M</td>
<td>3</td>
<td>67%</td>
<td>0%</td>
</tr>
<tr>
<td>J Caldwell</td>
<td>CR</td>
<td>6</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>E Close</td>
<td>CR?</td>
<td>4</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>C Cowper Snr</td>
<td>CR</td>
<td>8</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>C Cowper Jnr</td>
<td>CR</td>
<td>8</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>W Cummings</td>
<td>CR</td>
<td>5</td>
<td>60%</td>
<td>60%</td>
</tr>
<tr>
<td>J Cunneen</td>
<td>CR</td>
<td>7</td>
<td>71%</td>
<td>71%</td>
</tr>
<tr>
<td>D Dalgleish</td>
<td>M</td>
<td>8</td>
<td>63%</td>
<td>0%</td>
</tr>
<tr>
<td>W Dalley</td>
<td>Ind?</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>T Dangar</td>
<td>CR</td>
<td>8</td>
<td>88%</td>
<td>88%</td>
</tr>
<tr>
<td>J Darvall</td>
<td>CR</td>
<td>4</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>R Driver</td>
<td>Ind</td>
<td>7</td>
<td>71%</td>
<td>---</td>
</tr>
<tr>
<td>G Eagar</td>
<td>M</td>
<td>5</td>
<td>60%</td>
<td>20%</td>
</tr>
<tr>
<td>J Eckford</td>
<td>CR</td>
<td>1</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>D Egan</td>
<td>CR</td>
<td>4</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>S Emmanuel</td>
<td>CR?</td>
<td>2</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>P Faucett</td>
<td>M</td>
<td>3</td>
<td>67%</td>
<td>33%</td>
</tr>
<tr>
<td>H Flett</td>
<td>CR</td>
<td>6</td>
<td>67%</td>
<td>67%</td>
</tr>
<tr>
<td>R Forster</td>
<td>CR</td>
<td>5</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>W Forster</td>
<td>F</td>
<td>8</td>
<td>25%</td>
<td>---</td>
</tr>
<tr>
<td>T Garrett</td>
<td>CR</td>
<td>8</td>
<td>75%</td>
<td>75%</td>
</tr>
<tr>
<td>H Gordon</td>
<td>F</td>
<td>6</td>
<td>33%</td>
<td>50%</td>
</tr>
<tr>
<td>S Gray</td>
<td>N/A</td>
<td>3</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>J Hannell</td>
<td>CR?</td>
<td>3</td>
<td>67%</td>
<td>67%</td>
</tr>
<tr>
<td>J Harpur</td>
<td>M</td>
<td>7</td>
<td>57%</td>
<td>0%</td>
</tr>
<tr>
<td>J Hart</td>
<td>CR</td>
<td>7</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>R Haworth</td>
<td>CR?</td>
<td>2</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>A Holroyd</td>
<td>M</td>
<td>5</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>T Holt</td>
<td>Ind</td>
<td>4</td>
<td>75%</td>
<td>---</td>
</tr>
<tr>
<td>J Lackey</td>
<td>M?</td>
<td>3</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>JD Lang</td>
<td>CR</td>
<td>7</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>J Laycock</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>J Leary</td>
<td>Ind</td>
<td>4</td>
<td>75%</td>
<td>---</td>
</tr>
<tr>
<td>G Lord</td>
<td>M?</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>W Love</td>
<td>CR?</td>
<td>2</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>J Lucas</td>
<td>Ind</td>
<td>8</td>
<td>75%</td>
<td>---</td>
</tr>
<tr>
<td>W Macleay</td>
<td>F</td>
<td>3</td>
<td>33%</td>
<td>100%</td>
</tr>
<tr>
<td>A Macpherson</td>
<td>F</td>
<td>6</td>
<td>67%</td>
<td>50%</td>
</tr>
<tr>
<td>J Martin</td>
<td>M</td>
<td>1</td>
<td>0%</td>
<td>---</td>
</tr>
<tr>
<td>T Mate</td>
<td>M?</td>
<td>8</td>
<td>63%</td>
<td>13%</td>
</tr>
<tr>
<td>H Milford</td>
<td>Ind?</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Name</td>
<td>Faction</td>
<td>Cowper’s government (n = 8)</td>
<td>Martin’s government (n = 8)</td>
<td>Second Reading divisions (n = 16)</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>-----------------------------</td>
<td>-----------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No present for</td>
<td>Voted with govt</td>
<td>Voted with faction leader</td>
</tr>
<tr>
<td>M Moriarty</td>
<td>M</td>
<td>5</td>
<td>60%</td>
<td>20%</td>
</tr>
<tr>
<td>J Morrice</td>
<td>CR</td>
<td>4</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>A Morris</td>
<td>Ind</td>
<td>7</td>
<td>71%</td>
<td>---</td>
</tr>
<tr>
<td>H Parkes</td>
<td>P</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>W Piddington</td>
<td>M</td>
<td>7</td>
<td>86%</td>
<td>0%</td>
</tr>
<tr>
<td>E Raper</td>
<td>M</td>
<td>2</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>W Redman</td>
<td>Ind</td>
<td>2</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>J Robertson</td>
<td>CR</td>
<td>7</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>H Rotton</td>
<td>Ind?</td>
<td>6</td>
<td>33%</td>
<td>---</td>
</tr>
<tr>
<td>F Rusden</td>
<td>M</td>
<td>4</td>
<td>50%</td>
<td>25%</td>
</tr>
<tr>
<td>JT Ryan</td>
<td>Ind</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>JN Ryan</td>
<td>Ind?</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>R Sadlier</td>
<td>CR</td>
<td>7</td>
<td>57%</td>
<td>57%</td>
</tr>
<tr>
<td>S Samuel</td>
<td>CR?</td>
<td>2</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>I Shepherd</td>
<td>Ind</td>
<td>2</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>T Smart</td>
<td>CR</td>
<td>6</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>R Stewart</td>
<td>M?</td>
<td>8</td>
<td>63%</td>
<td>0%</td>
</tr>
<tr>
<td>J Sutherland</td>
<td>CR</td>
<td>7</td>
<td>71%</td>
<td>71%</td>
</tr>
<tr>
<td>W Suttor</td>
<td>N/A</td>
<td>5</td>
<td>80%</td>
<td>---</td>
</tr>
<tr>
<td>SH Terry</td>
<td>Ind</td>
<td>6</td>
<td>67%</td>
<td>---</td>
</tr>
<tr>
<td>A Tighe</td>
<td>M</td>
<td>7</td>
<td>86%</td>
<td>0%</td>
</tr>
<tr>
<td>W Walker</td>
<td>M</td>
<td>3</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>E Weekes</td>
<td>CR</td>
<td>3</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>J Wilson</td>
<td>M</td>
<td>7</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>R Wisdom</td>
<td>M</td>
<td>8</td>
<td>88%</td>
<td>0%</td>
</tr>
</tbody>
</table>

Table 16: Politicians and their voting patterns - broken down by the Second Reading divisions

The most important thing to note about these data is that Cowper and Martin, the two faction leaders between whom the great political contests of the Fourth Parliament are supposed to have taken place, had less than impressive attendance records. Cowper was present for all the second reading divisions that occurred while he was Premier, but was present for only 75 per cent of the second reading divisions while Martin was Premier. Martin, however, was present for only one out of the eight second reading divisions while Cowper was in power, and seven out of the eight divisions while he was Premier.

This is particularly important for Loveday and Martin’s faction hypothesis. Loveday claims that Martin was a powerful faction leader during the Fourth Parliament, but Martin was not present in the Assembly for many of the second reading debates. This is possibly because Martin was still
earning his living as a lawyer, and the demands of court attendance meant that he missed some parliamentary sittings. This means that his supposed faction members could not follow his lead. In the absence of any evidence that they were meeting outside of parliament, either informally for discussion or in a more formal caucus arrangement, how could any politician follow his lead? The same holds true for Cowper during Martin’s government, although Cowper was present for more of those divisions.

The data for the case study politicians supports this.

<table>
<thead>
<tr>
<th>Name</th>
<th>Faction</th>
<th>Cowper’s government (n = 8)</th>
<th>Martin’s government (n = 8)</th>
<th>Second Reading divisions (n = 16)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No present for</td>
<td>Voted with govt</td>
<td>Voted with faction leader</td>
</tr>
<tr>
<td>M Burdekin</td>
<td>CR</td>
<td>6</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>D Dalgleish</td>
<td>M</td>
<td>8</td>
<td>63%</td>
<td>0%</td>
</tr>
<tr>
<td>W Forster</td>
<td>F</td>
<td>8</td>
<td>25%</td>
<td>---</td>
</tr>
<tr>
<td>J Lucas</td>
<td>Ind</td>
<td>8</td>
<td>75%</td>
<td>---</td>
</tr>
<tr>
<td>SH Terry</td>
<td>Ind</td>
<td>6</td>
<td>67%</td>
<td>---</td>
</tr>
</tbody>
</table>

Table 17: Subset of table 16 showing case study politicians only

With the increased sample size, Burdekin continues to appear to be a steadfast supporter of a Cowper/Robertson faction, if one existed. He voted with the government and Cowper on all six divisions that he was present for while they were in power and did not vote in line with the Martin government at all. Dalgleish, however, starts to appear much less reliable as a faction member. He was present for all 16 divisions and voted in line with the Cowper government 63 per cent of the time while they were in power. Considering Martin was only present for one of those divisions, there was little opportunity for Dalgleish to decide whether or not to support Martin’s position, but it would appear that he was choosing to support the Cowper government’s position reasonably consistently. The level of his support for the government of the day rose while Martin’s government was in power to 88 per cent, but it is impossible to determine whether that is support for Martin as

---

faction leader and Premier, or whether Dalgleish was continuing to support the government of the day on the measures that he considered reasonable or desirable. As discussed further in chapter 5, what we know of Dalgleish as a man and politician suggests that the latter suggestion is more likely. His reputation for being well informed and making up his own mind on issues is decidedly in opposition to the idea of him being a blindly loyal faction supporter.

Forster was also present for all 16 divisions. He voted with the Cowper government 25 percent of the time on the divisions while they were in power, and in line with the Martin government for each of the second reading divisions while they were in power. As he was Colonial Secretary in the Martin government, that was to be expected.

Of the two independents, there is sufficient evidence for Lucas and Terry that reinforce their pattern of determining their position for each division on its merits. Both supported the government of the day on some divisions, regardless of who was in power, and did not support them on others.

This information starts to answer some of the questions raised earlier. We can see that where a supposed faction leader was not present there is no evidence that they could have influenced their supposed faction members in a particular direction, and that any supposed faction members were then left to make their own decision regarding whether to support the government of the day or not on the motion in front of the House. In modern factions, the decisions about which policies and legislation to support or oppose are usually made outside the House, and it is possible that, if factions had existed during the Fourth Parliament, they would have operated in a similar way. However, like today, sometimes changes occurred quickly during debates. In today’s party politics, the lead is always taken by the party leader, and other politicians are expected to fall into line. There is an entire cabinet or shadow cabinet that supports that leadership, and there is always someone to dictate the tone of the response to an unexpected idea. In the 1860s, if a supposed faction leader was not in the Assembly as ideas and support for a particular initiative shifted, it is very unclear how Loveday and Martin believed that factional leadership could still occur.
The level of support which politicians chose to give the government of the day was more varied when it came to legislation. However, arguably the sample size is still too small to provide a robust assessment of the validity of Loveday and Martin’s faction thesis as the primary influence on political support from individual politicians during the Fourth Parliament. Therefore, the same type of analysis has been completed for all the divisions for the Fourth Parliament (excluding wording divisions) to provide a third point of comparison which incorporates a larger data set. These divisions include the ones Loveday used for his analysis, as well as all of the second reading divisions.
<table>
<thead>
<tr>
<th>Name</th>
<th>Faction</th>
<th>Cowper’s government (n = 64)</th>
<th>Martin’s government (n = 78)</th>
<th>All divisions for the fourth and fifth sessions (n = 142)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No present for</td>
<td>Voted with govt</td>
<td>Voted with faction leader</td>
<td>No present for</td>
</tr>
<tr>
<td>M Alexander</td>
<td>CR</td>
<td>37</td>
<td>86%</td>
<td>33</td>
</tr>
<tr>
<td>W Allen</td>
<td>Ind</td>
<td>46</td>
<td>67%</td>
<td>51</td>
</tr>
<tr>
<td>W Arnold</td>
<td>CR</td>
<td>48</td>
<td>98%</td>
<td>30</td>
</tr>
<tr>
<td>D Bell</td>
<td>Ind</td>
<td>27</td>
<td>89%</td>
<td>63</td>
</tr>
<tr>
<td>D Buchanan</td>
<td>Ind</td>
<td>41</td>
<td>39%</td>
<td>46</td>
</tr>
<tr>
<td>J Buchanan</td>
<td>M</td>
<td>7</td>
<td>57%</td>
<td>12</td>
</tr>
<tr>
<td>M Burdekin</td>
<td>CR</td>
<td>49</td>
<td>84%</td>
<td>48</td>
</tr>
<tr>
<td>J Burns</td>
<td>M</td>
<td>16</td>
<td>50%</td>
<td>37</td>
</tr>
<tr>
<td>J Caldwell</td>
<td>CR</td>
<td>41</td>
<td>71%</td>
<td>29</td>
</tr>
<tr>
<td>E Close</td>
<td>CR?</td>
<td>33</td>
<td>94%</td>
<td>14</td>
</tr>
<tr>
<td>C Cowper Snr</td>
<td>CR</td>
<td>62</td>
<td>100%</td>
<td>52</td>
</tr>
<tr>
<td>C Cowper Jnr</td>
<td>CR</td>
<td>54</td>
<td>98%</td>
<td>47</td>
</tr>
<tr>
<td>W Cummings</td>
<td>CR</td>
<td>31</td>
<td>74%</td>
<td>39</td>
</tr>
<tr>
<td>J Cunneen</td>
<td>CR</td>
<td>61</td>
<td>67%</td>
<td>37</td>
</tr>
<tr>
<td>D Dalgleish</td>
<td>M</td>
<td>60</td>
<td>47%</td>
<td>71</td>
</tr>
<tr>
<td>W Dalley</td>
<td>Ind?</td>
<td>12</td>
<td>67%</td>
<td>1</td>
</tr>
<tr>
<td>T Dangar</td>
<td>CR</td>
<td>58</td>
<td>72%</td>
<td>71</td>
</tr>
<tr>
<td>J Darvall</td>
<td>CR</td>
<td>27</td>
<td>81%</td>
<td>21</td>
</tr>
<tr>
<td>R Driver</td>
<td>Ind</td>
<td>50</td>
<td>72%</td>
<td>63</td>
</tr>
<tr>
<td>G Edgar</td>
<td>M</td>
<td>49</td>
<td>57%</td>
<td>75</td>
</tr>
<tr>
<td>J Eckford</td>
<td>CR</td>
<td>4</td>
<td>100%</td>
<td>8</td>
</tr>
<tr>
<td>D Egan</td>
<td>CR</td>
<td>32</td>
<td>66%</td>
<td>53</td>
</tr>
<tr>
<td>S Emmanuel</td>
<td>CR?</td>
<td>16</td>
<td>88%</td>
<td>14</td>
</tr>
<tr>
<td>P Faucett</td>
<td>M</td>
<td>11</td>
<td>45%</td>
<td>26</td>
</tr>
<tr>
<td>H Flett</td>
<td>CR</td>
<td>45</td>
<td>82%</td>
<td>15</td>
</tr>
<tr>
<td>R Forster</td>
<td>CR</td>
<td>36</td>
<td>61%</td>
<td>48</td>
</tr>
<tr>
<td>W Forster</td>
<td>F</td>
<td>62</td>
<td>42%</td>
<td>76</td>
</tr>
<tr>
<td>T Garrett</td>
<td>CR</td>
<td>62</td>
<td>85%</td>
<td>72</td>
</tr>
<tr>
<td>H Gordon</td>
<td>F</td>
<td>40</td>
<td>48%</td>
<td>65</td>
</tr>
<tr>
<td>S Gray</td>
<td>N/A</td>
<td>17</td>
<td>88%</td>
<td>2</td>
</tr>
<tr>
<td>J Hannell</td>
<td>CR?</td>
<td>25</td>
<td>90%</td>
<td>26</td>
</tr>
<tr>
<td>J Harpur</td>
<td>M</td>
<td>53</td>
<td>55%</td>
<td>32</td>
</tr>
<tr>
<td>J Hart</td>
<td>CR</td>
<td>42</td>
<td>57%</td>
<td>37</td>
</tr>
<tr>
<td>R Haworth</td>
<td>CR?</td>
<td>17</td>
<td>94%</td>
<td>36</td>
</tr>
<tr>
<td>A Holroyd</td>
<td>M</td>
<td>31</td>
<td>58%</td>
<td>73</td>
</tr>
<tr>
<td>T Holt</td>
<td>Ind</td>
<td>33</td>
<td>91%</td>
<td>14</td>
</tr>
<tr>
<td>J Lackey</td>
<td>M?</td>
<td>24</td>
<td>58%</td>
<td>52</td>
</tr>
<tr>
<td>JD Lang</td>
<td>CR</td>
<td>48</td>
<td>79%</td>
<td>36</td>
</tr>
<tr>
<td>J Laycock</td>
<td>CR</td>
<td>7</td>
<td>86%</td>
<td>9</td>
</tr>
<tr>
<td>J Leary</td>
<td>Ind</td>
<td>37</td>
<td>51%</td>
<td>66</td>
</tr>
<tr>
<td>G Lord</td>
<td>M?</td>
<td>8</td>
<td>63%</td>
<td>17</td>
</tr>
<tr>
<td>W Love</td>
<td>CR?</td>
<td>29</td>
<td>66%</td>
<td>20</td>
</tr>
<tr>
<td>J Lucas</td>
<td>Ind</td>
<td>57</td>
<td>53%</td>
<td>65</td>
</tr>
<tr>
<td>W Macleay</td>
<td>F</td>
<td>29</td>
<td>34%</td>
<td>60</td>
</tr>
<tr>
<td>A Macpherson</td>
<td>F</td>
<td>55</td>
<td>51%</td>
<td>54</td>
</tr>
<tr>
<td>J Martin</td>
<td>M</td>
<td>18</td>
<td>28%</td>
<td>70</td>
</tr>
<tr>
<td>T Mate</td>
<td>M?</td>
<td>50</td>
<td>46%</td>
<td>32</td>
</tr>
</tbody>
</table>
The much larger data sample provides quite a different picture, and significantly undermines the conclusions Loveday drew from the seven divisions that he chose. For example, Saul Samuel, who Loveday classified as an unsteady supporter of the Cowper/Robertson faction, may have supported them up to 71 per cent of the time, while Richard Sadlier, who Loveday classified as a firm supporter of the same faction, may have supported them only 62 per cent of the time. Thomas Mate, a supposedly unsteady supporter of Martin, and Merion Moriarty, a supposedly firm supporter of Martin, both appear to have voted in line with Martin at the same rate, and well below the 80 per cent set as the threshold for this research. Significantly, in many cases the politicians have voted in line with the government of the day more often than in line with their supposed faction leader, and

Table 18: Voting patterns of individual politicians, broken down by faction group and by government

<table>
<thead>
<tr>
<th>Name</th>
<th>Faction</th>
<th>Cowper’s government (n = 64)</th>
<th>Martin’s government (n = 78)</th>
<th>All divisions for the fourth and fifth sessions (n = 142)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No present for</td>
<td>Voted with govt</td>
<td>Voted with faction leader</td>
</tr>
<tr>
<td>H Milford</td>
<td>Ind?</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>M Moriarty</td>
<td>M</td>
<td>42</td>
<td>52%</td>
<td>31%</td>
</tr>
<tr>
<td>J Morrice</td>
<td>CR</td>
<td>35</td>
<td>74%</td>
<td>74%</td>
</tr>
<tr>
<td>A Morris</td>
<td>Ind</td>
<td>56</td>
<td>61%</td>
<td>---</td>
</tr>
<tr>
<td>H Parkes</td>
<td>P</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>W Piddington</td>
<td>M</td>
<td>57</td>
<td>60%</td>
<td>14%</td>
</tr>
<tr>
<td>E Raper</td>
<td>M</td>
<td>30</td>
<td>60%</td>
<td>27%</td>
</tr>
<tr>
<td>W Redman</td>
<td>Ind</td>
<td>9</td>
<td>56%</td>
<td>---</td>
</tr>
<tr>
<td>J Robertson</td>
<td>CR</td>
<td>58</td>
<td>97%</td>
<td>93%</td>
</tr>
<tr>
<td>H Rotton</td>
<td>Ind?</td>
<td>29</td>
<td>28%</td>
<td>---</td>
</tr>
<tr>
<td>F Rusden</td>
<td>M</td>
<td>40</td>
<td>55%</td>
<td>30%</td>
</tr>
<tr>
<td>JT Ryan</td>
<td>Ind</td>
<td>5</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>JN Ryan</td>
<td>Ind?</td>
<td>3</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>R Sadlier</td>
<td>CR</td>
<td>55</td>
<td>73%</td>
<td>69%</td>
</tr>
<tr>
<td>S Samuel</td>
<td>CR?</td>
<td>25</td>
<td>84%</td>
<td>76%</td>
</tr>
<tr>
<td>I Shepherd</td>
<td>Ind</td>
<td>31</td>
<td>94%</td>
<td>---</td>
</tr>
<tr>
<td>T Smart</td>
<td>CR</td>
<td>58</td>
<td>97%</td>
<td>93%</td>
</tr>
<tr>
<td>R Stewart</td>
<td>M?</td>
<td>60</td>
<td>53%</td>
<td>13%</td>
</tr>
<tr>
<td>J Sutherland</td>
<td>CR</td>
<td>58</td>
<td>67%</td>
<td>64%</td>
</tr>
<tr>
<td>W Suttor</td>
<td>N/A</td>
<td>31</td>
<td>84%</td>
<td>---</td>
</tr>
<tr>
<td>SH Terry</td>
<td>Ind</td>
<td>39</td>
<td>51%</td>
<td>---</td>
</tr>
<tr>
<td>A Tighe</td>
<td>M</td>
<td>42</td>
<td>64%</td>
<td>14%</td>
</tr>
<tr>
<td>W Walker</td>
<td>M</td>
<td>18</td>
<td>94%</td>
<td>17%</td>
</tr>
<tr>
<td>E Weekes</td>
<td>CR</td>
<td>34</td>
<td>94%</td>
<td>94%</td>
</tr>
<tr>
<td>J Wilson</td>
<td>M</td>
<td>57</td>
<td>49%</td>
<td>18%</td>
</tr>
<tr>
<td>R Wisdom</td>
<td>M</td>
<td>52</td>
<td>73%</td>
<td>10%</td>
</tr>
</tbody>
</table>
often at the same rate as one or more of the independent politicians. This strongly suggests that there was more independence than factionalism present in the decision-making for most politicians in the Fourth Parliament.

Among the case study politicians, this data provides some interesting insights into their approach to decisions making.

<table>
<thead>
<tr>
<th>Name</th>
<th>Faction</th>
<th>Cowper’s government (n = 64)</th>
<th>Martin’s government (n = 78)</th>
<th>All divisions for the fourth and fifth sessions (n = 142)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No present for</td>
<td>Voted with govt</td>
<td>Voted with faction leader</td>
</tr>
<tr>
<td>M Burdekin</td>
<td>CR</td>
<td>49</td>
<td>84%</td>
<td>80%</td>
</tr>
<tr>
<td>D Dalgleish</td>
<td>M</td>
<td>60</td>
<td>47%</td>
<td>13%</td>
</tr>
<tr>
<td>W Forster</td>
<td>F</td>
<td>62</td>
<td>42%</td>
<td>---</td>
</tr>
<tr>
<td>J Lucas</td>
<td>Ind</td>
<td>57</td>
<td>53%</td>
<td>---</td>
</tr>
<tr>
<td>SH Terry</td>
<td>Ind</td>
<td>39</td>
<td>51%</td>
<td>---</td>
</tr>
</tbody>
</table>

Table 19: Subset of table 18 showing case study politicians only

Even with this significantly expanded data set, Burdekin still appears to have been a strong supporter of Cowper, beyond what might be expected for a coincidental alignment of ideas and values. Regardless of whether Cowper had a faction to lead in the Parliament or not, it is reasonable to conclude from these figures that Burdekin was significantly guided by Cowper in his decision-making. He voted in line with the government of the day only 53 per cent of the time, but in line with Cowper 73 per cent of the time. Even though his overall average is less than the 80 per cent threshold set for this research, this evidence would still appear to make him Cowper’s man. However, it does not necessarily indicate the presence of a faction. The personal allegiance of one man does not make a faction.

If Martin had a faction, Dalgleish would have been a disappointment. He voted in line with the government of the day 69 per cent of the time, but in line with Martin only 49 per cent of the time, well below the 80 per cent threshold that is the benchmark for factions in this research. The fact that Martin was absent for so much of the parliament has of course impacted these figures,
which raises the question of whether Dalgleish’s apparent lack of support for Martin was a result of him letting Martin down by going his own way, or Martin letting him down by not being there to provide the guidance. In fact, it was neither. Dalgleish may have been more ideologically aligned with Martin’s position on various issues, but he appears to have been making decisions based on his extensive preparation to form his own opinions, and his broad and deep knowledge of the issues.

Forster is a very interesting case. As expected, he supported the Martin government 100 of the time because he was part of that government. However, he also supported the Cowper government 42 per cent of the time. Like Dalgleish, he appears to have made up his own mind, and did not see the point of opposition for the sake of argument. If he felt the government was on the right side of the issue, he was comfortable aligning himself with them for that division.

This data also shows us something of Young’s perspective of the parliament and Forster’s role in it in October 1863. As discussed in chapters 2 and 3, when Cowper’s ministry resigned, Young originally approached Forster to form a government. From this data we can see why Young might have pursued that approach. During the fourth session, Forster was present for 62 out of 64 divisions. While this does not cover all the sitting days during that period, it is clear that Forster was one of the most regular attendees in the parliament. By contrast, Martin was only present for 18 divisions out of the 64 during that period. As far as Young could see, Forster was the only person who could match Cowper’s commitment to attendance and debate, and was therefore the most likely and most appropriate person to form government. Crucially, Young could not see what Loveday believed he could see a century later. Young did not see Forster as a man with only three other men in his faction, and he did not see Martin as a strong leader with significant support in the House.

Another interesting side note to this discussion is the voting pattern of Alan Macpherson. Macpherson and Forster are described as best friends by Stephen Foster, and Loveday classified
Macpherson as a member of Forster’s faction.\textsuperscript{94} The data in Table 18 shows that Macpherson voted in line with Forster on 61 per cent of the time across the Fourth Parliament. By contrast, he voted in line with the Martin government 85 per cent of the time while that ministry was in power. Table 14 reflects more of what Loveday was looking for – with only Loveday’s seven divisions, Macpherson looks far more loyal to Forster’s leadership. The broader data set used in Table 18 indicates a different picture – of two men with a close friendship who were still exercising their independent judgement on issues before the Parliament.

Forster’s (during the Cowper government) and Dalgleish’s approach to making decisions, shows they could just as easily be classified as independent rather than as faction members or faction leaders. Lucas and Terry continue their pattern of voting in line with the government of the day on some divisions and against them on others. Based on these data, it would be plausible to classify all four of them as independent.

The following table summarises the results for all three data sets:

\textsuperscript{94} Stephen Foster, \textit{Empire}, (Pier 9, undated), 8.
<table>
<thead>
<tr>
<th>Name</th>
<th>Faction</th>
<th>Loveday’s divisions (n = 7)</th>
<th>Second Reading divisions (n = 16)</th>
<th>All divisions for the fourth and fifth sessions (n = 142)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No. present for</td>
<td>Voted with govt</td>
<td>Voted with faction leader</td>
</tr>
<tr>
<td>M Alexander</td>
<td>CR</td>
<td>6</td>
<td>50%</td>
<td>83%</td>
</tr>
<tr>
<td>W Allen</td>
<td>Ind</td>
<td>6</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>W Arnold</td>
<td>CR</td>
<td>4</td>
<td>75%</td>
<td>75%</td>
</tr>
<tr>
<td>D Bell</td>
<td>Ind</td>
<td>5</td>
<td>80%</td>
<td>---</td>
</tr>
<tr>
<td>D Buchanan</td>
<td>Ind</td>
<td>5</td>
<td>20%</td>
<td>---</td>
</tr>
<tr>
<td>J Buchanan</td>
<td>M</td>
<td>2</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>M Burdekin</td>
<td>CR</td>
<td>6</td>
<td>50%</td>
<td>83%</td>
</tr>
<tr>
<td>J Burns</td>
<td>M</td>
<td>4</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>J Caldwell</td>
<td>CR</td>
<td>6</td>
<td>50%</td>
<td>83%</td>
</tr>
<tr>
<td>E Close</td>
<td>CR?</td>
<td>2</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>C Cowper Snr</td>
<td>CR</td>
<td>6</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>C Cowper Jnr</td>
<td>CR</td>
<td>7</td>
<td>43%</td>
<td>86%</td>
</tr>
<tr>
<td>W Cummings</td>
<td>CR</td>
<td>4</td>
<td>75%</td>
<td>100%</td>
</tr>
<tr>
<td>J Cunneen</td>
<td>CR</td>
<td>5</td>
<td>60%</td>
<td>80%</td>
</tr>
<tr>
<td>D Dalgleish</td>
<td>M</td>
<td>7</td>
<td>57%</td>
<td>100%</td>
</tr>
<tr>
<td>W Dalley</td>
<td>Ind?</td>
<td>0</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>T Dangar</td>
<td>CR</td>
<td>6</td>
<td>67%</td>
<td>83%</td>
</tr>
<tr>
<td>J Darvell</td>
<td>CR</td>
<td>3</td>
<td>67%</td>
<td>100%</td>
</tr>
<tr>
<td>R Driver</td>
<td>Ind</td>
<td>5</td>
<td>40%</td>
<td>---</td>
</tr>
<tr>
<td>G Eagar</td>
<td>M</td>
<td>7</td>
<td>57%</td>
<td>100%</td>
</tr>
<tr>
<td>J Eckford</td>
<td>CR</td>
<td>3</td>
<td>33%</td>
<td>100%</td>
</tr>
<tr>
<td>D Egan</td>
<td>CR</td>
<td>3</td>
<td>33%</td>
<td>100%</td>
</tr>
<tr>
<td>S Emmanuel</td>
<td>CR?</td>
<td>4</td>
<td>50%</td>
<td>75%</td>
</tr>
<tr>
<td>P Faucett</td>
<td>M</td>
<td>4</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>H Flett</td>
<td>CR</td>
<td>5</td>
<td>40%</td>
<td>80%</td>
</tr>
<tr>
<td>R Forster</td>
<td>CR</td>
<td>5</td>
<td>80%</td>
<td>80%</td>
</tr>
<tr>
<td>W Forster</td>
<td>F</td>
<td>7</td>
<td>57%</td>
<td>---</td>
</tr>
<tr>
<td>T Garrett</td>
<td>CR</td>
<td>7</td>
<td>43%</td>
<td>86%</td>
</tr>
<tr>
<td>H Gordon</td>
<td>F</td>
<td>5</td>
<td>80%</td>
<td>100%</td>
</tr>
<tr>
<td>S Gray</td>
<td>N/A</td>
<td>3</td>
<td>67%</td>
<td>---</td>
</tr>
<tr>
<td>J Hannell</td>
<td>CR?</td>
<td>4</td>
<td>25%</td>
<td>75%</td>
</tr>
<tr>
<td>J Harpur</td>
<td>M</td>
<td>3</td>
<td>33%</td>
<td>100%</td>
</tr>
<tr>
<td>J Hart</td>
<td>CR</td>
<td>4</td>
<td>100%</td>
<td>75%</td>
</tr>
<tr>
<td>R Haworth</td>
<td>CR?</td>
<td>4</td>
<td>100%</td>
<td>50%</td>
</tr>
<tr>
<td>A Holroyd</td>
<td>M</td>
<td>6</td>
<td>67%</td>
<td>100%</td>
</tr>
<tr>
<td>T Holt</td>
<td>Ind</td>
<td>4</td>
<td>100%</td>
<td>---</td>
</tr>
<tr>
<td>J Lackey</td>
<td>M?</td>
<td>7</td>
<td>86%</td>
<td>71%</td>
</tr>
<tr>
<td>JD Lang</td>
<td>CR</td>
<td>4</td>
<td>75%</td>
<td>100%</td>
</tr>
<tr>
<td>J Laycock</td>
<td>CR</td>
<td>2</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>J Leary</td>
<td>Ind</td>
<td>5</td>
<td>40%</td>
<td>---</td>
</tr>
<tr>
<td>G Lord</td>
<td>M?</td>
<td>4</td>
<td>100%</td>
<td>75%</td>
</tr>
<tr>
<td>W Love</td>
<td>CR?</td>
<td>5</td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td>J Lucas</td>
<td>Ind</td>
<td>7</td>
<td>0%</td>
<td>---</td>
</tr>
<tr>
<td>W Macleay</td>
<td>F</td>
<td>7</td>
<td>57%</td>
<td>100%</td>
</tr>
<tr>
<td>A Macpherson</td>
<td>F</td>
<td>6</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>J Martin</td>
<td>M</td>
<td>6</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>T Mate</td>
<td>M?</td>
<td>3</td>
<td>33%</td>
<td>67%</td>
</tr>
<tr>
<td>Name</td>
<td>Faction</td>
<td>Loveday’s divisions (n = 7)</td>
<td>Second Reading divisions (n = 16)</td>
<td>All divisions for the fourth and fifth sessions (n = 142)</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>-----------------------------</td>
<td>---------------------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No. present for</td>
<td>Voted with govt</td>
<td>Voted with faction leader</td>
</tr>
<tr>
<td>H Milford</td>
<td>Ind?</td>
<td>1 100% ---</td>
<td>1 100% ---</td>
<td>20 90% ---</td>
</tr>
<tr>
<td>J Morrice</td>
<td>CR</td>
<td>7 43% 86%</td>
<td>7 57% 86%</td>
<td>78 40% 74%</td>
</tr>
<tr>
<td>A Parkes</td>
<td>P</td>
<td>1 0% ---</td>
<td>0 ---</td>
<td>9 33% ---</td>
</tr>
<tr>
<td>E Raper</td>
<td>M</td>
<td>7 71% 86%</td>
<td>7 71% 43%</td>
<td>95 80% 63%</td>
</tr>
<tr>
<td>J Robertson</td>
<td>CR</td>
<td>5 40% 100%</td>
<td>11 64% 91%</td>
<td>114 61% 83%</td>
</tr>
<tr>
<td>F Rusden</td>
<td>M</td>
<td>6 33% 100%</td>
<td>7 57% 43%</td>
<td>79 75% 61%</td>
</tr>
<tr>
<td>JN Ryan</td>
<td>Ind?</td>
<td>2 100% ---</td>
<td>0 ---</td>
<td>9 100% ---</td>
</tr>
<tr>
<td>S Samuel</td>
<td>CR?</td>
<td>3 0% 33%</td>
<td>2 100% 100%</td>
<td>45 71% 71%</td>
</tr>
<tr>
<td>T Smart</td>
<td>CR</td>
<td>4 75% 100%</td>
<td>9 67% 100%</td>
<td>79 76% 89%</td>
</tr>
<tr>
<td>J Sutherland</td>
<td>CR</td>
<td>5 60% 100%</td>
<td>11 73% 45%</td>
<td>96 54% 57%</td>
</tr>
<tr>
<td>SH Terry</td>
<td>Ind</td>
<td>5 60% ---</td>
<td>13 46% ---</td>
<td>96 48% ---</td>
</tr>
<tr>
<td>W Walker</td>
<td>M</td>
<td>1 100% 100%</td>
<td>5 100% 40%</td>
<td>47 89% 53%</td>
</tr>
<tr>
<td>J Wilson</td>
<td>M</td>
<td>7 57% 100%</td>
<td>15 100% 47%</td>
<td>132 78% 58%</td>
</tr>
</tbody>
</table>

Table 20: Individual politicians and their voting record – broken down by Loveday’s divisions, the Second Reading divisions, and the total number of divisions during the Fourth and Fifth sessions of the Fourth Parliament

As the data in the table shows, some politicians show a consistency of support for their supposed faction leader that could support the faction hypothesis. John Morrice is a good example of this for the Cowper / Robertson faction, as he consistently voted far more often on the same side of a division as Cowper than he did with the government of day, regardless of who was in power. Far more politicians show a much more variable level of support for their supposed faction leader, for example John Wilson (M), whose voting record in Loveday’s data sample would suggest he was a strong supporter of Martin’s, but whose voting record in the second reading divisions falls below 50 per cent in line with Martin’s position, and in the total number of divisions sits at only 58 per cent in line with Martin, which is 20 per cent lower than voting in line with the government of the day.
Hugh Gordon (F), John Burns (M), and John Sutherland (CR) show similar shifts in voting pattern when the data sample is expanded beyond Loveday’s small group of seven divisions.

<table>
<thead>
<tr>
<th>Name</th>
<th>Faction</th>
<th>Loveday’s divisions (n = 7)</th>
<th>Second Reading divisions (n = 16)</th>
<th>All divisions for the fourth and fifth sessions (n = 142)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No. present for</td>
<td>Voted with govt</td>
<td>Voted with faction leader</td>
</tr>
<tr>
<td>M Burdekin</td>
<td>CR</td>
<td>6</td>
<td>50%</td>
<td>83%</td>
</tr>
<tr>
<td>D Dalgleish</td>
<td>M</td>
<td>7</td>
<td>57%</td>
<td>100%</td>
</tr>
<tr>
<td>W Forster</td>
<td>F</td>
<td>7</td>
<td>57%</td>
<td>---</td>
</tr>
<tr>
<td>J Lucas</td>
<td>Ind</td>
<td>7</td>
<td>0%</td>
<td>---</td>
</tr>
<tr>
<td>SH Terry</td>
<td>Ind</td>
<td>5</td>
<td>60%</td>
<td>---</td>
</tr>
</tbody>
</table>

Table 21: Subset of table 20 showing case study politicians only

The case study politicians also show variable support. While Burdekin voted in line with Cowper more often than he voted in line with the government of the day, he was still not guided by Cowper’s position every time. Dalgleish voted in line with the government of the day more often than he voted in line with Martin in two out of the three data sets. For both men, this may be a reflection of the fact that their supposed faction leaders were not always in the House to lead. However, it does illustrate that they were making up their own minds about at least some issues.

When we look at the frequency with which these politicians chose to vote in line with the government of the day across all divisions, the range of 48 per cent to 74 per cent could be viewed as typical of the range we would expect to see from independent politicians who were making their own decisions on the merits of each issue or proposed legislation that came before the Parliament.

As the data in table 20 shows, using Connolly’s threshold of 67 per cent or the 80 per cent used a benchmark for this research does change the conclusions that can be drawn. Using an 80 per cent threshold (across all divisions) suggests that only 9 politicians may have been following a particular leader. However, using 67 per cent as a threshold for evaluating support increases that number to 23 politicians out of 73. Loveday classified 45 politicians as following a particular faction leader, so neither threshold provides substantiation for his classifications. When we factor in the
frequency with which voting in line with a faction leader also meant voting in line with the
government of the day, it becomes clear that voting patterns alone cannot be used to support a
hypothesis of factions as an organising principle for the Fourth Parliament. There are too few
politicians who have clearly voted in line with a supposed faction leader in opposition to the
government of the day to support the theory of factions, especially when the voting patterns for
those politicians Loveday classified as independents show similar results.

During the fourth and fifth sessions of the Fourth Parliament, politicians voted in line with the
government of the day an average of 67 per cent of the time. This evidence supports the decision
to reject Connolly’s threshold of 67 per cent for this research; and therefore the test for factional
support must be higher. The threshold of 80 per cent provides a more robust level of evidence to
assess the effectiveness of factions if they were operating, and will therefore be used for the
remainder of the thesis.

The attendance rates of individual politicians are interesting. To be valuable members of a
supposed faction, being present in the Assembly regularly would be an important element. There
are no attendance rolls available for this period, so attendance rates can only be calculated on the
percentage of times each politician was present for divisions. Again, I have been unable to locate an
acceptable threshold for attendance, and so will use the 80 per cent benchmark for consistency. Of
the 43 politicians that Loveday considered to be firm supporters of a faction, only 14 of them were
present for more than 80 per cent of the divisions (114 or more out of 142). This creates an
impression of diluted support, which would have had important implications within the Assembly if
factions were relied on to pass any measures through the House. It suggests that either factions did
not exist or, if they did, many of the faction members were unreliable attendees.

95 Calculated as an average of the frequency with which politicians voted in line with the government of the
day on all divisions.
Hawker’s statistical analysis revealed that attendance rates were low across the nineteenth century. The Fourth Parliament seems to have experienced similar levels of absenteeism to the other Parliaments that Hawker examined. In the early hours of 3 April 1861, only four months into the new Parliament, a frustrated James Hart put forward a motion for a ‘Call of the House’ on Friday 26 April. Those who were absent without leave were forced to make public their reasons for their absence and then apologise to the House. Two years later, on 24 June 1863, a motion was passed to have the seat of Clarence River declared vacant because its holder, Clark Irving, had been absent for an entire session without obtaining leave. Throughout the Fourth Parliament, the absence of a quorum frequently necessitated the adjournment of the House mid-debate, and time was often lost during debates when questions were raised over whether a quorum was present. A quorum only required 20 members to be in attendance, out of a total of 72 elected members. Not being able to field a quorum therefore reflects poorly on the commitment of the members, but it also highlights their independence in being able to attend or not, with no mechanism beyond a Call of the House or a motion to declare their seat vacant to hold them to account if they did not. There is certainly no sense that any of the men considered leaders in the House, whether they were in government at the time or not, had any influence over the level of absenteeism. This reinforces the conclusion that frequent absenteeism of members would have made for very unreliable faction members if factions existed.

These data do not provide sufficient evidence to prove the existence of factions. They also do not indicate whether factions would have been effective even if they did exist, and this can be further investigated by analysing whether factional activity might have influenced the outcome of individual divisions.

---

96 Hawker, Parliament, 161.
97 V&P1861, 252.
98 V&P1863/4, 9.
Analysis of divisions

The question of how to determine whether factional support might be operating is difficult, as there are no suggestions of an appropriate threshold in other scholarship. It is therefore a somewhat arbitrary judgement to say that, if less than 80 per cent of a faction has voted together, the faction is ineffective. While this does not necessarily mean that there is no factional activity – ie, it is possible that the factional ties were failing, or just not strong enough to outweigh individual positions on that particular issue, rather than that they did not exist – the ineffectiveness of any factional allegiances within divisions is sufficient to question whether factions existed at all or, if they did, whether they had any relevance in relation to how politicians made decisions.

However, it is not enough to simply say that if 80 per cent of a group are voting together then there is factional activity. Those factions need to be working against each other. Unless they are working against each other in a clearly identifiable way, there is no evidence of structure or manipulated support. For example, if 80 per cent of three factions are voting together, but all on the same side of the division, it is equally possible that each politician independently supported (or did not support) that particular Bill or issue, or that they were voting in line with the government of the day. To see clear evidence of factional activity, therefore, we need to see evidence of one faction working against another, with the threshold of 80 per cent applied to at least two out of the three factions. For completeness, two sets of statistics are included – one that includes Loveday’s unsteady supporters within the factions he allocated them to, and one that classifies those unsteady supporters as independents as per the discussion earlier in this chapter. To ensure consistency, only those divisions from the fourth and fifth sessions that Loveday articulated faction groups for have been included.
Number of divisions & Where factional allegiance is a plausible inference

<table>
<thead>
<tr>
<th>Number of divisions</th>
<th>Number of divisions</th>
<th>Where factional allegiance is a plausible inference</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>With Loveday’s unsteady supporters included in the factions</td>
<td>With Loveday’s unsteady supporters included in the independents</td>
</tr>
<tr>
<td>7</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>16</td>
<td>19%</td>
<td>19%</td>
</tr>
<tr>
<td>142</td>
<td>32%</td>
<td>36%</td>
</tr>
</tbody>
</table>

Table 22: Analysis of divisions in relation to factional groups

These data show what happens when Loveday’s faction hypothesis is extrapolated. There is sufficient evidence of at least one faction voting on the opposite side to another for all seven of the divisions that Loveday chose. Based on that small data sample, his hypothesis appears to hold but, as in the earlier discussion, this data sample is too small.

Once the data sample is doubled as it is for the second reading divisions, there is sufficient evidence to support possible factional activity only 19 per cent of the time. When the data sample is extended to include the 142 divisions for the fourth and fifth sessions of the Fourth Parliament, there is sufficient evidence of potential faction activity approximately one-third of the time. Interestingly, there are some divisions that suggest some organisation only when the unsteady supporters are moved to the independent group.

Even more interesting is that the evidence for potential factional activity is considerably strengthened when we separate the results for the Martin ministry from those for the Cowper ministry.

<table>
<thead>
<tr>
<th>No of divisions where factional allegiance is a plausible inference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cowper Ministry</td>
</tr>
<tr>
<td>No of divisions</td>
</tr>
<tr>
<td>Loveday’s divisions</td>
</tr>
<tr>
<td>Second reading</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Table 23: Potential faction activity split between Cowper and Martin ministries

\(^{99}\) USIF = Unsteady Supporters in Factions.

\(^{100}\) USII = Unsteady Supporters in Independents.
These data represent the beginning of a hypothesis that, if factions existed during the 1860s in the parliament of New South Wales, they only began to emerge in 1864, during the Martin ministry. During the Cowper ministry, there is only evidence to suggest potential faction activity up to 16 per cent of the time across all divisions. During the Martin ministry this rose to 53 per cent. Again, there is more evidence to suggest faction activity when the unsteady supporters are included with the independents, which indicates that Loveday and Martin’s argument was diluted by their attempt to demonstrate unsteady support for a faction leader from those politicians who were better classified as independent.

The clear difference in potential faction activity under the two ministries raises the question of whether there was something about the Martin ministry that started to galvanise the type of organising principle that Loveday and Martin felt sure had existed much earlier. The data presented in this chapter suggests that, if factions existed, they emerged later than 1856. As noted earlier, Loveday and Martin hypothesised that factions did not gain strength until the mid-1860s. These data suggest their hypothesis could be revised to suggest that factions did not emerge until the mid-1860s. Chris Connolly has argued that Martin’s ministry marked the turning point where factionalism emerged from a period of post-ideological and post-reform malaise of personalities, patronage, public works and the pursuit of power. In other words, the Martin ministry at the end of the Fourth Parliament may mark the point at which independence started to coalesce into the type of factional arrangement that Loveday and Martin were so certain they saw in political behaviour in colonial New South Wales. Certainly the characteristics of responsible government generally continued to evolve throughout the nineteenth century. Without looking forward into the Fifth Parliament it is not possible to see whether this trend of the development of factions continued, but it is a line of enquiry that deserves further investigation.

101 Connolly, ‘Middling’, 385.
Is the theory of factional politics helpful?

The question then becomes whether the theory of factional politics is useful in understanding how politicians made decisions. How many divisions that indicate possible factional involvement does there need to be before it can be accepted as a valid explanation for parliamentary behaviour? Or, how few divisions does there need to be before we can refute it as a valid explanation?

Again, there is no benchmark in the existing scholarship. For this part of the discussion, the threshold of 80 per cent is too high. Given that Loveday and Martin never claimed that factions could explain all decision-making in the colonial parliaments, and that they recognised some level of independent decision-making alongside the factions that they believed were operating, a threshold of 80 per cent would set a benchmark at odds with their claims. A reasonable person test might suggest that factions at least need to be operating for more than 50 per cent of the time to have any operational value in parliament.\(^{102}\) Given that the highest percentage in this analysis is 54 for the Martin ministry in 1864, the data presented in this chapter may be the beginning of evidence to support the emergence of factions in the mid-1860s. The fact that there is evidence for potential faction activity only 16 per cent of the time for the Cowper ministry suggests that if factions existed in 1863 they were unreliable and ineffective. Loveday did not claim that factions were identifiable for the first three sessions of the Fourth Parliament, which means that for nearly three-quarters of the Fourth Parliament factions cannot be used to explain any aspect of political decision-making.

The other elements of this analysis all point towards factions being, at best, ineffective - if they existed at all. The fact that very few (apparently) firm members of a potential faction demonstrated consistent support showed that they considered themselves to be free to make their own decisions – at least on some issues or in some circumstances. Dissenting votes from ministers did not appear to de-stabilise the government, nor the supposed faction.

For the five politicians that form the individual biographies for this research, the factions are certainly not relevant for the two that Loveday considered to be independent. Lucas and Terry appear to have been making their political decisions based on other criteria, which will be examined in the following chapters and the statistical analysis supports this. Burdekin arguably may have demonstrated some allegiance to Cowper and Robertson but, even then, there is no indication what form that took. Did faction leaders have to convince members of their supposed factions to support them every time they wanted to rely on that support? If so, is that not independent decision-making? Factional discipline – that the faction leader(s) could instruct followers to vote a particular way and be obeyed – is not a claim that any scholar makes for the early factions and there is no evidence here that would support such a claim. Dalgleish showed so little factional support for Martin that it would be difficult to argue in favour of any significant influence Martin might have had on Dalgleish’s political decisions. Forster, despite Loveday’s suggestion that he was a faction leader, voted in the divisions of the fourth and fifth sessions in a way that suggests he supported the government on most measures, and disagreed only when he felt particularly strongly that the government was taking the wrong side of a particular issue.

The only point at which factions may have been relevant is under Martin’s ministry. As discussed earlier in this chapter, the Cowper ministry fell over an issue of financing expenditure, and Martin’s government is the only period in which there is some evidence to suggest that factions may have been present and operating with some level of effectiveness. This has parallels with the experience of the United States of America, as discussed earlier, where previously independent politicians divided along ideological lines only when faced with their debt crisis. This is also echoed in the British experience of political calm during the late 1840s, that Shirley Letwin sees as ‘founded on considerable prosperity’, implying that stronger political divisions occurred during times of economic stress. It is possible that factions, if they did indeed emerge right at the end of the

---

Fourth Parliament and continued through to the 1890s, were born more of ideology and principle in
the face of financial crisis than has been believed. This question also deserves further investigation.

There is enough evidence here to suggest that factions, if they existed during the Fourth
Parliament, only emerged right at the end during Martin’s ministry. The analysis supports the
conclusion that factional allegiance is inadequate to explain the decisions made by both individuals
and the parliament as a whole. The primary question posed at the beginning of this research was
how did individual politicians make decisions regarding which position to support on legislation and
issues that came before the Parliament? In this chapter, it has been clearly demonstrated that
Loveday and Martin’s factions hypothesis is not sufficient to answer that question. The following
chapter explores the logical alternative to factions – political independence – to see if that offers a
more satisfactory explanation.
4. Independence

As discussed in the previous chapter, factions are insufficient to explain the basis of decision-making for politicians during the Fourth Parliament. This chapter examines the logical alternative to factions – independence – and explores what that would have looked like in the early to mid-1860s. Contrary to the assumptions that underpin much of the scholarship in this area, independence among politicians did not create chaos. Instead, a group of largely amateur politicians navigated complex and far-reaching issues, including state aid to religion and education, and the Land Acts, to set a precedent for the political stability that the colony had been looking for.

This chapter examines the different aspects of independence, both personal and political. After establishing what is meant by political independence, the concepts of gentlemanliness in the nineteenth century, personal independence, and the expectations of constituents are discussed. The nineteenth-century understanding of these concepts, underpinned by Enlightenment thought, form an ideological basis that explains a political independence which went far beyond an absence of factions. This was not an abstract or idealised concept. This form of political independence was how the politicians of the Fourth Parliament navigated their political responsibilities and made decisions on issues before the House. This is drawn out further in the five individual biographies in chapter 5.

The term independence, particularly in the context of political independence, is subject to the same variations in nuance as the term faction. It is rarely defined outside of very elementary political science textbooks, and therefore everyone brings their own interpretation to the conversation. For the purposes of this discussion, establishing a working definition of the term independence is as important as it was for the term faction in chapter 3.
Independence can be conceptualised in a number of ways. One definition is ‘not influenced by others’ and cites ‘independent research’ as an example.\(^1\) However, as historians and other researchers know well, independent research is always influenced by the thoughts, actions, hypotheses, and conclusions of those who have researched in this space (or in related fields) before us. That influence is not necessarily a bad thing, provided that we are critiquing the information for ourselves and not allowing ourselves to be blindly influenced by anyone. A better working definition of independence in a research, and personal, context is therefore ‘not ... controlled by others in matters of opinion, conduct, etc; thinking or acting for oneself’.\(^2\) This recognises the debt we all owe to others in all parts of our lives. We absorb ideas, influences, and thoughts from others through interactions ranging from casual conversations to formal lessons, seminars, meetings, books, journals, news media, social media, and advertising. Whether or not we are controlled by it, or to what degree, is usually within our control, unless an employer has a mandated position on a particular issue to which we must adhere.

This becomes particularly interesting when we are talking about politics. Modern politicians have an interesting relationship with authority. They are paid by the state, elected by the people of a particular constituency, and many follow a party platform that is answerable to neither the state nor the people (except indirectly at the ballot box). Politicians who served in the Fourth Parliament had no recognisable party platform or substantial factional allegiance (as discussed in the previous chapter) and, apart from the ministers, were not paid by the state. They were elected by the people who resided (or conducted business) in their electorate, and arguably had an obligation to them, but they had no direct obligation to the state beyond the recognition that their position as a politician obliged them to follow the parliamentary processes. Therefore, political independence is probably better expressed as ‘not subject to another’s authority or jurisdiction, autonomous, free’\(^3\).


Nineteenth century political independence rested on the autonomy of each politician, who was not beholden to anyone except his constituents.

In a modern parliamentary context, independent political candidates and politicians are typically defined as those who stand for election (or who are elected) while not formally affiliated with any political party and not bound by any party’s policy platform.\footnote{Federal Government website, accessed 4 March 2016, \url{http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp101111rp04#_ftnref3}} Taken at face value, this describes every politician in the Fourth Parliament, as they were elected in an era before political parties formed in New South Wales. Without the party discipline that is evident in modern politics, every politician of the Fourth Parliament could be said to be making their own decisions on every division that was called.

This does not necessarily contradict Peter Loveday and Allan Martin’s idea of factions, given that they did not see factional membership as constituting a formal affiliation. Somewhat confusingly, their later writing suggests that they see independence as a condition that gave rise to factions, rather than being distinct from them.\footnote{Loveday and Martin, ‘Colonial’, 27.} While Loveday and Martin also felt that politicians were free to make their own decisions on key policy, other historians and political scientists, as discussed in chapter 1, have expanded and firmed their idea of a partial organising principle into the main explanation for colonial political decision-making. This conflict between recognition of nineteenth century political independence as discussed in this chapter, and their attempts to fit that independence within a system they were sure existed, is one of the key reasons why Loveday and Martin’s argument does not fit with the evidence examined in this research.

However, attempting to project the twenty-first century definition of independence backwards, resting on the absence of formal political parties, is too limited. It does nothing to describe how the politicians of the time characterised their own decision-making processes. Nor
does it convey the complexity of the social environment in which they lived, worked and conducted parliamentary business.

Despite the enduring picture of colonial politicians requiring organisation and petty leadership to function, independent politicians are acknowledged to have existed throughout Australia’s political history. It is one of the few areas of colonial politics that is not contested, and is noted in the historiography from the 1950s through to the 2006 series of publications to celebrate the sesquicentenary of responsible government in New South Wales.6 However, what exactly independence meant in terms of political ideology or political action has remained nebulous. Martin noted that ‘the beau ideal of independence was the man prepared to support every government so long as its actions squared with the dictates of his conscience’.7 This required complete independence from both their constituents and parliamentary parties or factions, but Martin also believed it to be ‘an ideal superficially reverenced by politicians’ who ‘never wearied of pointing out that no man trammelled by obligations to others could hope to exercise that objective judgement conventionally demanded of the wise legislator’.8 Martin felt that the ties all men had to families, friends and business associates, whether they were fellow politicians or not, made independence impossible.9 How exactly those politicians he identified as independent made decisions is not addressed. Clune and Griffith echoed this sentiment that members ‘did protest too much’ when they wrote that ‘Members loudly proclaimed their independence’, but felt that this independence ‘could be bought for the price of a road or bridge in their electorate’.10 Clune and Griffith offer no supporting evidence for these statements. Macintyre and Scalmer offer a more pragmatic assessment that ‘a

---

7 Martin, Political Groupings, 58.
8 Martin, Political Groupings, 56. See also Kingston, Confident Morning, 257.
9 Martin, Political Groupings, 60.
10 Clune and Griffith, Decision, 35.
recurrent feature of politics in this period is the attempt by diverse participants to reconcile their ambitions with the public good'.\textsuperscript{11}

To use a similar level of analysis as was used earlier the term ‘faction’ in the press of the day, a search of \textit{The Sydney Morning Herald} shows that the term ‘independence’ was used 3,811 times between January 1861 and November 1864.\textsuperscript{12} Other New South Wales papers and journals also used the term frequently. As the term independence has a far wider range of application than the term faction, the increased usage is to be expected, as is the fact that the majority of those references do not relate to the New South Wales parliament.

It is where the word appears in relation to Parliament and parliamentary activities that it becomes relevant for this research. It would be unusual for a newspaper or journal to define a regularly used term, and this instance is no different. Some relevant examples, just from the early part of 1861, include:

- Letters to the editor: ‘in reference to the Chief Commissioner of the Southern Gold-fields ‘is it because he was so thoroughly independent that he would not condescend to consult Mr. Cowper, jun., in the management of his multifarious duties’.\textsuperscript{13}

- Reporting: ‘... but then, Mr Murray, though the oldest member and distinguished by his independence and constitutional leanings ... ‘.\textsuperscript{14}

- Editorial: ‘They are desirous, too, that the government of the country should be in the hands of men who are independent in their circumstances.’\textsuperscript{15}

- Reporting: ‘Mr Kemp had sat already for a short time in Parliament, and while there had proved the independence of his character by always voting according to the dictates of his conscience.’\textsuperscript{16}

\textsuperscript{11} Macintyre and Scalmer, ‘Colonial States’, 195.
\textsuperscript{13} ‘To the Editor of the Herald’, \textit{The Sydney Morning Herald}, 28 January 1861, 8.
\textsuperscript{14} ‘Friday 11 January’, \textit{The Sydney Morning Herald}, 11 January 1861, 4.
\textsuperscript{15} ‘Tuesday, February 19, 1861’, \textit{The Sydney Morning Herald}, 19 February 1861, 4.
It seems clear from these examples, that the term ‘independence’ aligns fairly closely with our understanding of it in a twenty-first century context. It was something to be admired, a stance that was valued even when it put one man in opposition to another, and (most importantly for this discussion) politically desirable.

Independent politicians have a rich history in both the United Kingdom and the United States of America – one that is often eclipsed in favour of discussions around party politics. In the United States of America, the development of political parties at the Federal level in the late 1790s were something of a surprise, with the early years being characterised by a leaning towards independence where political support for each issue was obtained based on the merit of that issue. Brian Hill has noted that there were a significant number of independent politicians in the British Parliament prior to the mid-nineteenth century:

Such Independent Members could be won over by a party’s policy from time to time, but they preserved their basic right to differ from the instinct which led others into political groupings.

This is echoed by Anthony Trollope’s so-called Parliamentary Novels, which were written in the 1860s and therefore contemporary with the period this research covers. McMinn noted that the party system in England was only beginning to crystalise into the forms that we know today during the 1850s and 1860s. The presence of large numbers of independent politicians in both Britain and New South Wales during this period should therefore not be surprising.

While novels should always be used with caution as historical source material, Trollope has an enduring reputation of accurately reflecting the world around him, and Shirley Letwin, whose work is discussed in detail later in this chapter, has argued convincingly in favour of Trollope’s novels as

17 Kelly et al, American Constitution, 132-33.
18 Hill, Early Parties, 1. Gordon Craig notes that in 1832 Wellington could not form a cabinet and therefore could not become Prime Minister of England, which suggests that ministries were formed in the same way in England in 1832 as they were in New South Wales in 1860. See Gordon Craig, Europe since 1815, (New York: Holt Rinehart and Winston, 1961) 110.
19 McMinn, Constitutional, 58.
historical source material. Trollope’s personal interest in British politics (he was an unsuccessful candidate for the House of Commons) suggests that his novels reflect some close and reliable, if necessarily subjective, observations.20 His contemporary critics complained that ‘his realism was too much founded in the mundane, too often about what was all too clearly around them, with nothing of the sublime’.21 What was viewed with criticism on a literary level allows us to approach the novels with more confidence on an historical level.

Trollope’s parliamentary novels explored the myriad elements of change in British politics during the 1860s. A good example of a contemporary parliamentary practice that is relevant for this research is contained in Phineas Finn, where the title character chose to step down from the ministry so that he could exercise his right to independent action within the Parliament.22 In the novel, Finn goes through significant soul searching, and consultation with friends and fellow politicians, before deciding that he must follow his conscience regardless of the potential consequences. Finn was only bound to follow the government’s course while he remained in the ministry. Once out of it, he could exercise his independent judgement and follow his conscience on an issue, without necessarily being considered an opponent of the government itself.

There was also a stronger tradition of political independence in the Australian colonies than the factions hypothesis allows. The West Australian Legislative Council, largely elected between 1870 and 1890, did not develop anything that resembled parties or factions during that period.23 Brian de Garis noted that ‘the prevailing political ethos rather frowned on such an idea, both because it was thought to be the duty of Members to forward the Queen’s business and because

---

every Member regarded himself as ‘free lance’. 24 They retained this sense of independence for the first decade of responsible government (1890-1900). 25

Raymond Wright’s history of Victoria’s parliament focusses on describing factions as the organising principle in the same way that historians have described for New South Wales’ politics. However, similarly to Loveday and Martin, Wright has more difficulty making the case for factions in the early 1860s than he does for later years. 26 Wright’s description of factions echoes Loveday and Martin’s very closely. For example, he wrote that ‘when membership of a faction had achieved a desired end … or had exhausted its usefulness, then the member would abandon that group and join another’. 27 Wright’s description of Victorian politics could also be construed as independent politicians working with like-minded colleagues for one or two issues only, without any ongoing sense of obligation. Stuart Macintyre has written of George Higginbotham’s wish to avoid any form of party organisation ‘on the grounds that nothing should come between a member and his duty’. 28 While Macintyre writes of factions in Victorian politics in the same vein as Wright, and describes how the politicians arranged themselves within the House to indicate their allegiance, he notes that ‘through the period the members occupying the ministerial and opposition benches were usually outnumbered by those on the corners and on the crossbenches’. 29

Although Loveday classified a number of Fourth Parliament politicians as independent, and Martin also acknowledged their existence during the later period of 1870-1889, the idea of genuine political independence was dismissed by both in their published book as a utopian fantasy:

Some colonists … postulated, by contrast, the ideal of a ministry relying on ‘the free and unbought support of the independent representatives of the Country’, though, beyond

27 Wright, People’s Counsel, 64.
28 Macintyre, Colonial Liberalism, 30.
suggesting that members should support measures rather than men, they offered no prescription for translating the ideal into action.\textsuperscript{30}

Loveday and Martin believed that it was impossible for a group of independent men to govern simply by supporting the Premier and the ministry most likely to enact a legislative agenda that served the needs and desires of the people who elected them, met the colony’s need for economic progress, and embodied the widely embraced liberal-conservative platform.

Yet Martin acknowledged a very similar idea in his thesis when he wrote that ‘It is true that most politicians maintained their right to vote on any issue according to their conception of its merits, and frequently acted with this principle in mind’.\textsuperscript{31} He recognised that politicians may have supported a particular Premier because ‘they believed that particular men could serve the State better than others’ and acknowledged that there was ‘no necessary reason why they should consider such a course as being inconsistent with the keeping of their personal integrity’.\textsuperscript{32} Martin appears to have recognised at least some of the nineteenth century concept of political independence in his initial research, but had moved further away from seeing independence as either possible or desirable by the time the book co-authored with Loveday was published.

Hawker acknowledged the presence of independents in Australian colonial politics, but believed them to be far fewer than their voting patterns indicate.\textsuperscript{33} That seems an extraordinary statement to make in that it directly refutes evidence Hawker clearly has access to, and yet it has become the prevailing wisdom without the requirement for supporting evidence, inextricably bound up with the enduring notion of factional politics that was outlined by Loveday and Martin. Hawker felt that the system of government ‘was such that independence and the other liberal values could not survive’, and yet he acknowledged that the prevailing view at the time was that:

\textsuperscript{31} Martin, \textit{Political Groupings}, 64-65.
\textsuperscript{32} Martin, \textit{Political Groupings}, 63-64.
Independence in Parliament was a prime liberal virtue ... No man committed blindly to a party or the views of others could examine issues on their merits, or hope to withstand local and personal pressures upon him, ... much less take a national view of matters.\textsuperscript{34}

Hawker based this on the acceptance of factions as the organising principle of parliament, and without consideration of the ideals held by gentlemen of the day, but the statement does acknowledge that those values existed.

Chris Connolly, in his 1974 thesis \textit{Politics, Ideology and the New South Wales Legislative Council, 1856-72}, positioned his argument in terms of the ‘crude theories of political motivation’ that he felt needed to be rejected before an analysis of political beliefs could be undertaken: ‘The first is that men’s political positions can be explained simply in terms of the arguments which were used to justify them’.\textsuperscript{35} Connolly appears to recognise the complexity of political decision making in nineteenth century New South Wales, and that the arguments made on the floor of the House were the tip of the iceberg in terms of what underpinned political decision-making. Interestingly, despite the fact that Loveday supervised his thesis, Connolly makes no mention of factions in the Legislative Council. He notes that the Legislative Council appointments of 1856 were designed to ensure that a wide range of interests were represented, including occupation and religious affiliation and that there was some care taken to make the Council appear as ‘representative as possible’.\textsuperscript{36} Connolly does, however, trace a liberal / independent / conservative split along ideological lines based on 18 divisions in 1858, which echoes Loveday and Martin’s methodology.\textsuperscript{37} Connolly’s argument that a majority of the divisions in the Legislative Council were related to matters of ideological principle is interesting.\textsuperscript{38} Why this should be seen to occur in the Council but not the Assembly is one of the mysteries of Australian political historiography. The implication is that the wise elders of the Council were more mature, intelligent and well-educated than the rabble of the Assembly, and appears to reflect the anxiety that had prompted a nominated rather than an elected upper house.

\textsuperscript{34} Hawker, \textit{Parliament}, 20-21.
\textsuperscript{35} Connolly, \textit{Politics}, vii-viii.
\textsuperscript{36} Connolly, \textit{Politics}, 48-66.
\textsuperscript{37} Connolly, \textit{Politics}, 83.
\textsuperscript{38} Connolly, \textit{Politics}, 86.
Although Hogan et al accept the concept of factional politics, they do recognise that membership of these factions was ‘elastic’, and resulted in ‘considerable instability’. Similarly Henry Lee and Jim Hagan note that parliamentary alliances were very fluid, and that members ‘moved between factions as personal tastes and interests dictated’. One of the most fascinating elements of twentieth century scholarship in this area is that nearly everyone considers the colonial independents to be more troublesome than those who they see as constantly changing factional allegiances. Also interesting is that the politicians who are viewed as constantly changing their allegiance are still considered part of a group if at all possible, rather than having their independent agency recognised. These views are usually taken over the longer time period of colonial politics between 1856 and 1890, and the shifts and evolutions in political practice over that ~35 year period may well support that view. However, when we narrow the focus to look at the 96 men who served in the Fourth Parliament between 1861 and 1864, it becomes clear that factions, at best, account for very little of the political decision-making. For the Fourth Parliament at least, the perspective needs to shift to one of independence as a starting point.

**Personal independence**

Independence in a political sense during the nineteenth century was inseparable from, although not the same as, personal independence, which can be expressed as a combination of social and financial independence. Judith Brett and Marian Sawyer have both considered the rise of neo-liberalism in Australian post-war culture to have obscured an earlier liberal tradition of ‘independently minded individuals’ who were ‘free to follow their own convictions’. L. Simond, who was travelling through England at the end of the Napoleonic Wars, wrote: ‘I have seen prevailing among all ranks of people that emulation of industry and independence which

---

characterises a state of advancing civilisation properly directed'. It would be natural to find that same independence in a British colony.

Karen Downing’s research into the nature of independence, manners, and manliness, shown by William Henty as he stood before Governor Gipps and politely but resolutely requested that his rights be honoured, shows how independence was viewed in New South Wales in the early 1840s.

For Henty the point was not to gain access to favours or be granted something that he may not have a right to. The point was to have his rights, and his status as an independent gentleman, acknowledged and respected. Although writing much earlier, Nadel appears to have reached the same conclusion, suggesting that during the period from 1830 to 1860, ‘it was independence rather than fellowship which was generally noted’. Russel Ward, in his iconic work The Australian Legend, articulated the ‘myth’ of the ‘typical Australian’ as being a strong independent man who disliked authority. A gentleman who sacrificed his independence to keep up appearances of respectability or wealth was despised.

Nadel felt that, while the shared experience of colonial culture and economic development created a sense of fellowship, there was also ‘an equality of expectations, of individuals judging themselves not by status but by their usefulness in the new country’. Downing noted that the idea of independence and exactly what was meant by the term was a slippery one.

Matthew McCormack sees the use of the term independent during the Georgian period (1714 – c1837) as encompassing more than that.

‘Independence’ connoted not just autonomy, but the condition in which self-mastery, conscience and individual responsibility could be exercised. Only in this situation of

---

43 Craig, Europe, 97.
44 Downing, ‘Henty’, 75-94.
45 Downing, ‘Henty’, 75-6, 79, 87.
46 Nadel, Colonial Culture, 53.
48 Ward, Australian Legend, 63.
49 Nadel, Colonial Culture, 54.
50 Downing, ‘Henty’, 79.
‘independence’, it was argued, could an individual be disinterested, incorruptible and impartial.’51

McCormack goes on to say that while some of those ‘relational connotations’ are still present in the language, the implications around manners, personal virtue, and character have been lost.52 It was not just about autonomy. Independence in a political sense in Georgian England, the time period in which many of the politicians of the Fourth Parliament grew up and received their education, had a strong emphasis on personal virtues, achievements, and ‘acquirements’ of politicians and other political actors (including constituents who voted).53

Perkin described the English people in the early 1800s as experiencing a ‘profound change in human expectations of life in this world and its potentialities for mankind which stemmed from the Renaissance and the Scientific Revolution’.54 Emmanuel Kant defined political independence, of the kind that should allow voting rights in elections, as requiring that someone ‘must be his own master ... and must have some property to support himself’, a stance which McCormack articulates as ‘the epitome of political virtue and the criterion for electoral citizenship’.55 This has echoes in the property qualifications to vote in, and stand for, election in colonial New South Wales, which has traditionally been seen as a measure to keep the undesirables excluded from political participation.56 It is possible that it simply reflected the idea that men should have independent means if they were to use that greatest of Enlightenment faculties – reason – to make their own decisions rather than being so beholden to an employer, creditor, or landlord that they could be influenced, coerced, or forced to vote or act in a particular way.

This can be interpreted as a reflection of Jean-Jacques Rousseau’s argument in Discourse on Inequality, which traced mankind’s development from the very earliest days to the modern period

52 McCormack, 2.
53 McCormack, 3.
54 Perkin, Origins, 11.
and argued that inequality came from an evolution of needs to wants to valuing power over others. He agreed with Thomas Hobbes that political institutions were created by agreement to a ‘social contract’ to prevent violence in communities, but where Hobbes saw the contract as being between equals, Rousseau saw it as between the haves and have-nots. Economic inequality was his main concern. Rousseau did not see inequality as the strong preying on the weak, only as the rich preying on the poor, and that ‘man is weak when he is dependent’. Rousseau’s ideal of independence, therefore, was financially based. If politicians were financially independent, and sufficiently wealthy to no longer be in competition with their fellow man for resources, then they would make effective and objective decisions for the good of the state as a whole. For Rousseau, legally elected politicians who remained independent comprised his ideal form of government.

The question of land reform was therefore tied to contemporary understanding of independence. The property qualifications required to stand for parliament, and to vote for candidates, were far easier to meet for those who owned property rather than for those who rented from others. By opening up the land to smaller selectors who could afford to meet the purchase price and cost of improvements, the government was also increasing the pool of potential candidates and potential voters. As discussed in chapter 2, solvency remained an issue in land reform, as many of the selectors stretched themselves too thin and were forced to walk off the land or work for their wealthier neighbours to make ends meet. However the ideals of financial, and by extension personal, independence underpinned the rhetoric around land reform, and was probably one of the stronger drivers in passing the legislation during the Fourth Parliament. This aligns with Jones’ idea that politics in New South Wales was based on a civic republicanism that was interested in improving the circumstances of most residents.

---

59 Rousseau, Inequality, 130.
The first hurdle to achieving financial independence was solvency. A number of politicians struggled with this. Early in the Fourth Parliament, Parkes resigned his seat to take a paid position because his financial situation was so dire.\textsuperscript{60} James Atkinson had to resign his seat for Central Cumberland in 1863 due to insolvency.\textsuperscript{61} Throughout their careers, both John Robertson and Henry Parkes experienced significant difficulty in staying financially solvent.\textsuperscript{62} Both men were forced to retire from Parliament more than once due to bankruptcy. The same economic climate that underpinned so much progress for New South Wales in the mid-nineteenth century was marked by numerous fluctuations that caused short-term instability within the longer-term trajectory of prosperity, and politicians experienced the same challenges as everyone else in staying solvent.

McCormack notes that existing historiography on independence has failed to draw together the different threads of financial, political, and personal independence in an adequate way.\textsuperscript{63} In 2005 he charged historians with using a similar lens on independence to that which Shirley Letwin identifies for the conceptualisation of the gentleman (see below), that of giving each form of independence a separate identity rather than seeing them as a common phenomenon. He noted that though independence has been less central in Victorian political studies than Georgian, it is no less relevant.\textsuperscript{64}

The concept and practical manifestation of independence is an area that is starting to receive increasing attention from scholars. John Tosh’s study of children migrating from England to South Africa showed that, for older children, independence was signified by ‘freedom from the constraints and controls of one’s given family’, and that the ‘ultimate goal of the independent man was to marry

\textsuperscript{60} Martin, ‘Parkes’.
\textsuperscript{61} ‘Legislative Assembly Thursday (continued)’, The Sydney Morning Herald, 10 July 1863, 3.
\textsuperscript{63} McCormack, 5.
\textsuperscript{64} McCormack, 5-6.
and maintain a family’. In this sense, independence was characterised as the ability to take on responsibility for oneself and, in time, a dependent family, both of which relied on an ability to earn money and build financial resources. The very act of emigration itself was considered to be proof of independence and enterprise. Penelope Corfield argued that liberal professions provided more than just an independent income. They provided a pathway to increased social status and a respectability sufficient for the character of a gentleman. Among those practiced by the politicians of the Fourth Parliament, such professions would have included the law (Marshall Burdekin), technical professions such as engineering (Daniel Dalgleish), or a religious appointment (John Dunmore Lang).

The value of financial independence as a key source of both self-esteem and trust from others seems to have found expression across all levels of society. For example, Connell and Irving see it as a crucial component of the licensing conflict on the Victorian and New South Wales goldfields. The miners’ had an emotional investment in the principle of economic independence and this contributed to the difficulties both colonial governments encountered in implementing social controls. Hirst also recognizes that financial independence is key to the notion of gentlemanliness (see following). He wrote that ‘An “independent” man was in the first place economically independent, and so socially and politically independent; his livelihood did not depend on his pleasing other people’. Stephen Foster agreed with this, noting that a gentleman should have enough money that he did not have to worry about acquiring it or desiring more. Kingston noted that it was the depression of the 1890s that started to undermine this strong sense of individual and independent self-reliance in the face of the vulnerability and hardship experienced by so many

---

66 Nadel, Colonial Culture, 51.
67 Corfield, Power, 174.
68 Connell and Irving, Class, 85.
69 Connell and Irving, Class, 85.
70 Hirst, Colonial Democracy, 114.
71 Foster, private empire, 307.
during that period. This idea becomes interesting when viewed in relation to patronage (see following). Patronage was far more complex than a simple exchange of favours for loyalty. It was possible for a man to be the recipient of patronage and still be independent of his patron with regard to political and commercial decision-making.

Financial independence was not necessarily considered to be compromised by relationships unless one party directly owed money to another, and then it had to be substantial. No sources specify what a substantial amount of money might have been in that period, and it was probably more appropriately considered as a proportion of income or wealth than a fixed amount that would have created a dependent relationship. However, financial relationships did not necessarily have to be based on loans and repayments. Connell and Irving found that approximately 40 per cent of the company directors in Sydney were also politicians during the second half of the nineteenth century, indicating significant financial relationships on a more equal footing. They noted that many of these men were also entrepreneurs rather than salaried workers, and it appears that their dual roles did not represent a conflict of interest in nineteenth century thinking.

As discussed in chapters 2 and 3, payment for all members of parliament was an issue that arose time and again throughout the colonial period. During the Fourth Parliament there were two motions attempting to introduce a Bill for the payment of members, neither of which succeeded. While Ministers, the Speaker, and the Chairman of Committees received a salary, it was widely felt that serving as a Member of the Legislative Assembly was a public duty. As such it should be done voluntarily, not as a paid position. Opponents of the idea also felt that payment would compromise Members’ independence, although the counter-argument that unpaid Members could be swayed by patronage and favours also carried weight. Payment for all Members was not passed until June

72 Kingston, Confident Morning, 51.
73 Connell and Irving, Class, 97.
74 Clune and Griffith, Decision, 31-32.
75 Clune and Griffith, Decision, 31-32.
1889, and then did not begin until after the following election to remove the impropriety of Members voting a salary for themselves.  

McCormack recounts an anecdote from 1809, where an Englishman traveling in Spain felt his independence was compromised when a Spanish man paid for his drink in a bar. In his analysis of this story, McCormack notes that every Englishman of the day would have recognised the risk that even such a small obligation posed to his public independence, which in turn ‘jeopardised a man’s virtue, manliness, liberty and even selfhood’.

**Gentlemen and respectability**

The ideal of financial, personal, and political independence was intimately connected to the social status of a gentleman. John Hirst charged colonial politicians with being interested in the position largely so they could be called gentlemen, especially the lower class ones. This view negates any sense of duty or desire to work for the public good that these politicians might have felt and infers that the long hours involved in attending parliamentary sessions and the costs associated with getting elected were simply the price that had to be paid for social advancement. Hirst does not discuss what benefits this social tag would confer, but he is clear that many of the lower class politicians – the ‘small traders ... shopkeepers, publicans and newspaper proprietors’ – could only assume the title of gentleman when they became parliamentarians, and that they could take that title for themselves upon doing so. These comments on the conceptualisation of the gentleman in a social context suggests that Hirst shares the confusion among historians identified by Shirley Letwin (see below).

Hirst correlates the construct of the gentleman with social position. This is not to say that he confuses the two, which he does not, but simply that he believes there was a direct relationship.
between them. Hirst sees the evolving concept of the colonial gentleman as a ‘widening’ of the ranks through a loophole of long-standing ambiguity about how the term should be conceptualised.\textsuperscript{81} He also believes it was related to social class through the prism of economics: ‘In Australia ... gentleman became the status of any man of means – squatters, landowners, merchants and bankers were all gentlemen’.\textsuperscript{82} Conflating style with substance, Hirst argues that the reception of a man at Government House was an important acknowledgement of his status as a gentleman.\textsuperscript{83} Presumably he means received in a social context, as men not considered to be gentlemen (regardless of definition) who had business with the governor or his staff would be admitted during working hours. Hirst’s view of gentlemanliness is limited by his belief that the colonial liberals were social upstarts intent on storming the barricades of conservative social standing which was inherently connected to wealth, land, and appearances. He is not alone in this interpretation, with Connell and Irving using the term ‘gentleman’ in similar ways.\textsuperscript{84}

Connell and Irving agreed with Hirst’s slightly disparaging view of those who called themselves gentlemen: ‘From the earliest days in the colony, the officials who were dependent on the Crown for their salaries all considered themselves to be gentlemen’.\textsuperscript{85} They also share the casual use of the term in their writing that suggests everyone knew what it meant. Robert Murray disagrees, firmly linking the term gentleman with only the landed gentry in his history of colonial and state government in Victoria.\textsuperscript{86} This dissenting view raises the question of potential regional differences in what was understood by the term, but that would be unlikely given the close ties between colonies. Instead this more likely illustrates the different interpretations of the term among historians.

\textsuperscript{81} Hirst, \textit{Colonial Democracy}, 107.
\textsuperscript{82} Hirst, \textit{Colonial Democracy}, 108.
\textsuperscript{83} Hirst, \textit{Colonial Democracy}, 109.
\textsuperscript{84} Connell and Irving, \textit{Class}, 36-38, 57.
\textsuperscript{85} Connell and Irving, \textit{Class}, 36-37, 57.
Other historians have touched on the subject in important ways. Allan Martin referred to a ‘gentleman’s agreement’ as a central part of the theory on factions as the organising principle of colonial parliament, without explaining what that gentlemen’s agreement was or how it might have played out on the floor of the House.\textsuperscript{87} Nadel, in his argument supporting the nineteenth century urban gentry as the ‘thinkers’ of colonial life, implied that they possessed both a level of education and intellectual engagement that is sometimes, but not always, associated with the middle-class gentleman.\textsuperscript{88} However Nadel also recognises that the early to mid-nineteenth century was a time when the public and private character of a man was identified as being the same.\textsuperscript{89} Even the shipboard character of emigrants followed them into the colony.\textsuperscript{90} If that was the case, then Hirst’s idea that a politician could become a gentleman simply by taking up the role is erroneous. They were either gentlemen anyway, or not at all. A public role could not confer a status that a private character could not maintain.

The emerging middle class that John Molony identified as taking shape in the colonies from the 1840s, and which Allan Martin categorised as one of the greatest social changes of the second half of the nineteenth century, had a mixed stratigraphy.\textsuperscript{91} Hawker represented Martin as being of the position that the majority of politicians in the nineteenth century were firmly middle-class, yet Martin writing with Loveday in 1977 seemed less certain:

\begin{quote}
The middle class in Australia at this time is particularly new, open, heterogeneous and not yet clearly defined, let alone set, in its attitudes and manner of life [Serle 1971:86-90]. Many men had rapidly attained what can be described as a middle class position as a result of good fortune, hard work and wise investments, self education for a profession or the choice of an occupation but without gaining many of the refinements or attitudes that might be regarded as the marks of a middle class in a more settled and less rapidly expanding society.\textsuperscript{92}
\end{quote}

\textsuperscript{87} Martin, Political Groupings, 13.
\textsuperscript{88} George Nadel, Australia's Colonial Culture: Ideas, Men and Institutions in Mid-Nineteenth Century Eastern Australia, (London: Angus & Robertson, 1957) 2.
\textsuperscript{89} Nadel, Colonial Culture, 14.
\textsuperscript{90} Nadel, Colonial Culture, 51.
\textsuperscript{92} Loveday and Martin, ‘Politics’, 12.
If that is the case Loveday had also shifted his opinion, as his PhD thesis from a decade before notes that in the 1860s, ‘The assembly consisted almost wholly of members who might be termed ... middle class in their occupations and status in society’. Using these variable descriptions as representing different aspects of the same idea, the middle classes that emerged in the Australian context are seen to have embodied a similar status-incongruence as that experienced by nineteenth century governesses but on a larger scale. The term ‘status-incongruence’ was used by M Jeanne Peterson to describe the fact that governesses were ladies in every sense of the word, and had to be a lady to teach the children of ladies and gentlemen, and yet were not ladies by virtue of the need to earn their living.

Translating the concept to this research, the term status-incongruence could be used to describe a man that had enough wealth to be considered middle class, and yet was not fully accepted as such due to his family’s convict background. Similarly, another man may have been from a respectable upper-middle class family, and yet not have the income or assets to maintain the expected lifestyle. Those who were wealthy but had convict ancestry or family connections mixed in business and political circles with those who had less wealth but were from more respectable families. Both the level of wealth and the distance from the convict in the family tree could influence one person’s social standing relative to another. This status-incongruence provides the fluid social nexus in which many of the politicians of the Fourth Parliament moved. Samuel Terry is a good example of this. His landholdings made him wealthy, but his convict ancestry placed some limits on his ability to mix in some areas of society. Whereas in England economic mobility often preceded social mobility by at least a generation, and sometimes more, in the colonies the transition could be more rapid. Matthew McCormack agrees with John Tosh’s idea that the key masculine

---

93 Loveday, Development, 164.
94 Cited in Hawker, Parliament, 15.
ideals of the nineteenth century were concerned with a man’s place within his peer group.\textsuperscript{97} When that peer group was difficult to define, or had the potential to change rapidly, a man’s place within his peer group could also shift quickly and the perception others hold of him could also shift.

Penny Russell’s work on nineteenth-century manners in her 2010 book \textit{Savage or Civilised} discusses the way manners helped to define, or at least demarcate, the elusive groups discussed in earlier chapters.\textsuperscript{98} She is the only scholar to publish a significant work on manners in nineteenth-century Australia, and her work strays into the area of gentlemanly behaviour in a number of the examples that she discusses. However, Russell encounters the same difficulty as other historians in finding the breadth and depth of the concept of a gentleman challenging to either define or discuss. Neil Black’s experience at the Wool Pack Inn at Geelong in February 1840 is a good example.\textsuperscript{99} The other squatters staying at the inn were ‘gentlemen by birth’, and got so drunk that they coerced the reluctant Black into joining them. He did so out of fear that they would harm him if he did not. With the landlord away, and the only other occupant an aging servant, Black may well have made the only choice he could. Russell discusses this incident as an example of the degradation of gentlemen on the frontier, without appearing to consider that gentlemanliness required far more than birth.

English and American scholarship has given more attention to this question. Given the close social, business and political relationships between New South Wales and England during the nineteenth century a correlation is justifiable. It is also important to recognize that the concept meant something different in England, and her offshoots like America and the Australian colonies, than it did in France (and possibly the rest of the European Continent). Alexis de Tocqueville, writing in 1856, noted the difference:

\begin{quote}
For several centuries the word ‘gentleman’ entirely changed its meaning in England ... follow through time and space the fate of the word ‘gentleman’, which is born from the
\end{quote}


\textsuperscript{98} Penny Russell, \textit{Savage or Civilised? Manners in Colonial Australia}, (Sydney: University of New South Wales Press, 2010).

\textsuperscript{99} Russell, \textit{Savage}, 81-84.
French word ‘gentil-homme’. You will observe its meaning broaden in England as social classes draw together and close ranks. In each century it is used for men placed a little lower down the social scale. It moves across to America where it is employed to describe vaguely all its citizens. ¹⁰⁰

If de Tocqueville was correct about the use of the term gentleman in America, things had changed considerably. A century before, Thomas Jefferson wrote that the term described a man who exhibited the highest degree of virtue, which for Jefferson meant the Latin version virtus, or ‘manliness and strength’. ¹⁰¹ Jefferson’s virtue encompassed a wide range of attributes including poise, compassion, a sense of justice and ‘an appreciation of one’s own worth as a person’. ¹⁰² Even a society that prided itself on egalitarianism to the extent that America did in the nineteenth century would not claim that all (or perhaps even most) of its citizens could embody those ideals.

Perkin has recognised a similar phenomenon in England, noting that ‘social emulation had … stretched the notion of a gentleman to cover … at least a wide variety of the higher professions and occupations’, an assessment with which Penelope Corfield agreed. ¹⁰³ McCormack also agreed, noting that by the end of the eighteenth century the term gentleman was losing the connotation of exclusivity, ‘and was coming to be applied to anyone who claimed to be worthy of respect: by the Victorian period ‘gentleman’ was nearly all-embracing, and was more identified with personal character than with rank’. ¹⁰⁴ Margaret Markwick wrote that she had identified the English origin of the idea that ‘a prosperous middle-class man cannot become a gentleman’. ¹⁰⁵ The line itself appeared in Kenelm Digby’s 1822 book The Broad Stone of Honour, or Rules for the Gentlemen of England, and according to Markwick sparked

¹⁰² Meyer, Democratic Enlightenment, 118.
¹⁰⁴ McCormack, 115.
¹⁰⁵ Markwick, New Men, 18.
an entire genre of fiction writing (largely in defiance of his principles) which explored themes around gentlemanliness and whether it came from birth, breeding or an innate characteristic that transcended factors of wealth, descent or poverty.  

Describing an entire genre of work as a backlash against one man’s idea appears to give that man and that idea too much power. Markwick is possibly correct in terms of the first time that the idea was expressed so clearly. However, as Letwin has shown, society novelists from Jane Austen (writing in the late 1700s and early 1800s) through to Trollope (writing in the 1860s and 1870s) and beyond invested much of their writing in investigating the ideas and ideals of gentlemanliness. As Digby’s work focussed on attempting to revive chivalry in the nineteenth century, his attention to the notions of gentlemanliness in the nineteenth century was more to show how they suffered in comparison rather than to explore their range or depth. It is fair to say that the works of Austen and Trollope have more to offer our understanding of the ideas that nineteenth century men, and women, used to interpret their world.

Although the term ‘Victorian’ is rarely used in Australian history as a descriptor of the second half of the nineteenth century, Markwick’s thoughts on the term have some applicability. She wrote:

Victorian has become an adjective of derogation … applied to morals it implies hypocrisy; apply it to religion and we perceive a culture where what is seen is more important than the creeds that underlie it.  

Markwick noted that the sport of denigrating Victorian values started soon after Queen Victoria’s death and became stronger as subsequent generations became more distanced from the values of that era. At her time of writing in 2006-2007, she felt that it was only just beginning to change. There is considerable evidence presented in this thesis to support that idea. As already discussed, Loveday, Martin, Hawker, and Hirst have all disparaged the Victorian value of independence or the ideals of a gentleman as unrealistic and hollow, without offering adequate evidence in support. It

---

106 Markwick, New Men, 18.
107 Markwick, New Men, 15.
108 Markwick, New Men, 15.
would appear that Markwick is right: ‘Victorian men are not who we have popularly constructed them to be’. 109

Geoffrey Best calls respectability ‘the great Victorian shibboleth’. 110 Here Best is very likely using the term in a way that encompasses both of its meanings. A shibboleth is both a widely held belief, often in the form of a truism or a platitude that may or may not be true, and describes customs that distinguish one group from another. 111 It is an appropriate metaphor for the idea of Victorian respectability as embodied within the ideal of the gentleman. Although ‘conventions of respectability varied from place to place, from denomination to denomination, from group to group, from level to level’, Best believes that the idea of the gentleman remained elitist and elusive for most of those who coveted the title, primarily because it was so difficult to understand. 112 However, David Castronovo has noted that gentlemen had a specific role to perform in their community, were required to remain actively socially involved, and maintained a view that they owed something to their community, suggesting that at least some of the characteristics of a respectable gentleman were easy to grasp. 113 Although Castronovo’s list covers a rather narrow range of behaviour, it does provide a starting point for developing a more nuanced view of a gentleman. The politicians of the Fourth Parliament, as mostly unpaid representatives required to work nights, met the criteria of performing a specific role in their community, being actively involved, and giving back to a colony when they had grown sufficiently prosperous to be able to afford to do so.

Shirley Letwin’s work on the gentleman in nineteenth century England is a comprehensive exploration of the nuances surrounding the concept, and can be used to expand on Castronovo’s ideas. Letwin’s examination of the gentleman in Trollope’s novels provides a useful lens for this research, given Trollope’s focus on political activity in England at a time contemporaneous with the

109 Markwick, New Men, 13.
111 https://en.oxforddictionaries.com/definition/shibboleth, accessed 12 December 2018
112 Best, Britain, 283.
Fourth Parliament of New South Wales. Her 1982 book *The Gentleman in Trollope: Individuality and Moral Conduct* did not just examine these concepts within the confines of literature but correlated that literary analysis with how the same concepts played out in the real world. 114 Letwin noted that ‘many writers ... have succeeded only in reducing the gentleman to a heap of contradictions, despite their insistence that he is a coherent character’, and this can be clearly seen from the discussion in this chapter so far. 115 She wrote:

The gentleman has become a figure of fun. He is supposed to be someone who has elegant manners and a fine appearance, owns an estate in the country but knows his way about London, covers his walls with ancestors, never seriously works, and looks with horror upon anyone engaged in trade – in short, a grand, inert and complacent idler. 116

This description is not strikingly different from the traditional interpretation of gentlemen in colonial society, with the squatting run in place of the estate in the country and the impression that squatters spent their time sipping sherry in the shade on the verandah or attending their club in town while their station manager organised the men to do the work. Hirst recognised this interpretation of the English gentleman, and asked whether the gentleman could exist without the land and the ancestry. 117 The charge of inertness and idleness does not quite survive the transition from England to New South Wales, if only because men in the colonies were expected to be active even if they did not have to be to earn their living. Certainly squatters and other land holders who were still building up their land holdings were far more involved in the day-to-day running of the stations than they were once more reliable profitability had been achieved. As Letwin notes, most historians have equated the gentleman with the gentry, and that is the definition that dictionary makers usually use. 118 Simple, easy to understand, and misleading.

114 Letwin, *Gentleman*.
In her extensive review of Trollope’s novels, Letwin found that ‘what gentlemen have in common is an unusual morality’, and this morality was their defining characteristic.\(^{119}\) It also transcended class boundaries:

Madame de Staël observed that ‘being called a gentleman is the first condition for obtaining respect in England in any class’ which not even the ‘splendour of the highest rank’ could induce knowing Englishmen to mistake that, however high his birth, if a man lacked the moral quality, ‘you will soon hear it said, even by persons of the lower class, “though he be a lord, he is not a gentleman”’.\(^{120}\)

There is an interesting contrast here with de Tocqueville’s description of how the word was used in England and may reflect the different circles in which they moved. This ‘unusual morality’ that Madame de Staël refers to seems to have been well understood – or perhaps recognised rather than understood – by everyone, and yet describing or defining it remained elusive. Letwin argues that the English ‘society novelists’ did not spend so much time discussing gentlemen because they were obsessed with class distinctions but because they were interested in ‘exploring the moral world of the gentleman. That is why they were so attentive to character’.\(^{121}\) For John Stuart Mill, character was an important component of independence: ‘A person whose desires and impulses are his own – are the expression of his own nature, as it has been developed and modified by his own culture – is said to have a character.’\(^{122}\)

To some extent this is reflected in other scholarship. Best allows room for different types of English gentlemen, unhelpfully designated as ‘the right sort of gentleman’ or not, indicating that only some were socially acceptable.\(^{123}\) He also notes that the term gentleman was more ‘influential than precise’ and ‘elastic and relative’, and notes the existence of those designated as ‘... ‘nature’s

\(^{119}\) Letwin, *Gentleman*, x.

\(^{120}\) Letwin, *Gentleman*, 6.

\(^{121}\) Letwin, *Gentleman*, 56.


\(^{123}\) Best, *Britain*, 268.
gentlemen’: persons of no social position and probably no property either, whose manners, bearing or achievements nevertheless marked them out as uncommon, admirable and civilised’. 124

Letwin’s view, articulated in The Pursuit of Certainty, adds some political depth to this suggestion:

Not only a man’s worldly interests, his compassion, or knowledge of objective circumstances may determine his political convictions. They may depend even more on his character, his tastes, his notion of the relation between man and God, his preference for a quite particular way of living. 125

Letwin draws heavily on David Hume’s philosophical writings on both gentlemanly and political behaviour. In Letwin’s view, Hume ‘considered integrity the basic political virtue … as a quality of character, not of particular acts’. 126 Hume understood that a man of integrity would never really know exactly how he should behave, or whether he had behaved well, because there were no grand principles, clear rules, or handbooks for him to follow. 127 His only guide was his own sense of ‘decency and moderation’. Letwin’s observation that ‘political disagreement emerges as clusters of conversations’ rings true for a colonial parliamentary system that lacked formal political parties and any sense of party discipline to curb or manage disagreement. Letwin’s argument finds similarities in Hume’s idea that ‘whether a man is virtuous depends on his inner experience, not his outward actions, on why he decides, not what he decides’. 128

Wayne Hudson, reflecting on the role of religious liberalism in colonial intellectual thought, noted that, regardless of the reform agenda that different liberals espoused, ‘a good life was a life of moral action to make it better’. 129 Beverley Kingston has gone further, noting that despite some movement towards a more secular morality, individual morals were, for most gentlemen in the

124 Best, Britain, 269.
125 Letwin, Certainty, 1.
126 Letwin, Certainty, 102.
127 Letwin, Certainty, 107-8.
128 Letwin, Certainty, 66.
colony, shaped by generations of Christian teaching and moral discourse.\footnote{Kingston, \textit{Confident Morning}, 76.} She notes that the ‘search for a secular morality grew out of the primary Protestant socialization of those who led the way out of the old religion’, simultaneously reminding us of the individuality of the Protestant relationship with God and the work ethic that remains a by-line of the Protestant faith.\footnote{Kingston, \textit{Confident Morning}, 76.} The difficulty in evaluating the role of values and past experience in present decision making has meant that it is often left out of the discussion.\footnote{Sayer, \textit{Why Things Matter}, 4-11.}

Stuart Piggin and Robert Linder’s 2018 book \textit{The Fountain of Public Prosperity: Evangelical Christians in Australian History, 1740-1914}, is one of the more recent works to address this issue.\footnote{Stuart Piggin and Robert D. Linder. \textit{The Fountain of Public Prosperity: Evangelical Christians in Australian History, 1740-1914} (Melbourne: Monash University Publishing, 2018).} Piggin and Linder argue in favour of evangelical Christian influences in both colonial liberalism and conservatism that suggests values are easier to discern in political decision-making than secular scholarship often allows.\footnote{Piggin and Linder, \textit{Public Prosperity}, 3, 14.} They note that the evangelical Christianity that thrived in Australia was reformist in nature, taking an optimistic view of change through reform rather than a pessimistic one of change through radicalism or revolution.\footnote{Piggin and Linder, \textit{Public Prosperity}, 32.}

However, Piggin and Linder remain somewhat isolated in their views. The majority of the work on values and ideology in Australian political history is secular in focus, although Piggin and Linder argue in favour of a significant intersection in that evangelical Christians sided with secular liberals to achieve their reformist aims.\footnote{Piggin and Linder, \textit{Public Prosperity}, 3, 14.} Stuart Macintyre, in his discussion on colonial liberalism in nineteenth century Victoria, wrote that ‘rather than treat liberalism as a coherent system, it is more realistic to regard it as a way of seeing the world and acting on it’.\footnote{Macintyre, \textit{Colonial Liberalism}, 12.} He recognised that without liberalism’s ‘natural enemy’ of an entrenched ruling class, it developed a new energy as a
'constructive endeavour' aimed at building a future rather than dismantling a past.\textsuperscript{138} This new energy resulted in liberalism in the colonies moving beyond the canonical ideas of Locke, Hume, Smith, Paine, Burke, Bentham, and Mill to accommodate ‘the creative contribution of nineteenth-century Australians’.\textsuperscript{139} This idea of colonial liberalism as a constructive endeavour, combined with the role of a gentleman to be active in their community, provides a firm foundation for political activity.

The notions of gentlemanliness were far more nuanced in nineteenth century Sydney than the Australian scholarship currently recognises. Governor Young wrote to Colonial Secretary Newcastle that when the Legislative Council was reconstituted in 1861 it was composed of ‘gentlemen of high standing and character’.\textsuperscript{140} It is tempting to see in this statement an implication that there could be gentlemen of moderate standing and possibly indifferent character as well. In this statement, Young appears to make that distinction between those who were gentlemen by birth, and those who were gentlemen by virtue of habits, behaviour, and manners. This is more aligned with the English scholarship on gentlemanliness and respectability.

Daniel Deniehy, however, provides an excellent example of why much of the Australian scholarship on gentlemanliness and respectability has been so poverty-stricken. Writing in \textit{Punch}, he takes great delight in satirising the pretensions of those newly risen to the higher social ranks – including politicians.\textsuperscript{141} His focus is on birth, style, and education. Mrs Slapup, who is supposedly the author of this letter to the editor, betrays the humble origins of both herself and her politician husband in every line. Her language is unrefined, her observations uneducated, and her emphasis on style over substance shows that she values the performance of respectability over the reality of it:

\textsuperscript{138} Macintyre, \textit{Colonial Liberalism}, 12.
\textsuperscript{139} Macintyre, \textit{Colonial Liberalism}, 11.
\textsuperscript{140} Griffith, ‘Young’, 261.
\textsuperscript{141} Daniel Deniehy, ‘Dear Mr Punch’ in \textit{The Poets and Prose Writers of New South Wales}, edited by George Barton, (Sydney: Gibbs Shallard & Co, 1866) 142-147.
To be sure, a gentleman like Mr. Cowper wouldn’t disgrace his pious family by falsehood, and saying anything that he doesn’t mean? Therefore, when he not only acknowledges Mr. Slapup as his friend, but his “honourable friend,” he means it.\textsuperscript{142}

However, these are not the words of a woman whose life circumstances have dramatically changed, and who finds herself attempting to navigate a social minefield for which there is no map and no guiding hand. They are the words of a man who was ungentlemanly enough to poke fun at those around him, who has presumed to know their habits while making it clear that he would want to associate with them as little as possible, and who was shallow enough to see style as representative of a person’s worth. It is little wonder that Australian historians have so derided the concept of the colonial gentleman with such examples to work with. It is unlikely that Deniehy would have been considered a gentleman by the English society novelists of the time, including Trollope and Austen. Given that he was the son of Irish Catholic convicts, his satire has a feeling of “look at them, not at me” about it.\textsuperscript{143}

The examples that Young and Deniehy provide, however, do clearly illustrate the anxiety over who could be considered a gentleman and who could not. As the discussion above has shown, there was no checklist or playbook that clearly identified who a gentleman was. Young and Deniehy could arguably be said to have quite different criteria, and Neil Black’s story told in Russell’s book on Australian manners shows a different criteria again. However, what they share is a common concern with the performance of gentlemanliness – the outward appearance that had its foundations in manners, birth, wealth, and social circle. This was clearly a point of significant concern for New South Wales society, but pays little attention to the inward world of gentlemanliness and what it meant to the individual and their own moral code.

As Letwin, Castronovo, and Best have argued, this was an area that was subject to exploration and uncertainty, and yet which was crucial to living and working in the world. One of the few ways

\textsuperscript{142} Deniehy, ‘Mr Punch’, 143.
to determine who was a gentleman was to have another gentleman vouch for them, which was one of the cornerstones of the patronage system. However, in colonial society where (in most cases) the generational ties to land and community were not yet established, even this confirmation of gentlemanliness was subject to question.

Beyond the roads, bridges, ports, and railways that constituents occasionally expected their members to provide, there was also the patronage that was considered an essential part of the British governmental system. This could not, of course, be the subject of electioneering speeches or questions from the crowd. Acts of patronage are therefore very difficult to trace, and I have found no evidence that the politicians of these case studies either tried or succeeded in gaining a position for any constituent or on behalf of any constituent for a relative or friend. This is not to say that it never occurred, only that the direct evidence of it is lost. Stuart Macintyre, writing on the Victorian Parliament for the same period, found far more overt evidence of patronage being exercised in return for political support than I have been able to find for New South Wales.\footnote{Macintyre, Colonial liberalism, 38.}

In the years preceding responsible government, the governor of the day did not have full control over his own administration. The British government retained the right to appoint Englishmen to certain positions, and the sometimes detrimental delay caused by the selection in London and travel to the colonies of such an appointee was not considered sufficient reason to change the system. Even so, the governor did retain the right of appointment of many positions, numbering in the hundreds when the inclusion of police, magistrates, civil servants, land inspectors and others are taken into account. Max Weber noted that ‘There are two ways of making politics one’s vocation: either one lives for politics or one lives off politics. By no means is this contrast an exclusive one’.\footnote{Max Weber, quoted in David Lovell, Ian Macallister, William Maley, Chandran Kukathas, eds, The Australian Political System, (Melbourne: Longman, 1995) 268.} After 1856 ministers did receive a salary, but there were only six paid ministerial positions in the New South Wales colonial parliament between 1861 and 1864, and patronage of this
value had to be heavily tempered by the ability of each minister to do the demanding work of their portfolio. As discussed in chapter 3, the role of Attorney-General in particular was as much a burden as a privilege, even with the salary that accompanied it.

Patronage and the granting of political favours have featured frequently as explanations for political behaviour in colonial New South Wales, usually, but not always, with a similar sense of disapproval as has been applied to factions and upstart gentlemen. They are also frequently cited as a reason why politicians could never be independent. Connell and Irving noted that

the patronage that the departmental system afforded ministers was a crucial cement in the system of parliamentary factions that provided governments with majorities before modern parties emerged in the late 1880s. Expectation of gaining a state post created a chain of favouritism running from the cabinet into the electorate.

There are no references or examples given to support this, but the disapproval of patronage as an employment system is clear. This disapproval takes an interesting turn in Connolly’s opinion that the middling class reformers, who had improved their circumstances within the existing social and political order rather than overturning it, ‘were happy to dispense political patronage to their old enemies in return for flattery and recognition’. In this, Connolly appears to echo Hirst’s idea that middle class politicians craved the approval and notice of their social superiors.

Hilary Golder’s book on patronage provides a well-balanced view of the practice from responsible government onwards. Building on Arthur McMartin’s earlier work that was more of an administrative history of New South Wales, Golder contends that patronage was not usually an evil, despite the high profile incidents where a nominee to a position failed to perform. She does, however, consider the potential for personal power building to impact on a politician’s effectiveness.

---

146 Hogan et al, People’s Choice, 123.
147 Connell and Irving, Class, 90.
149 Golder, Politics.
and independence. Hawker does not entirely agree, suggesting that although patronage was indispensable for a ministry that wanted to stay in power, appointments were made by the Executive Council as a whole and therefore limited any one minister’s opportunity to build up personal support through conveying patronage. Connolly has suggested that patronage was one of the organising principles after the reform agenda of 1861 and 1862 was completed, and before the first significant factions emerged. K.W. Knight believes that patronage was entirely responsible for both an unnecessary expansion of the public service and of the large proportion of unsuitable office holders between 1856 and 1880. Charles Cowper refused to consider entrance exams as necessary for the public service, but there is little evidence that the selection criteria of being ‘a gentleman’, as well as capable and known to the people who were hiring them, was necessarily unsound. The idea that patronage was a general evil, despite its relatively benign impact, appears to carry a sense of modern ideals being projected backwards.

A.G.L. Shaw’s edited volume of letters between Governor George Gipps and Lieutenant-Governor Joseph La Trobe between 1839 and 1846 highlights the considerable responsibility both men felt in deciding where and when to bestow patronage. Gipps wrote to La Trobe in August 1842 ‘I fear I shall have some difficulty in finding a fit person to succeed Hervey at your Meteorological Station.’ The meteorological station was a relatively minor post, and yet they took their time to find a capable man for the position. They also took great care to establish the truth of rumours regarding incompetence or misdeeds. In April 1843, Gipps wrote to La Trobe: ‘I found things on the whole at Norfolk Island, better than I expected – and Maconochies [sic] misdeeds (allowing him to

151 Golder, Politics, ix.
153 Connolly, ‘Middling’, 385.
154 K.W. Knight, The Development of the Public Service in NSW from Responsible Government (1856) to the Establishment of the Public Service Board (1895), Masters of Economics thesis, University of Sydney, 1955, 38.
155 Golder, Politics, 207; Hirst, Colonial Democracy, 115-116; McMartin, Public Servants, 275.
have committed any) have certainly been exaggerated’. 157 Both character and ability were important to Gipps in determining whether a public servant was suitable for, or performing well in, a particular post.

Another example of correspondence in relation to patronage is worth reproducing in full to catch the tone of the communication. This letter was sent from Arthur Holroyd, later Member for Parramatta during the Fourth Parliament and Secretary for Public Works in Martin’s ministry, to his friend Stuart Donaldson while Donaldson was the first Premier of New South Wales.

1 King Street
June 30, 1856

My dear Donaldson

Some time ago a rumour was prevalent that there was probability that W Robertson would be removed from his appointment as Crown Lands Commissioner for the Counties of Wellington and Bligh and in consequence of such report I applied to His Excellency (in case of the vacancy being declared) in favour of our mutual friend Jardine. I have more recently been informed that W Robertson’s tenure of office is more precarious than it was, and if the appointment is not promised, I should take it as a particular favour if you would consider Jardine’s claims. He is an old colonist, is well acquainted with the district, of [...] energy and of business habits; and I most firmly believe would be a very valuable government officer. Personally it would afford me the greatest satisfaction to see him employed by the Government. I am sorry to trouble you but I am desirous of seeing his application favourably received.

Yours very truly
Arthur T. Holroyd 158

In this letter, Holroyd was asking Donaldson to consider a mutual friend for a vacant government position. Holroyd had already approached the Governor on an earlier occasion when it was the Governor’s decision rather than the Executive Council’s, so he was not specifically targeting Donaldson to take advantage of their friendship. He was only asking that Jardine be considered for the position, and outlines Jardine’s claims to be able to perform well in the role. In many ways this letter is the equivalent of a written reference.

157 Gipps to La Trobe, letter, 8 April 1843, in Shaw, Gipps, 200.
This example provides evidence of Letwin’s comment that ‘Patronage ... contained an element of selection by merit, measured by the judgement ... of the patron’.\(^{159}\) Corfield added an important consideration to the mix when she stated that ‘A patron might help to launch a career but success required skill and application’.\(^{160}\) A patron’s reputation rested to some extent on the quality and performance of those he recommended, and great care would therefore have been exercised in determining whether to make such an approach on behalf of someone else. If Donaldson subsequently supported the appointment of Jardine to the position, and it created a web of obligations, who would have an obligation to whom? Would Jardine have been obligated to Donaldson or Holroyd for his appointment? Or both? Was Holroyd also obligated to Donaldson for Jardine’s appointment? Ultimately, Jardine’s appointment was only valuable to any of them if he performed well in the role, in which case any obligation he may have owed was well repaid. More importantly, if Jardine had been appointed to the position, any obligation Holroyd might have felt towards Donaldson would be appropriately acquitted by inviting Donaldson to dinner, rather than extending any political support that did not otherwise square with Holroyd’s own conscience.

Karen Downing sees patronage as an essential part of nineteenth century society, and one that ‘belied their stated aims of, and claims to, independence’.\(^{161}\) Citing an apparent irony in Matthew Flinders’ hope that money from relatives would make him ‘independent of the world’, Downing sees this as conferring an obligation on Flinders in return for the money.\(^{162}\) That is not necessarily true. Independence of thought and action were not always compromised in return for financial assistance, or for patronage in their careers. Flinders would have held a family obligation to those from whom he hoped to receive some money anyway, regardless of whether the money was forthcoming.

\(^{159}\) Letwin, *Gentleman*, 224.

\(^{160}\) Corfield, *Power*, 185.


\(^{162}\) Downing, ‘Henty’, 84.
These accounts of patronage, and the evaluation of performance, suggest that there was an eminently practical tradition associated with the practice. The role of patron or requestor of patronage was not necessarily considered to be a conflict of interest with either the role of politician or businessman. There is room to consider, here, that the society novelists expended quite a lot of ink on the nature of independence and obligation for the same reason they did on the ideal of the gentleman – to explore and understand it rather than to express a set of clearly defined or easily definable social rules.

This reflects the complex nature of individual decision-making and the place of each individual within the groups in which they worked and socialised. It is particularly important for this study of a cohort of politicians because it illustrates, contrary to the positions advanced by other historians in relation to supposed faction groups and patronage networks, that it was possible for any one politician to be part of a number of complex and nuanced relationships that may not have required him to give his allegiance to anyone. Although it certainly could, having a role in a patronage network did not necessarily compromise personal, financial, or political independence. The potential for something does not automatically mean that it happened. Patronage in the form of recommendation was an essential way for a gentleman to be actively involved in his community, reflecting Castronovo’s view of the role of a gentleman. As Hawker noted, any higher-level government appointments were made by the Executive Council as a whole, so the only real power that any politician held was that of recommendation, which was perhaps slightly more influential than anyone within a politician’s network who was not in Parliament.

**Enlightenment thought**

Relating the development of New South Wales colonial politics to the evolution of political thought since the Enlightenment is an unpopular position in the historiography of the period.163 A well-considered philosophical basis for real world events seems to stretch credibility too far, and

---

imply a level of intellectual sophistication that few are ready to allow for either colonial politicians or colonial society. Yet there is a strong argument to be made that for nineteenth century politicians the evolution in thinking sparked by the Enlightenment was embraced as progress in the best tradition of modernity.

Manning Clark, in his posthumously published memoir *A Historian’s Apprenticeship*, wrote of what he termed ‘that other theme in the story of Australia’:

... how in the beginning of white man’s history in Australia there were three faiths, Catholic Christendom, Protestant Christianity and the Enlightenment. There was faith and a morality, and then faith declined, leaving a society of creedless puritans, followed by the withering away of the morality and the beginning of the Kingdom of Nothingness, with all its turbulent emptiness.\(^{164}\)

While rejecting Clark’s depressing view of the steady decline of intellectual thought in Australia, and acknowledging that this quote provides no temporal framework for the descent into nothingness, it is interesting to note that even someone so pessimistic about Australia’s intellectual trajectory still acknowledges the Enlightenment as a strong influence on colonial development.

The phrase ‘moral enlightenment’ is said to have been coined by Charles Harpur, who was born in Australia to ex-convict parents in 1831.\(^{165}\) In 1847, Harpur published an essay in the *Atlas*, which was subsequently republished in the *Empire* in 1851, discussing the flaws he had identified in Jean-Jacques Rousseau’s argument regarding the savage state as being the noblest state for man.\(^{166}\) Harpur argued in favour of ‘education and social individualization’ as a path for every person to develop themselves to their fullest extent.\(^{167}\) Michael Roe sees this as representative of a new faith that emerged in the late 1840s and early 1850s as a direct product of eighteenth century enlightenment thought mingled with ‘Romantic, Protestant, and liberal attitudes’.\(^{168}\) This faith was Benthamite in nature – individuality, rationality, the ability for a man to control his own


\(^{165}\) Roe, *Quest*, 148.

\(^{166}\) Roe, *Quest*, 148.

\(^{167}\) Roe, *Quest*, 148.

\(^{168}\) Roe, *Quest*, 6, 149.
environment, and a spirit of reform were all key elements. Roe noted an alternative title for this new faith might be ‘the Enlightenment Transcendentalized’, but also observed that the reason contemporaries did not agree on a designation is that ‘so eclectic a creed ... was, and remains, hard to dissect and define’. 169 This moral enlightenment appears to have become a new version of Christianity for some, but there is no clear evidence to suggest that any of the politicians of the Fourth Parliament were part of it. 170 It does, however, show clearly that ideas of independence and debates on Enlightenment thinking were present, and probably widespread, in the Australian colonies during the 1850s and 1860s.

The Fourth Parliament’s most prominent functioning alcoholic, David Buchanan, insisted that personal responsibility was an essential element of a free society. 171 Although he joined the temperance movement in an attempt to control his drinking, he also insisted that it was his responsibility to resolve the issue. He resented the legal interference that came with being arrested for drunkenness, especially as it could be exercised at the discretion of the policeman concerned. Citing John Stuart Mill, Buchanan argued that British citizens had ‘a right to get drunk’ as long as they did not disturb the peace. 172 Any right to get drunk was traditionally only for the elite who could afford to drink excessively within their own homes, and therefore did not disturb the peace. Buchanan’s egalitarian usage of Mill’s idea to apply the right to get drunk to all citizens is an interesting reflection of the way Enlightenment ideas flourished in colonial society.

As Ian Cook noted in 1999, there does not appear to be very much in the way of ‘sustained and careful’ work that examines these ideas, and Wayne Hudson wrote along similar lines in 2016. 173 New work is starting to look at this in more detail. Julie Macintyre recognised the influence of Enlightenment thought and the ‘robust intellectual conversation’ that characterised its influence as a

169 Roe, *Quest*, 150.
170 Roe, *Quest*, 175.
cornerstone of the development of viticulture in the early years of New South Wales. John Gascoigne has argued in favour of Enlightenment thought as a strong influence on ideas for social and political improvement. Benjamin Jones’ 2014 book *Republicanism and Responsible Government* argues in favour of civic republicanism as an important element of Australian political development in the colonial period, at least on par with liberalism. Jones bases his work on the clear assumption that politicians and others had exposure to different forms of liberalism, and chose a positive, civic republican, liberalism as the best reflection of the political outcomes they wanted to achieve. Using the writings and speeches of key figures, including John Dunmore Lang who served in the Fourth Parliament, Jones has created a plausible argument in favour of civic republicanism as one of the political foundations for colonial Australia, and supported the idea that these ideologies were well understood by politicians and society in general.

Direct evidence for the exposure of colonial politicians to the political thinkers of Europe and the United States is harder to find. In his biography of Edward Smith Hall and his role as editor of the *Monitor* in Sydney between 1826 and 1840, Erin Ihde examined Hall’s background and education in detail. Ihde was able to trace evidence of Hall’s wide reading and influences from a number of leading European thinkers, including Thomas Paine, Adam Smith, Jeremy Bentham, Francis Bacon, and John Locke. Similarly, Peter Cochrane has recognized elements of Burkean philosophy in colonial rhetoric in the period before the introduction of responsible government in 1856. Ely, in her alternative history of Australian education, argues in favour of Louis Hartz’ fragment theory that:

---

178 Cochrane, *Colonial Ambition*, 7, 13, 93.
Like America, Australia was a ‘fragment’ European culture. Extricated from the British and European matrix during the period when enlightenment and liberal ideas flourished, the colonies proved in some ways fertile soil for these ideas. 179

Ely seems to imply that the intellectual thought exported from Britain through waves of convicts, soldiers, and free settlers was integrated through the lens of distance, struggle, achievement, and survival under challenging conditions, and as a result developed in different ways than in England and Europe. Roland Stromberg, in setting the scene for his survey of intellectual history since 1789, wrote:

At any particular time and place there is a specific set of influences on the human mind, which includes (1) the legacy of past ideas available to people at that time, (2) a social context, consisting of all sorts of phenomena prominent in the environment of the times, political, economic, and so forth, and (3) other contemporary strains of thought and expression. 180

This evolution of enlightenment ideas continued beyond the Fourth Parliament and across the second half of the nineteenth century. Marian Sawyer sees a strongly idealist liberalism as being inextricably bound up with late-nineteenth century colonial thinking as the debates about how to federate embraced ‘a neo-Hegelian conception of the ethical state’. 181

The absence of direct evidence of exposure to Paine or Locke does not necessarily negate their impact. It is possible to argue that modern society in general is familiar with Darwinism without having read Charles Darwin’s work and with social Darwinism without having read Herbert Spencer. These ideas were so profoundly disturbing when first published, and have been debated so often since, that they have entered the collective consciousness – a point of reference that people understand without always being aware of how they came to develop that understanding. However, it is also true that the subtleties of those arguments are not always available to those who rely on the collective consciousness to understand them. De Tocqueville was quite abusive regarding those

people who ‘thoroughly spurned authors, nevertheless preserving quite faithfully some of the chief defects which [their] literature had displayed’.\(^{182}\) Notwithstanding de Tocqueville’s love of polemic, his statement recognizes the ability of the general public to absorb ideas without direct exposure to them in all their complexity. Max Weber acknowledged the same phenomenon, noting that sometimes the ideas created by others were the unacknowledged ‘switchmen’ who determined which track individual or collective action would follow next.\(^{183}\) Samuel Taylor Coleridge was even less flattering than de Tocqueville: ‘... the great majority of men live like bats, but in twilight, and know and feel the philosophy of their age only by its reflections and refractions’.\(^{184}\) Nadel notes that ‘Nevertheless, ideas are the only means by which people make sense of their situation’.\(^{185}\)

Works such as John Stuart Mill’s *On Liberty*, published in 1859, were hailed by their earliest readers as masterpieces and are considered to have entered the canon of liberal thought almost immediately on publication.\(^{186}\) Just as the society novelists were using their work to examine already widely circulating ideas about gentlemanliness and independence, it is reasonable to suggest that Mill was writing in response to already circulating ideas about politics, liberty, and political independence. The constitutional debates of the early 1850s and the concerns over a nominated versus appointed Legislative Council in 1860 and 1861 show that these ideas were receiving attention in New South Wales as well. Lengthy discussions on the merits of Mill’s ideas appeared in *The Sydney Morning Herald* in May 1859 and the *Empire* in March 1860.\(^{187}\) Mill argued that ‘political responsibility was the highest expression of human dignity’, which Letwin noted was a more inspiring call to action than Hume’s more pedestrian view that politics was merely an aspect of social life.\(^{188}\) This acceptance of political participation as a form of moral responsibility correlates to

---

\(^{182}\) de Tocqueville, *Ancien Régime*, 149.
\(^{183}\) Stromberg, *Intellectual History*, 1.
\(^{184}\) Coleridge, *Essays*, 709.
\(^{185}\) Nadel, *Colonial Culture*, 4.
\(^{188}\) Letwin, *Certainty*, 110, 308-9.
Letwin and Castronovo’s separate articulations of the nature and characteristics of a gentleman discussed earlier.

Nadel stopped short of declaring that ideas in the colonies were generally disseminated through organic community processes as well as formal education, possibly because he could find no clear evidence for it.\textsuperscript{189} Julie McIntyre saw evidence of it in her research into wine-growing in the colonies, and noted that ‘educated colonists would also have been familiar with representations from classical literature which emphasized the link between wine growing, commercial-scale cultivation and civilisation’.\textsuperscript{190} Hudson noted that ‘from the 1860s on, doubts about the historicity of the Bible were raised in educated circles and there were debates among defenders and critics of Darwin, Huxley and Spencer’.\textsuperscript{191} He also argued that ‘in the nineteenth and early twentieth centuries, Australians interested in religious ideas were generally familiar with debates in Britain and the United States.’\textsuperscript{192} Marian Sawyer would presumably agree, as she commented almost in passing that the work of social liberal D. G. Ritchie was widely read in Australia in the lead up to Federation.\textsuperscript{193} In the absence of clear evidence in either direction, it is plausible to lean on the side of wide reading and exposure to many different ideas for most if not all colonial politicians, without resting so much weight on the idea that it collapses under illusions of its own certainty. Following these threads leads to the conclusion that the theories of the great thinkers of the Enlightenment and nineteenth century England and Europe found their way to colonial Australia through a variety of channels. As evidenced by the discussion in the newspapers on Mill’s work, the ideals of political independence as envisaged by these thinkers may also have been well understood, as was the moral code expected of a gentleman.

\textsuperscript{189} Nadel, \textit{Colonial Culture}, 169-170.
\textsuperscript{190} McIntyre, \textit{First Vintage}, 16.
\textsuperscript{191} Hudson, \textit{Religious Thought}, 4.
\textsuperscript{192} Hudson, \textit{Religious Thought}, 170.
\textsuperscript{193} Sawyer, \textit{Ethical State}, 4.
It could be questioned whether only those who had the benefit of an English education at “home” would have really understood these concepts. Even if that were true, more than half of the politicians in the Fourth Parliament were educated in England, so it could be assumed that at least these politicians were well versed in these ideas. This was not always readily available in Sydney, and many young men were sent “home” to England for their schooling. Many would have received a similar education to that of James Macarthur, whose politics have been described as a variation on Burkean conservatism. However he was also well acquainted with the other great thinkers of the time: de Tocqueville, Hallam, and Smith, among others.

Forty-one per cent of the politicians in the Fourth Parliament were educated in New South Wales, and this tells us something about their circumstances. Education was not readily available to all children in the early decades of British settlement. Aboriginal children were largely excluded, and many children of European parents did not have guaranteed access to even the most basic levels of education. Molony (referring only to children of white parents) notes that in 1835, nearly half of the children under twelve were not receiving any education at all.\textsuperscript{194} Those who did receive an education after the age of twelve came from families who could both afford the fees, and afford for their children to stay in school instead of contributing to the family income.

The quality of education that they received would likely have varied widely. Clifford Turney, in his thesis on education in colonial Australia, noted that:

\begin{quote}
It was believed that the study of the Classics was the best if not the only means to achieving a truly “cultivated mind” and that this form of liberal education was the most appropriate for the sons of the upper class of society many of whom were destined for positions of leadership in the Church, State and the learned professions.\textsuperscript{195}
\end{quote}

However he also found evidence that many of the schools in early nineteenth century New South Wales were focussed on more vocational subjects, with a view to preparing the sons of bankers,

\textsuperscript{194} Molony, \textit{Native Born}, 79.
\textsuperscript{195} Clifford Turney, \textit{A History of Education in NSW, 1788-1900}, PhD thesis, University of Sydney, 1964, 222.
merchants, and manufacturers to carry on their father’s business.\textsuperscript{196} Alan Barcan supports this idea by noting that a ‘classical-modern compromise curriculum’ emerged and, although literacy in the colonies was more widespread than in England, ‘excellence of education in the classics was less frequently encountered’.\textsuperscript{197} Wendy Relton’s thesis on relations between church and state included colonial education.\textsuperscript{198} She contextualised this vocationalism within the ideals of European liberal thought:

Thus liberalism was a powerful force in Australian development, but the colonial liberalism which demanded popular education was eclectic and practical, influenced to a certain extent by European thought, and certainly hostile to clerical privilege, but not so much a philosophic theory as a spirit of freedom which demanded a new social order with equal opportunities for all.\textsuperscript{199}

Nadel sees a similar imprint within the realm of colonial education between 1830 and 1860, but frames it differently:

While the radical press in the colony advised its readers that education for politics meant reading the works of Milton and Harrington, the spokesmen for popular education took a somewhat different view. Education for politics to them was primarily a social necessity. Politics itself was not an abstract science connected with the rights of man or any other principle on which political power was to be distributed. It was largely seen as a matter of social classes.\textsuperscript{200}

Both Relton’s and Nadel’s impressions of educational outcomes in colonial New South Wales have strong correlations in the reform agenda pursued by the early parliaments in the areas of access to land, secular education, and manhood suffrage. Roe noted there was a widespread ‘confidence that learning made men good’, and that knowledge could be ‘both key-stone and cement of society’.\textsuperscript{201} Certainly at the time that many of the 1860s politicians were receiving their own education, the quality varied considerably from school to school.

\textsuperscript{196} Turney, \textit{Education}, 225, 229.
\textsuperscript{199} Relton, \textit{Church and State}, 6.
\textsuperscript{200} Nadel, \textit{Colonial Culture}, 174.
\textsuperscript{201} Roe, \textit{Quest}, 150.
Many of the politicians of the Fourth Parliament were educated by William Timothy Cape, including Marshall Burdekin, William Forster, Samuel Terry, James Martin, and John Robertson. Cape was widely regarded as one of the best educators in the colony, and had a strong focus on what V.W.E. Goodin labelled ‘Classical and Commercial Education’. Equally relevant were his own values, and his drive to instil them in his students. Described as a ‘strict disciplinarian’ and a ‘vigorous, punctual, consistent worker’ who demanded the same from his students, Cape:

\[
\text{told them they would be the future leaders in the community, but if they were to lead they must also serve, as gentlemen, leading by example. So there was no place for snobs or sectaries or bigots.}\]

Cape ran school parliaments, where he encouraged his students to experience the mechanisms, ideals, and processes of political activity using the political issues of the day to practice on. In the 1830s, when students such as Forster were at his school, these issues included the Constitution itself, and the tensions of self-government. He was arguably one of the strongest single-person influences on the political evolution of New South Wales through to the late colonial period. Cape was later elected to the Legislative Assembly as the member for Wollombi, but served for only 10 months between June 1859 and April 1860. For a short time, he put his principles into practice in a political context, joining former pupils Forster, Martin, and Robertson in the Assembly.

By contrast, Henry Parkes, who was raised and educated in England, prided himself on being largely self-taught. The image of the ivory turner and importer reading everything he could buy or borrow to teach himself the art of politics and intellectual thought, and perhaps even philosophy, is one that taps into the Australian dream of the underdog raising himself to a higher station through

---


203 Goodin, ‘Cape’.

204 Goodin, ‘Cape’.

205 Stephen Foster, A private empire, (Pier 9, undated), 299.

determination and hard work.\textsuperscript{207} Charles Lyne, Parkes’ first biographer, records that Parkes read widely among the acknowledged European thinkers.\textsuperscript{208} Parkes also had the benefit of mixing in well-educated society during his return to London in 1861, where he met and talked with men who helped to shape his thoughts and temper the fires ignited by what he had read with the practicalities of what could be achieved.\textsuperscript{209} He returned to Sydney in 1864, still galvanised with that enthusiasm for reform which had apparently made him ‘an unflinching advocate of all that appeared for the advantage of the people’.\textsuperscript{210} This experience significantly shaped the political leader he was to become and shows that exposure to intellectual discussion was not necessarily restricted by income.

The Fourth Parliament were sensitive to the benefits of good quality education, and the \textit{Public Education Bill} was aimed at improving standards of teaching in state-run schools. By 1863, the state had been directly involved in the provision of education for fifteen years, slowly gaining ground against the Church-run and independent/private schools by virtue of better pay for teachers and a corresponding improvement in the student experience and levels of achievement. This Bill was designed to push that state system of education out across New South Wales and further squeeze out both the church-run schools and the many small private schools that were often run by ex-governesses and ex-tutors with limited levels of education.\textsuperscript{211} Cochrane noted that Harpur valued the idea that spirituality could be reconciled with rationality, reform and progress, and that secular education – schooled or self-taught, it did not matter – had the power to make men good, good enough in fact to deserve the franchise.\textsuperscript{212}

The idea that education can make people good is difficult to test empirically for the nineteenth century.


\textsuperscript{209} Lyne, \textit{Parkes}, 187.

\textsuperscript{210} Lyne,\textit{ Parkes}, 31.

\textsuperscript{211} Matthew, ‘Female’, 119.

\textsuperscript{212} Cochrane, \textit{Colonial Ambition}, 26.
The different ages of politicians are a useful indicator of their likely experience as a student. As discussed in chapter 2, the ages of politicians as they entered the Fourth Parliament ranged from Burdekin’s 26 years to Henry O’Brien’s 68 years. The average age was 45 years, meaning that for the majority of politicians their formative education experiences were between 1820 and 1835. During that period, education in the colony was only available through church run or private schools, both of varying quality. Those born in the colony to wealthy parents were sent to England for their education, very likely enjoying a better-quality student experience than those born in England or the British Isles to less wealthy families. We can therefore use this motion (to read the Public Education Bill a second time) as an example to illustrate whether politicians were voting together in age groups that may reflect their own student experience.
<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles Cowper (54)</td>
<td>William Forster (43)</td>
</tr>
<tr>
<td>Thomas Smart (51)</td>
<td>Peter Faucett (48)</td>
</tr>
<tr>
<td>William Arnold (42)</td>
<td>Allan Macpherson (43)</td>
</tr>
<tr>
<td>John Robertson (45)</td>
<td>Geoffrey Eagar (43)</td>
</tr>
<tr>
<td>Charles Cowper Jnr (27)</td>
<td>James Buchanan (34)</td>
</tr>
<tr>
<td>Thomas Garrett (31)</td>
<td>Daniel Egan (58)</td>
</tr>
<tr>
<td>William Walker (33)</td>
<td>Francis Rusden (50)</td>
</tr>
<tr>
<td>James Hart (36)</td>
<td>Samuel Terry (28)</td>
</tr>
<tr>
<td>Edward Raper (55)</td>
<td>William Macleay (41)</td>
</tr>
<tr>
<td>Henry Flett (51)</td>
<td>Hugh Gordon (44)</td>
</tr>
<tr>
<td>Maurice Alexander (41)</td>
<td>Robert Forster (43)</td>
</tr>
<tr>
<td>John Burns (28)</td>
<td>Thomas Holt (50)</td>
</tr>
<tr>
<td>Robert Wisdom (31)</td>
<td>Henry Rotton (47)</td>
</tr>
<tr>
<td>Richard Sadlier (67)</td>
<td>Merion Moriarty (67)</td>
</tr>
<tr>
<td>Isaac Shepherd (61)</td>
<td>James Martin (41)</td>
</tr>
<tr>
<td>Thomas Mate (51)</td>
<td></td>
</tr>
<tr>
<td>William Redman (38)</td>
<td></td>
</tr>
<tr>
<td>Joseph Leary (30)</td>
<td></td>
</tr>
<tr>
<td>William Piddington (46)</td>
<td></td>
</tr>
<tr>
<td>Thomas Dangar (54)</td>
<td></td>
</tr>
<tr>
<td>James Cunneen (35)</td>
<td></td>
</tr>
<tr>
<td>John Sutherland (45)</td>
<td></td>
</tr>
<tr>
<td>Edward Close (36)</td>
<td></td>
</tr>
<tr>
<td>William Suttor (56)</td>
<td></td>
</tr>
<tr>
<td>William Allen (49)</td>
<td></td>
</tr>
<tr>
<td>Robert Stewart (45)</td>
<td></td>
</tr>
<tr>
<td>John Morrice (50)</td>
<td></td>
</tr>
<tr>
<td>William Love (51)</td>
<td></td>
</tr>
<tr>
<td>John Wilson (41)</td>
<td></td>
</tr>
<tr>
<td>Robert Haworth (60)</td>
<td></td>
</tr>
<tr>
<td>Joseph Harpur (51)</td>
<td></td>
</tr>
<tr>
<td><strong>Daniel Dalgleish (34)</strong></td>
<td></td>
</tr>
<tr>
<td>Atkinson Tighe (34)</td>
<td></td>
</tr>
<tr>
<td>John Caldwell (44)</td>
<td></td>
</tr>
<tr>
<td>John Dunmore Lang (62)</td>
<td></td>
</tr>
<tr>
<td>Elias Weekes (52)</td>
<td></td>
</tr>
<tr>
<td><strong>Marshall Burdekin (24)</strong></td>
<td></td>
</tr>
<tr>
<td>John Lucas (43)</td>
<td></td>
</tr>
<tr>
<td>David Bell (33)</td>
<td></td>
</tr>
</tbody>
</table>

Table 24: Public Education Bill – motion to read a second time

Of the five politicians who form the case studies for this research, Dalgleish, Burdekin and Lucas all voted in favour of the second reading of the Bill, while Forster and Terry voted against it. With Burdekin in his mid-twenties, Dalgleish in his mid-thirties, and Lucas in his early to mid-forties, their

---

aye votes represent a range of educational experience just based on age alone. Burdekin and Lucas were both educated in New South Wales – Burdekin at William Cape’s school, and Lucas at Captain Beveridge’s boarding school – which would also have provided very different educational experiences. Dalgleish’s Scottish education would also have influenced his opinion on the standards and extent of state education. All three would have also been influenced by their position on church run schools, and the role of the state in providing education. This complex web of lived experience led to them forming an opinion that a colony-wide system of secular education was appropriate.

The same complex web of lived experience led Forster and Terry to form a different view. Both were members of the Church of England, which may have encouraged their support for church-run schools. With Terry in his late 20s and Forster in his early 40s during the Fourth Parliament, their experience at school would normally be expected to be quite different, except that they both attended William Cape’s school – which had no affiliation with a church and was the first private secular school in New South Wales. As already discussed, Cape appears to have taught a curriculum designed to prepare boys to become men capable of serving at the highest levels of government. That Burdekin, Terry and Forster could all attend the same school – Terry and Burdekin within a couple of years of each other if they were not actually there at the same time – and come to different opinions on the question of education shows that Cape did indeed teach his students how to think, rather than what to think.

Alongside education, religious teachings could be expected to impact on how politicians conceived of their place in the world, and their desire to contribute to society. Religious affiliations could potentially have affected politicians’ decision-making process in two ways. The first was the beliefs held and expressed by their particular church or faith group, which includes how political decisions might affect either their local church or the position of their religion within the colony. The second was the social networks that could form amongst the more dedicated devotees who

---

214 Goodin, ‘Cape’.
built close relationships with a particular place of worship and the congregation that attended regularly.

A number of historians have discussed the extent to which sectarian concerns influenced political decisions. Religious differences appeared to characterise some, if not many, of the political debates in the first half of the century, with politicians of the Church of England faith banding together to prevent those they saw as upstart Catholics and belligerent Presbyterians from upsetting the transplanted English world order. After the introduction of responsible government in 1856, Parkes wrote to a friend that he expected the Assembly to settle ‘into consistent parties of taxation and fiscal policy, influenced by the religious element entering into all discussions of the education and immigration questions’. Hudson has argued that ‘religion was crucial to European social identity in nineteenth-century Australia even if there was sometimes a certain reserve about public declaration of personal religious belief’. Roe has noted that, although nearly everyone declared themselves to be Christian, there were significant differences in both ‘the strength and variety of feeling’, which Roe believes created a further source of division.

While Christian-based morality was certainly the bedrock of both English and colonial social norms, Portia Robinson noted that the extent of actual religious worship or church attendance is unknown. However, Kingston has estimated that in 1870 only about 38 per cent of the colonial population were regular attendees at church. It appears to have been important for social standing in some spheres but not in others. Blanche Mitchell’s diary from 1858 clearly shows that at least some groups in Sydney society regularly attended different churches depending on their mood,

\[215\] Jean Woolmington’s collection of documents relating to religious observance and religious influence on early colonial politics provide a good background to this discussion. Jean Woolmington, ed, *Religion in Early Australia: The Problem of Church and State*, (Stanmore: Cassell Australia, 1976).
\[217\] Hudson, *Religious Thought*, xii.
\[218\] Roe, *Quest*, 1.
which suggests that not all church-going people developed the kind of strong congregational ties that might have influenced decisions and relationships.  

Allan Martin wrote that ‘it was impressed by the prevailing morality of the churches that true worth lay in the exercise of responsibility within the narrow circle encompassed by their day to day living’.  

This would have been particularly relevant for those politicians with a strong faith, who may well have seen their political service as a demonstration of their true worth. However, more recently, Hudson has suggested that belief in religious doctrines was not always as central to the life of those living in the Australian colonies as it was in some other countries. Hudson also noted that ‘Many Australians who experienced disbelief were respectful of personal faith in Jesus Christ, provided it was not used to impose beliefs contrary to reason on others’. Hudson wrote that ‘the extent of religious thought underlines the fact that non-material motivations were important in Australia, and this undermines older stereotypes of a practical utilitarian people, unmoved by ideas’. He also recognised that people were capable of holding a range of different views at the same time, and that these views would combine in different ways to inform their response to different situations.

Many scholars see a trajectory of increasing secularism in nineteenth century Australian life. John Manning Ward notes that:

The high numbers of Roman Catholics in a predominantly Protestant colony kept sectarian controversies alive without making religious faith a vital force in the lives of most people. Many observers commented on the lack of deep religious convictions.

---

221 Blanche Mitchell: An Australian Diary 1858-1861, edited by Edna Hickson, (Sydney: John Ferguson, 1980) 25-54.
222 Martin, Political Groupings, 30.
223 Hudson, Religious Thought, 1, 61.
224 Hudson, Religious Thought, 2-3.
225 Hudson, Religious Thought, 238.
226 Hudson, Religious Thought, 2.
Kingston saw the changes in religious observance as a reflection that the idea of God was changing. She noted that a more individual approach to God and religious observance emerged during the 1860s, which is more aligned to Protestantism’s original early-sixteenth century goal. It appears that even changes in the religious landscape of New South Wales was creating a stronger sense of personal independence.

Despite an overall trend towards increasing secularism, some historians have seen religious differences as a key feature of politics in 1860s New South Wales. Jim Hagan and Glenn Mitchell assert that sectarianism was a feature of elections in the Queanbeyan, Yass, and Braidwood electorates, and manifested primarily as significant Protestant opposition to Catholic candidates. Similarly, Frank Bongiorno and Andrew Messner see religious differences as clear election issues from the 1860s, and possibly earlier, in the New England region. Michael Hogan states that sectarianism in New South Wales politics was at its worst during the 1860s, and that few Catholics were ever elected to Parliament or were able to mix with the ‘Protestant elites’. Hawker felt that the rise of strong sectarian groups in different electorates had ‘a powerful influence upon members’. Pigin and Lander agree, seeing a rise in sectarianism in colonial politics after 1861.

Sectarian issues may have had their part to play in the electoral outcomes of the mid-nineteenth century, but there is evidence to suggest that they stopped at the Assembly door. Nineteenth century liberalism, of the type that Jones sees as pervasive in Australian colonial politics and Hudson sees as characteristic of religious observance in colonial society, ‘presume[s] a pluralism

---

228 Kingston, Confident Morning, 62.
229 Kingston, Confident Morning, 62.
234 Pigin and Lander, Public Prosperity, 293.
of existing political and religious opinions’. Politicians of different faiths could respect each other’s religions while accepting that those differences would inform some, not all or perhaps even most, decision-making.

A modern example helps to illustrate how this might have worked. Kristina Keneally, the forty-second Premier of New South Wales, is Catholic. In a piece published in The Guardian in 2015, she reflected on the role that her faith played in her stance on policy while she was a member of the Legislative Assembly. She noted that

Just as it is nonsensical to quantify the extent to which religious belief informs a political career, it is silly to claim that it never does. A person who engages in political activity is obviously shaped by their experiences, values and beliefs. She also reflected that for most decisions – such as those regarding infrastructure and including those regarding health – her faith was of little practical help.

In October 1863, Arthur Holroyd felt it important to note that Martin’s Ministry was comprised of politicians of a mix of faiths. The mix that he discussed was firmly Christian – ‘Presbyterian, English Episcopalian, and Catholic’ – but the fact that he felt it was important to point this out must raise the question of how much conflict religious differences caused in the political sphere. Holroyd also drew attention to the mix of native born and immigrant politicians suggesting that either he personally, or his metropolitan electorate of Parramatta, was particularly sensitive to issues of inclusion. However that nexus of diversity and inclusion may have been important to others as well. Connolly suggests that Stuart Donaldson, first Premier of New South Wales, and then Governor Denison tried to ensure representation by each of the major religious

237 Keneally, ‘faith’.
238 ‘Nomination and return of Mr T.A. Holroyd for Parramatta’, The Sydney Morning Herald, 29 October 1863, 2.
groups in the first nominated Legislative Council appointed under responsible government in 1856.\textsuperscript{239} There is no reason to believe that these are exceptional examples.

As would be expected, politicians in the Fourth Parliament who identified as being of the Church of England faith outnumber any other group. The following diagram shows the politicians of the Fourth Parliament grouped by religious affiliation.

\textsuperscript{239} Connolly, \textit{Politics}, 54-56.
Table 25: Politicians grouped by religious affiliation

Unknown
William Allen
James Allison
James Buchanan
William Cummings
Thomas Dangar
Alexander Dick
Peter Fawcett
Henry Flett
Jane Gannett
Hugh Gordon
Alan MacInnes
George Markeham
Alexander McArthur
Robert Maccan
Augustus Morris
Henry Parkes
William Piddington
William Redman
William Walker
Eliza Westers
John Wilson
William Windleor

Jewish
Maurice Alexander
Samuel Emmanuel
Sed Samuel

Congregationalist
Thomas Holt
Thomas Lewis
John Sutherland

Methodist
James Bynnes
John Cockrell

Baptist
Henry Bartley
Those politicians who identified with the Church of England represent 43 per cent of the cohort, outnumbering any other group of politicians when classified in this way. However, the number of politicians whose parliamentary biographers could not find a religious affiliation still represent a sizeable proportion at 24 per cent and the Catholic cohort were 13 per cent of the total parliamentary group.

State aid to religion was an emotive issue, so it is curious that – like the Land Acts – many of the motions were passed or negatived on the voices rather than a division being called. However, a good example through which to explore how religious affiliation may have influenced how individual politicians were voting is the motion on 3 December 1861 to introduce a Bill to abolish state aid to religion for which a division was called:

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Caldwell (Methodist)</td>
<td>Charles Cowper (Church of England)</td>
</tr>
<tr>
<td><strong>Daniel Dalgleish (Presbyterian)</strong></td>
<td>Elias Weekes (unknown)</td>
</tr>
<tr>
<td>Thomas Lewis (Congregationalist)</td>
<td>William Arnold (Church of England)</td>
</tr>
<tr>
<td>Richard Sadlier (Church of England)</td>
<td>James Hart (Catholic)</td>
</tr>
<tr>
<td>John Wilson (unknown)</td>
<td>Merion Moriarty (Church of England)</td>
</tr>
<tr>
<td>Joseph Leary (Catholic)</td>
<td>Thomas Dangar (unknown)</td>
</tr>
<tr>
<td>Thomas Holt (Congregationalist)</td>
<td><strong>Samuel Terry (Church of England)</strong></td>
</tr>
<tr>
<td>Maurice Alexander (Jewish)</td>
<td>George Markham (unknown)</td>
</tr>
<tr>
<td>James Dickson (Presbyterian)</td>
<td>Isaac Shepherd (Church of England)</td>
</tr>
<tr>
<td><strong>William Forster (Church of England)</strong></td>
<td>Thomas Smart (Church of England)</td>
</tr>
<tr>
<td>William Allen (unknown)</td>
<td>John Morrice (Church of England)</td>
</tr>
<tr>
<td>Edward Raper (Catholic)</td>
<td>William Macley (Church of England)</td>
</tr>
<tr>
<td>William Piddington (unknown)</td>
<td>Augustus Morris (unknown)</td>
</tr>
<tr>
<td>James Buchanan (unknown)</td>
<td>William Walker (unknown)</td>
</tr>
<tr>
<td>William Love (Church of England)</td>
<td>John Laycock (Church of England)</td>
</tr>
<tr>
<td>William Windeyer (unknown)</td>
<td>James Cunneen (Catholic)</td>
</tr>
<tr>
<td></td>
<td>William Cummings (unknown)</td>
</tr>
<tr>
<td></td>
<td>Francis Rusden (Church of England)</td>
</tr>
<tr>
<td></td>
<td>Clark Irving (Church of England)</td>
</tr>
<tr>
<td></td>
<td>Thomas Mate (Church of England)</td>
</tr>
<tr>
<td></td>
<td>Robert Wisdom (Church of England)</td>
</tr>
<tr>
<td></td>
<td>James Hoskins (Church of England)</td>
</tr>
<tr>
<td></td>
<td>Thomas Garrett (Church of England)</td>
</tr>
</tbody>
</table>

Table 26: State Aid to Religion – motion for leave to introduce a Bill

---

240 V&P1861-2, 359.
Only three of the case study politicians were present for this division – Dalgleish, Forster, and Terry. Dalgleish was Presbyterian and voted in favour of introducing a Bill to abolish State Aid to Religion, as did Forster who was Church of England. Terry was also Church of England, and he voted against introducing the Bill.

In this case, only 17 per cent of those politicians who were Church of England voted in favour of approving the Bill, while 83 per cent opposed it. Most of the politicians who identified with other religious traditions voted in favour of introducing the Bill. Those politicians for whom a religious affiliation has not been identified were almost evenly split, with 45 per cent voting in favour of introducing the Bill. This provides an interesting insight into the sentiments surrounding religious financial support at this moment in the colony’s history. The politicians who identified as being members of the Church of England were more resistant to abolishing state aid to religion than the politicians who identified as members of other religions. This may be a reflection of the significantly larger infrastructure associated with the Church of England in comparison to other religions, and consequently the higher rate of voluntary support that would be required to maintain them. It also suggests that the other religions were able to maintain their services based largely on voluntary contributions anyway, and would prefer that state money be spent on something that benefited everyone more equally.

As discussed in chapter 2, this was actually the second attempt to introduce this Bill. David Buchanan had moved to introduce the same Bill during the first session earlier in 1861, and the motion was negatived then too. 241 There was considerable debate over whether to introduce the Bill each time. The motion in January was defeated on the voices, so it is impossible to tell whether the same people supported or opposed the motion, or whether there were a number of politicians who changed sides on the debate in the intervening period. 242

241 V&P1861, 39.
242 V&P1861, 39.
Another division that provides a good example for discussion is the motion made in the early
hours of 8 July 1863 to resume the debate regarding support to ministers of religion at a future date
and time. The issue under discussion was concerned with supporting ministers and clergymen of
different religions in rural and regional areas where the local people could not voluntarily support
religious establishments.243 The amount proposed to be added to the estimates was a total of
£25,000, with an amount of £300 to be given to each eligible minister or clergyman for a religion
‘where the members are in sufficient number’ – what constituted a sufficient number was not
defined. William Macleay, who proposed the motion, tied this to the education question, noting
that education in country areas was mostly provided by those same ministers of religion and he
implied that, without money to live on, ministers who provided educational services in smaller
communities may have to move and the provision of education in those areas would suffer.244 This
motion to continue the discussion at a later date was negatived, effectively ending the debate.

243 V&P1863/4, 68.
244 ‘The State Aid Debate’, Illawarra Mercury, 10 July 1863, 2.
Support of Ministers of Religion – motion to schedule a resumption of the debate

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Marshall Burdekin (Church of England)</strong></td>
<td>Charles Cowper (Church of England)</td>
</tr>
<tr>
<td>Merion Moriarty (Church of England)</td>
<td>John Robertson (Presbyterian)</td>
</tr>
<tr>
<td>Thomas Dangar (unknown)</td>
<td>Thomas Smart (Church of England)</td>
</tr>
<tr>
<td>John Morrice (Church of England)</td>
<td>Geoffrey Eagar (Church of England)</td>
</tr>
<tr>
<td><strong>Samuel Terry (Church of England)</strong></td>
<td>John Wilson (unknown)</td>
</tr>
<tr>
<td>Francis Rusden (Church of England)</td>
<td><strong>John Lucas (Church of England)</strong></td>
</tr>
<tr>
<td>William Macleay (Church of England)</td>
<td>William Forster (Church of England)</td>
</tr>
<tr>
<td>Thomas Mate (Church of England)</td>
<td>William Piddington (unknown)</td>
</tr>
<tr>
<td>Arthur Holroyd (Church of England)</td>
<td>Edward Raper (Catholic)</td>
</tr>
<tr>
<td>William Suttor (Church of England)</td>
<td>John Sutherland (Congregationalist)</td>
</tr>
<tr>
<td>Allan Macpherson (unknown)</td>
<td>Joseph Leary (Catholic)</td>
</tr>
<tr>
<td>Hugh Gordon (unknown)</td>
<td>Richard Sadlier (Church of England)</td>
</tr>
<tr>
<td>John Darvall (Church of England)</td>
<td>Thomas Garrett (Church of England)</td>
</tr>
<tr>
<td>James Martin (Church of England)</td>
<td>Robert Forster (Catholic)</td>
</tr>
<tr>
<td>William Allen (unknown)</td>
<td>Henry Flett (unknown)</td>
</tr>
<tr>
<td>Joseph Harpur (Catholic)</td>
<td>Atkinson Tighe (Church of England)</td>
</tr>
<tr>
<td>James Cunneen (Catholic)</td>
<td>Isaac Shepherd (Church of England)</td>
</tr>
<tr>
<td>John Lackey (Church of England)</td>
<td>Robert Stewart (Presbyterian)</td>
</tr>
<tr>
<td>Daniel Egan (Catholic)</td>
<td>John Caldwell (Methodist)</td>
</tr>
<tr>
<td>James Hart (Catholic)</td>
<td>Saul Samuel (Jewish)</td>
</tr>
<tr>
<td>Augustus Morris (unknown)</td>
<td>David Buchanan (Presbyterian)</td>
</tr>
<tr>
<td></td>
<td>Richard Driver (Church of England)</td>
</tr>
<tr>
<td></td>
<td>William Love (Church of England)</td>
</tr>
<tr>
<td></td>
<td>John Dunmore Lang (Presbyterian)</td>
</tr>
<tr>
<td></td>
<td>David Bell (Church of England)</td>
</tr>
<tr>
<td></td>
<td>Charles Cowper Jnr (Church of England)</td>
</tr>
<tr>
<td></td>
<td>Thomas Holt (Congregationalist)</td>
</tr>
<tr>
<td></td>
<td>Elias Weekes (unknown)</td>
</tr>
<tr>
<td></td>
<td>Maurice Alexander (Jewish)</td>
</tr>
<tr>
<td></td>
<td>William Dalley (Catholic)</td>
</tr>
<tr>
<td></td>
<td><strong>Daniel Dalgleish (Presbyterian)</strong></td>
</tr>
<tr>
<td></td>
<td>Robert Wisdom (Church of England)</td>
</tr>
</tbody>
</table>

Table 27: Support of Ministers of Religion – motion to schedule a resumption of the debate

Terry and Burdekin, both Church of England, voted in favour of supporting ministers with this payment. Forster and Lucas, both Church of England, and Dalgleish, who was Presbyterian, voted against it. When we look at how groups of politicians who identified with particular religions voted on this division, there is nothing to suggest that any of the larger groups who identified with a particular religion was necessarily working together against another group. Forty-six per cent of the Church of England politicians and 50 per cent of the Catholic politicians voted in favour of the

245 V&P1863/4, 68.
motion. The group whose religious affiliations are unknown were again fairly evenly split, with 56 per cent voting in favour of the motion. The religions which only had one or two who identified themselves as adhering to them – such as Congregationalist and Judaism – are those with a membership that is too small for the general statistics to show anything meaningful. However, the Presbyterian politicians who were present all voted against the motion.

For the purposes of this research, there is nothing in this example to suggest that the politicians were organising with others of the same faith to achieve political ends or, by extension, that there was any leverage being exercised by different religious institutions on politicians. However, there is good evidence to suggest that their faith was influencing their individual position on policy to varying degrees. The Parliament took steps of their own to show clear respect for all religious traditions. On 8 July 1862, Parliament passed a resolution requesting the Governor to advise the Queen that they had voted in favour of religious equality, and that it would be inappropriate for future messages from either party to appear to give precedence to the Church of England. In whatever form religion influenced their own personal decision-making, as a group it would seem that they were committed to making sure that no members of any particular religious group felt subordinate to another. This has an interesting contribution to make to the discussion on what influenced political decision-making for individuals operating independently rather than as part of an identifiable cohort.

The expectations of constituents

While modern politicians work within an environment of party discipline, and sometimes also faction discipline, they also work within an environment of expectations from their constituents. The constituents of an electorate expect at least some benefit from supporting a particular politician and, by extension, their political party if they belong to one. This depends to some extent on the party that the elected politician belongs to winning government at the state or federal level, but politicians in opposition can still advocate for, and facilitate, projects that are local to their

246 V&P1862, 70-71.
electorate and which sometimes have broader impacts on policy. The modern system also requires politicians to be a resident of the electorate that they represent.

The constituents of the early 1860s also held particular expectations of their elected representatives, but they were often very different in nature from modern expectations. Some of those expectations would have been expressed privately, in personal letters or face-to-face meetings for which there is no trace in the historical record. Other expectations would have been created by the politicians themselves in their campaign speeches, where they pledged to support particular policies or to get something done for their electorate, such as improved roads. As discussed in chapter 5 many of the politicians of the Fourth Parliament stood for election on the platform of supporting land reform, which created a corresponding expectation in their constituents. Some of these expectations were driven by the politicians promising what they felt the electors wanted to hear, but some were driven by questions from the crowd during public speeches that forced the candidate to articulate a position on a subject that they may not have wanted to engage with.

The idea that politicians would be resident in their electorates was not considered important in the 1860s, and did not become desirable until the late nineteenth century. Frank Bongiorno and Andrew Messner suggest that this may have been different for the New England area, arguing that Dr John Dickson’s loss in the first election of 1856 was caused by the fact that he was resident in Sydney. This desire for local representation appears to have fluctuated within the region, with local and then non-local representatives winning each election in turn. However most


constituents recognised the value of having a representative who felt some connection to the area. That connection was often a family one rather than being resident themselves.

Clune and Griffith asserted that politicians often raised the problems of their constituents in the House and used political processes to address grievances from their electorate. Robert Murray, writing on the same time period but for Victorian politics, saw evidence in the often acrimonious early votes of politicians responding to the demands of their constituents. Martin believed that supporting public works in particular constituencies was the price of electoral support and showed allegiance to the electorate by that constituency’s representative. With Loveday he wrote that

Members of parliament found that to retain their seats it was usually necessary to pay close attention to the affairs of their constituencies and to be able to show something for their parliamentary work, particularly something material like a bridge or a road. In his thesis, Martin described it as a trade that underpinned the idea of factions. He declared it to be ‘an open secret’ that support for factions could be bought through agreements regarding railway extensions and other public works for an electorate. However, Hawker saw a tension in the relationship between a politician responding to the concerns of their electorate and not wanting to be merely the electorate’s delegate. While Hawker couches this in terms of colonial liberalism meeting Burkean philosophy, he has perhaps missed the connection with the notion of gentlemanly independence, which transcended both liberal and conservative philosophy. Loveday, however, clearly saw the connection, and in 1959 wrote on the familiarity the mid-nineteenth century New South Wales politician had with Edmund Burke’s ideas.

---

250 Clune and Griffith, *Decision*, 35.
254 Martin, *Political Groupings*, 69, 111.
Edmund Burke, the conservative late-eighteenth century British politician famous for his defence of British political ideals, asserted that the House of Commons represented all of the English people because the men who held those seats were interested in the prosperity of the whole country and not just the electorate that had elected them.\textsuperscript{257} Similarly, Jeremy Bentham believed that a politician should act ‘as a deputy rather than as a representative. But he must not bind himself to any particular policy beforehand, for that would require disavowing his conscience’.\textsuperscript{258} It is therefore interesting that many of the Australian politicians were branded as “roads and bridges” politicians, supposedly blindly following a charismatic leader in exchange for infrastructure for their electorates. Martin felt that anything more was a farce, noting that ‘Elaborate lip-service was paid to the belief that there was a way of dealing with almost any given issue that was objectively good or right from the viewpoint of society as a collectivity’.\textsuperscript{259}

As the discussion in this chapter has shown, many historians would disagree with Martin’s view. Jones has outlined the depth of intellectual and political thought that he saw as underpinning the evolution of political consciousness and practice in New South Wales, and Cochrane traced a similar path of development.\textsuperscript{260} The entire cohort of colonial politicians cannot be supposed to be all either worthy of Jones’ respect or Martin’s contempt. At the individual level there would be many examples of men who fit either description, and the majority would occupy a place on the continuum between the two. Yet it is clear that they had exposure to the ideas around political best practice and the way that intersected with the responsibilities of a gentleman. Therefore, what Martin saw as lip-service may well have been a genuine expression of intention from many of the politicians.

\textsuperscript{258} Letwin, \textit{Certainty}, 152.
\textsuperscript{259} Martin, \textit{Political Groupings}, 55.
\textsuperscript{260} Jones, \textit{Republicanism}; Cochrane, \textit{Colonial Ambition}.
The next chapter, which builds comprehensive personal and political biographies for the five politicians who have formed case studies for this thesis, includes a discussion of what (if anything) they publicly pledged to their constituents and whether they delivered on those promises. These case studies show that, while politicians outlined their own positions on the important policy debates of the day, they rarely promised their constituents anything specific. Their constituents did not expect them to. In alignment with the nineteenth century concept of gentlemanliness, and the independence that it required, they were looking for something else from their politicians – a sense that they were their own man, and that they would support legislation that benefited the colony as a whole.

Closely linked to the expectations of constituents is the theory that there was a divide between city and country within the New South Wales Parliament. It is a theory that the historiography suggests was only evident in the late 1850s and early 1860s, which makes it relevant for this research.\(^{261}\) McNaughton wrote that though ‘the balance of power had shifted from the land to the towns, ... democracy continued to draw its leaders from “substantial property” for forty years after 1856’.\(^{262}\) Hawker sees this as different to the divide between pastoral interests and other interests, and considers it to have been quite short-lived, suggesting that it was already decreasing by 1860 as more urban politicians represented country electorates.\(^{263}\) Hirst agrees that it was short-lived but sees it as issues based, noting that at the beginning of responsible government the country electorates were interested in land reform, while the city electorates were interested in the constitution.\(^{264}\) Connolly agrees, but also cites ‘historians, particularly Connell and Irving, as recognising a ‘struggle between pastoral ‘property’ and urban ‘capital’’.\(^{265}\) While many historians

\(^{262}\) McNaughton, ‘liberalism’, 103.
\(^{263}\) Hawker, *Parliament*, 16.
\(^{264}\) Hirst, *Colonial Democracy*, 87-88.
see the land question as particularly important to the country electorates, as discussed in the next chapter, it was important to some city electorates as well.266

For this discussion, electorates have been divided into city and country, based on the classifications used in *The People’s Choice*.267 Where Hawker described it as city versus country, Hogan et al described it as metropolitan versus rural. Regardless of the terminology used, this classification is too arbitrary, as city and metropolitan appear to have been defined as a consequence of their proximity to Sydney. For example, the electorate of Nepean was mostly farming and grazing land in 1860 but has been classified as metropolitan because it was on the Sydney-side of the Blue Mountains, whereas Bathurst, which by 1860 had a sizeable town at its centre, was classified as rural because it was on the other side of the Blue Mountains. Despite this, those classifications have been retained for this discussion because it is important to assess the historiography against the same framework.

---

267 Hogan et al, *People’s Choice*, 82-84, 96.
<table>
<thead>
<tr>
<th>City / Metro</th>
<th>Country / Rural</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Atkinson (Central Cumberland)</td>
<td>Maurice Alexander (Goulburn)</td>
</tr>
<tr>
<td>David Bell (Camden)</td>
<td>William Allen (Williams)</td>
</tr>
<tr>
<td>James Byrnes (Parramatta)</td>
<td>William Arnold (Patterson)</td>
</tr>
<tr>
<td>John Caldwell (East Sydney)</td>
<td>Isidore Blake (Hunter)</td>
</tr>
<tr>
<td>Charles Cowper Snr (East Sydney)</td>
<td>David Buchanan (Morpeth)</td>
</tr>
<tr>
<td>James Cunneen (Hawkesbury)</td>
<td>Marshall Burdekin (Liverpool Plains)</td>
</tr>
<tr>
<td><strong>Daniel Dalgleish (West Sydney)</strong></td>
<td>John Burns (Hunter)</td>
</tr>
<tr>
<td>John Douglas (Camden)</td>
<td>Edward Close (Morpeth)</td>
</tr>
<tr>
<td>Geoffrey Eagar (West Sydney)</td>
<td>Charles Cowper Jnr (Tumut, then Orange)</td>
</tr>
<tr>
<td><strong>William Forster (East Sydney)</strong></td>
<td>William Cummings (East Macquarie)</td>
</tr>
<tr>
<td>Arthur Holroyd (Parramatta)</td>
<td>William Dalley (Carcoar)</td>
</tr>
<tr>
<td>Thomas Holt (Newtown)</td>
<td>Thomas Dangar (Upper Hunter)</td>
</tr>
<tr>
<td>John Lackey (Parramatta)</td>
<td>Silvanus Daniel (Wellington)</td>
</tr>
<tr>
<td>John Dunmore Lang (West Sydney)</td>
<td>John Darvall (East Maitland)</td>
</tr>
<tr>
<td>John Laycock (Central Cumberland)</td>
<td>Alexander Dick (Liverpool Plains)</td>
</tr>
<tr>
<td>Joseph Leary (Narellan)</td>
<td>James Dickson (East Maitland)</td>
</tr>
<tr>
<td>William Love (West Sydney)</td>
<td>Richard Driver (West Macquarie)</td>
</tr>
<tr>
<td><strong>John Lucas (Canterbury)</strong></td>
<td>Joseph Eckford (Wollombi)</td>
</tr>
<tr>
<td>Allan Macpherson (Central Cumberland)</td>
<td>Daniel Egan (Eden)</td>
</tr>
<tr>
<td>Alexander McArthur (Newtown)</td>
<td>Samuel Emmanuel (Argyle)</td>
</tr>
<tr>
<td>John Morrice (Camden)</td>
<td>Peter Faucett (Yass Plains)</td>
</tr>
<tr>
<td>Henry Parkes (East Sydney)²⁶⁸</td>
<td>Henry Flett (Hastings)</td>
</tr>
<tr>
<td>William Piddington (Hawkesbury)</td>
<td>Robert Forster (New England)</td>
</tr>
<tr>
<td>Edward Raper (Canterbury)</td>
<td>John Garrett (Shoalhaven)</td>
</tr>
<tr>
<td>James Ryan (Nepean)</td>
<td>Thomas Garrett (Monaro)</td>
</tr>
<tr>
<td>Isaac Shepherd (St Leonards)</td>
<td>Hugh Gordon (Tenterfield)</td>
</tr>
<tr>
<td>Thomas Smart (Glebe)</td>
<td>Samuel Gray (Kiama)</td>
</tr>
<tr>
<td>Robert Stewart (East Sydney)</td>
<td>James Hannell (Newcastle)</td>
</tr>
<tr>
<td>John Sutherland (Paddington)</td>
<td>Joseph Harpur (Patrick’s Plains)</td>
</tr>
<tr>
<td>William Walker (Windsor)</td>
<td>James Hart (Bathurst)</td>
</tr>
<tr>
<td>William Windeyer (West Sydney)</td>
<td>Robert Haworth (Illawarra)</td>
</tr>
<tr>
<td></td>
<td>John Hay (Murray)</td>
</tr>
<tr>
<td></td>
<td>Clark Irving (Clarence)</td>
</tr>
<tr>
<td></td>
<td>William Lesley (Patrick’s Plains)</td>
</tr>
<tr>
<td></td>
<td>Thomas Lewis (Northumberland)</td>
</tr>
<tr>
<td></td>
<td>George Lord (Bogan)</td>
</tr>
<tr>
<td></td>
<td>William Macleay (Murrumbidgee)</td>
</tr>
<tr>
<td></td>
<td>George Markham (New England)</td>
</tr>
<tr>
<td></td>
<td>James Martin (Orange, then Tumut)</td>
</tr>
<tr>
<td></td>
<td>Thomas Mate (Hume)</td>
</tr>
<tr>
<td></td>
<td>Robert Meston (Tenterfield)</td>
</tr>
<tr>
<td></td>
<td>Henry Milford (Braidwood)</td>
</tr>
<tr>
<td></td>
<td>Merion Moriarty (Braidwood)</td>
</tr>
</tbody>
</table>

²⁶⁸ Henry Parkes was a metropolitan member until he resigned the seat of East Sydney in May 1861. He was then elected to the rural seat of Kiama in a by-election in April 1864. I have chosen to leave him as a metro representative because his decision to stand for East Sydney in the general election most likely represented his own preference more than standing for the rural seat of Kiama, which was more opportunistic in that he had to wait for a seat to be vacated mid-parliament to seek an opportunity for re-election.
<table>
<thead>
<tr>
<th>City / Metro</th>
<th>Country / Rural</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Augustus Morris (Balranald)</td>
</tr>
<tr>
<td></td>
<td>Terence Murray (Argyle)</td>
</tr>
<tr>
<td></td>
<td>Henry O’Brien (Yass Plains)</td>
</tr>
<tr>
<td></td>
<td>John Peisley (Orange)</td>
</tr>
<tr>
<td></td>
<td>William Redman (Queanbeyan)</td>
</tr>
<tr>
<td></td>
<td>John Robertson (Upper Hunter)</td>
</tr>
<tr>
<td></td>
<td>Henry Rotton (Hartley)</td>
</tr>
<tr>
<td></td>
<td>Francis Rusden (Gwydir)</td>
</tr>
<tr>
<td></td>
<td>John Ryan (Lachlan)</td>
</tr>
<tr>
<td></td>
<td>Richard Sadler (Lower Hunter)</td>
</tr>
<tr>
<td></td>
<td>Saul Samuel (Wellington)</td>
</tr>
<tr>
<td></td>
<td>Alexander Scott (Lower Hunter)</td>
</tr>
<tr>
<td></td>
<td>William Suttor (East Macquarie)</td>
</tr>
<tr>
<td>Samuel Terry (Mudgee)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Atkinson Tighe (Northumberland)</td>
</tr>
<tr>
<td></td>
<td>Charles Walsh (Goulburn)</td>
</tr>
<tr>
<td></td>
<td>William Watt (Carcoar)</td>
</tr>
<tr>
<td></td>
<td>Elias Weekes (West Maitland)</td>
</tr>
</tbody>
</table>

Table 28: City and country electorates

There were three other seats that have been described as ‘industry electorates’ by the team that wrote *The People’s Choice*: Goldfields North, Goldfields South and Goldfields West. There were no electoral rolls kept for these seats. The right to vote was established by presenting a current gold or business licence for a district covered by one of these electorates, and declaring an intention to vote for that seat. These electorates overlaid the other electorates that occupied the same geographical area, and contrary to the usual rules that allowed people to exercise more than one vote if they had property or a business in more than one electorate, electors could not vote in both their residential electorates and the overlying Goldfields electorate. The politicians who held those seats in the Fourth Parliament were James Hoskins (Goldfields North), John Wilson (Goldfields South), Robert Wisdom (Goldfields West), and James Buchanan (Goldfields North, replacing Hoskins in April 1863).

As part of the analysis work done to determine whether there was any evidence of factions operating in the Fourth Parliament, some additional coding made it possible to determine whether

---

those from city electorates showed any evidence of working together against those from country electorates, and vice versa. From the analysis of the divisions for the fourth and fifth sessions of the Fourth Parliament, there is no evidence to suggest that there was an evident city (metropolitan) versus country (rural) divide in political decision making. There are no examples which meet the threshold of 80 per cent of city members voting on the opposite side of a division to 80 per cent of country members.

Martin characterised debates over local issues such as infrastructure as ‘sectional squabbling’ in the ‘spirit of localism’. For the purposes of his research, he correctly concluded that these issues ‘could not be looked to as a source of consistent political division’. This is precisely the point. Although rarely expressed on the hustings, the politicians all felt some need to act on behalf of the constituents who voted for them, and this could in no way be reconciled with support for, or opposition against, a government even if sometimes those interests aligned.

Most constituents of both metropolitan and rural electorates seem to have expected that their politicians would make decisions independently, and for the colony as a whole. As the biographies of the individual politicians clearly show (chapter 5), there is strong evidence that politicians factored an element of their experience or their circumstances into their decision-making without being defined by it. They could represent the interests of their electorate without necessarily feeling bound by it. They could consider the interests of the colony as whole and support that claim, perhaps even when it contradicted the interests of their own constituents. They could debate ideas and make decisions on issues, Bills and policies without feeling the need to group together to seek support from, and give support to, other politicians who represented similar electorates. They could entertain the complexity of different ideas and different claims on their support and make their own decisions based on what they knew. They were politicians acting in alignment with the practical and idealistic notions of gentlemanliness and independence.

271 Martin, Political Groupings, 18.
272 Martin, Political Groupings, 18.
For the purposes of deciding whether the politicians of the Fourth Parliament deserved the designation of gentlemen there is enough information available to make a plausible determination. It is clear that many of the native-born politicians had family backgrounds that would limit their social acceptability, and others may not have been considered gentlemen in the social sense due to their political leanings, lack of wealth, social class, or manners. However, those are the outward performance of gentlemanliness. While those distinctions made society nervous and generated both public and private comment, it had little bearing on the internal and personal way that politicians made decisions.

In nineteenth century Australian society, a gentleman lived by a particular moral code that was perhaps only completely and readily identifiable by the society in which it applied, which had room for personal adaptation within boundaries, and which could be exercised regardless of wealth or social status. It is clear, based on the evidence already presented in this thesis, that it could apply to the politicians of the Fourth Parliament. Martin recognised this to some extent when he wrote ‘the all pervading influence of the urban middle classes elevated the virtues of public and private responsibility’. This understanding of colonial politicians as gentleman allows us to examine their political activity in light of adherence to a personal morality and, by extension, a sense of personal and political independence.

It was possible for a gentleman to adhere to his own moral code without necessarily being financially independent, although a gentleman could certainly face a dilemma if someone he was financially beholden to demanded that he do something that went against his own values. It was also possible to be financially independent without being a gentleman, as Madame de Stael so eloquently observed. However, a colonial politician was expected to be both. Financial solvency was sufficient to help meet the property qualification to stand for election, but they were also

---

273 Martin, Political Groupings, 31.
expected to be free from debts that would impose an obligation for them to support particular policies or legislation. They were also required to adhere to their own moral code as gentlemen, to give back to their communities through serving in parliament (unpaid), and to honour their obligations to make the best decisions for the colony as a whole. This is one of the areas of gentlemanliness which is both a private expression of their own ideals, and a public performance that was expected of those who were considered to be, or who wanted to be considered, gentlemen.

There is strong evidence to support the idea of independence throughout this thesis. It is there in the absence of a recognizable organizing principle in factions, whether or not this was their first time in parliament, religious affiliation, or a city versus country divide. Clune and Griffith wrote that

A feature of the 19th century Assembly was that governments could never be certain in which form their bills would be passed by the House. Legislation as eventually enacted sometimes bore little relation to the form in which it was introduced.  

This can also be seen as evidence of independence in political decision-making.

Further, we can see evidence that they considered themselves to be gentlemen in their manners in the House. Certainly John Lucas calling Samuel Terry a ‘jackass’ was not gentlemanly, but his acceptance of responsibility for his actions was gentlemanly, his apology and retraction was gentlemanly, and the dignity with which the House dealt with the issue and accepted his apology was gentlemanly. Similarly, David Buchanan arriving in the parliament drunk and being arrested on the floor of the House was not gentlemanly behavior. Again, the dignity with which the House dealt with the issue, allowing a division on whether or not he should be released, encouraged all politicians present to exercise their own moral code.

\[274\] Clune and Griffith, Decision, 39.
\[275\] V&P1862, 393.
It is possible that the greatest divide in the colonial parliaments was, in fact, ideological. Scholars of ideology see within them an essential criticism of existing society that dates from the American and French revolutions.²⁷⁶ Despite the absence of parties, colonial politicians did hold ideological positions: either liberal or conservative as Connolly noted; or the liberal-conservative middle ground that Loveday and Martin recognised, with Jones’ civic republicanism taking its place within the broader liberal camp. This, in turn, translated into a social divide:

... links between conservatives and liberals were comparatively rare and even Cowper, the social equal of the conservatives and a masterful practitioner of compromise, did not lead the life of a political liberal and a social conservative.²⁷⁷ However, as we have already discussed, this divide did not create factions, nor did it automatically crystallise support in favour of one leader over another. Letwin noted that ‘neither affinities nor divisions, in politics as elsewhere, are ever complete or simple’.²⁷⁸ This is certainly true of this group of politicians. Conservatives were capable of supporting liberal legislation, and vice versa, with no apparent sense that they were betraying their basic ideological ideals.

This is not to say that all of the elements examined throughout this thesis did not have an impact on the politicians and their decision-making. Naturally, all of those things contributed to their lived experience, and provided the filter through which their decisions were made. The exception is the theory of factions, for which there is so little evidence that they can be excluded from the decision-making model until another historian can produce more compelling evidence that they existed and demonstrate how they worked. This also aligns with Edmund Burke’s idea that factions and political independence were mutually exclusive.²⁷⁹ Unlike Loveday and Martin, Burke did not think those two decision-making principles could co-exist.

Politicians were expected to fulfil a number of requirements. They were expected to have strong connections, they were expected to give back to their community by serving the interests of

²⁷⁷ Connolly, Politics, 88.
²⁷⁸ Letwin, Certainty, 10.
the colony as a whole, they were expected to act autonomously, and they were expected to remain personally independent. Independence is traditionally framed as an ideal that is impossible to live up to. A strong family, friendship, or business connection with someone else who happened to think along the same lines would be enough to cast doubt on the veracity of anyone’s claim to independence. Yet no-one can operate entirely alone, and they would be ineffective if they tried. Relationships and connections are how things get done.

Loveday and Martin characterised the truly independent politician as a straw man of sorts, making him easier to destroy. As this discussion has shown, in contrasting factions with an ideal of independence, they disregarded the autonomy with which all politicians acted in the Fourth Parliament. This autonomy is essentially the same as the modern concept of political independence. It was the default position of every politician elected to the Fourth Parliament between December 1860 and December 1863, and perhaps for many into 1864 and beyond.

Independent politicians were far more than just those left over when factions were formed. Rather, the previously unexplored possibility of political independence for its own sake must now become a central component in any understanding colonial politics. The only allegiance required of each man was to his own moral code, which was exactly what was required of a gentleman, and reflects the political independence that has previously been unacknowledged in the historiography of nineteenth century New South Wales politics. How this played out in the lives of each individual will be examined in the next chapter, where the five biographies are expanded to integrate the findings of this thesis with the information known about their lives.
5. Biographies

In the Introduction, the prisms of political decision-making were framed in terms of faction or party, expectations of constituents, and independence. The subsequent examination of factions showed that, even though they may have emerged at the end of the Fourth Parliament, Loveday and Martin’s hypothesis is inadequate to explain how politicians arrived at their positions on legislation or other issues considered by the parliament. The evidence supports, at best, factions operating in up to 53 per cent of divisions during Martin’s ministry only. The hypothesis offers little explanation of what was happening in the other divisions, beyond allusions to chaotic processes and debates.

If factions were not present in the Fourth Parliament, or at least not until right at the very end, the logical inference is that the politicians must have been independent. However, political independence was much more than the absence of factions or parties. Independence was a political ideal, one that was explored by theorists and novelists from the eighteenth and nineteenth centuries precisely because the ideal itself was so important.

As discussed in the last chapter, political independence is better conceptualised as a political autonomy that, during the nineteenth century, was underpinned by social and financial independence. This independence was in turn a cornerstone of being a gentleman – a concept which was well understood but not well defined during the nineteenth century and which is therefore difficult to conceptualise in the twenty-first century. The other cornerstones of gentlemanliness were a recognisable and admirable personal moral code, and a willingness to contribute to society.

The prosopographical approach originally championed by Lewis Narmier, whose work was discussed in chapter 1, only provides part of the picture. Chapter 2 discussed the prosopographical study of the Fourth Parliament, as well as looking at the Parliament as the institution and what it achieved. However, as already discussed in the Introduction, this research uses another prism
through which to view the decision-making approach of individual politicians – a collection of five biographies which provide additional depth to the investigation.

These biographies have been written in the style of ‘life-writing’ as Paul Kendall described it.¹ The intention is to walk the line between chronological and critical biography. Using elements of both to create life stories that give enough chronological detail to see the evolution of a life while employing a sufficiently critical lens to answer the research question, has resulted in biographies that give prominence to the experiences between 1860 and 1864 while situating that experience within the whole life of the politician. Dr Samuel Johnson, writing on the discipline of biography in the 1700s, advocated that it was not sufficient to write only about a subject’s public life, but that their private life was an essential window to the subject’s moral character.² Biographical research as a discipline relies on the assumption that that individuals create their own meaning which forms the basis of their everyday lives, and therefore the basis of their actions.³ By tracing their actions through context, previous experiences, and public statements, the biographer can construct reliable conjectures in relation to private thoughts and moral character.

Biography is both a discipline and an art. As a discipline it asks the researcher to create a coherent picture of a person’s character within the chronological narrative of their life.⁴ As an art, it asks the researcher to consider questions of sameness and difference in comparing the subject’s life and character with that of others (or perhaps their own) and questioning what exists in the subject’s life that may suggest opportunities for the reader.⁵ As these are short biographies written within the frame of a particular research question, rather than looking at the individual completely holistically, the discipline aspect of biography is necessarily stronger. However there remains scope for these biographies to at least suggest opportunities for independent-style politics on a larger scale.

³ Roberts, Biographical, 6.
⁵ Hutch, Meaning, vii; Hamilton, biography, 10-11; Roberts, Biographical, 13.
than is usually seen in Australian politics in the twenty-first century. It is not the historian’s place to
dream, only to suggest that new interpretations of the past can also release some of its hold on our
current political thinking.

Biographies of politicians tend to concentrate on the well-known ones. There are good
reasons for this. Well-known subjects are usually so because they were in the middle of the action,
or because they achieved something noteworthy – either great or terrible. An existing public profile
of the subject also helps drive book sales, and therefore make it easier for the project to be accepted
by publishers. However all of these elements also mean that most political biography is written
about leaders. There is an absence of biography about the other political players. The experience
and contribution of those politicians who did not hold obvious leadership roles expands our
understanding of political life, and moderates the sometimes polarised or extreme positions or
experiences of political leaders.

Like the Fourth Parliament itself, the individual politicians used as case studies in this research
need to be contextualised. The biographies included here are summaries. For some members, book
length biographies would do more justice to the source material (Dalgleish, Forster, Lucas), while for
Burdekin and Terry there may never be much additional information to expand on what is presented
here. These biographies aim to situate each politician within the social and political constructs of
their time, as well as to tell their individual stories. Drawing the themes and findings of this research
together in these biographies shows the necessity of understanding the time in which each person
lived to understand their story and their contribution to the world.

As outlined in the introduction, where these five politicians were first introduced in short-
form biographies, Burdekin, Dalgleish, Forster, Lucas, and Terry were chosen for this research
because they represent different characteristics and combinations of characteristics that make them
broadly representative of the Fourth Parliament.
Table 29: Extract from Appendix 1 - Details of the politicians of the Fourth Parliament of New South Wales (1860-1864)

<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday’s factional allocation</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marshall Burdekin</td>
<td>Liverpool Plains</td>
<td>No</td>
<td>CR</td>
<td>Native Born</td>
<td>Barrister</td>
<td>Church of England</td>
<td>Yes</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>(rural)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daniel Dalgleish</td>
<td>West Sydney</td>
<td>Yes</td>
<td>M</td>
<td>Immigrant</td>
<td>Engineer</td>
<td>Presbyterian</td>
<td>Yes</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>(urban)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>William Forster</td>
<td>East Sydney</td>
<td>No</td>
<td>F</td>
<td>Immigrant</td>
<td>Pastoralist/ Grazier</td>
<td>Church of England</td>
<td>No</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>(urban)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Lucas</td>
<td>Canterbury</td>
<td>Yes</td>
<td>Independent</td>
<td>Emancipist</td>
<td>Carpenter, Publican, Builder</td>
<td>Church of England</td>
<td>No</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>(urban)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Samuel Terry</td>
<td>Mudgee</td>
<td>Yes</td>
<td>Independent</td>
<td>Emancipist²</td>
<td>Pastoralist/ Grazier</td>
<td>Church of England</td>
<td>No</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>(rural)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

These five men represented a mix of urban and rural electorates, came from different family backgrounds (native born, emancipist, or immigrant), and ranged in age from 24 to 43 in 1861. They represent all four of Loveday’s factional classifications – Burdekin supposedly part of the Cowper/Robertson faction, Dalgleish apparently a member of Martin’s faction, Forster considered to be leading his own very small faction, and Lucas and Terry being classified as independent. For some it was their first time in parliament and some did not serve for the whole parliament. They represent a range of occupations, and those who had the same occupation – Forster and Terry – were sufficiently different in other characteristics to make them worth comparing with each other.

Some of these characteristics have proven not to be particularly relevant for this research. Occupation is one that is barely discussed. However, it is important that the politicians who are the individual case studies represent the variety of these characteristics across the Fourth Parliament to demonstrate the diversity of the men who served, and to show that even with this diversity of background, religious affiliation, age, occupation, and experience – or perhaps because of it – the politicians of the Fourth Parliament made decisions for the colony from a standpoint of

---

6 Loveday, Development, 511-514.
7 There is some doubt about who Terry’s grandfather was, but he was certainly raised in an emancipist household. See biography later in this chapter.
independence and without the chaos that Loveday, Martin, and other historians felt would be present in the absence of factions.

Ultimately the diversity of religious affiliation is not well represented. There are two reasons for this. The first is that in the early stages of this research, Burdekin’s religious affiliation was unknown and he was originally classified as such, therefore representing that cohort. Ongoing research later allowed him to be re-classified as Church of England. The early stages of the research also included a biography of John Nagel Ryan, a devout Catholic who therefore represented that cohort. Ryan’s biography was dropped as he was a very quiet politician whose political views were difficult to determine from the historical record.
Marshall Burdekin

Marshall Burdekin was born on 11 April 1837 in Sydney, making him one of the 16 per cent of the Fourth Parliament politicians who were born in the Australian colonies.1 At his speech to the electors of Liverpool Plains in Tamworth in January 1863, Burdekin made a point of noting that he was ‘a native of the colony’ as one of the important elements of personal information that he felt the electorate should know.2 He was the third son of Thomas Burdekin, a merchant, and Mary Ann Bossley. Mary Ann Burdekin was remembered in her obituary as a shrewd businesswoman and was a patron of Ludwig Leichhardt, the explorer who went missing in central Australia in 1848.3 Burdekin’s brother Sydney, younger by two years, would become the more famous of the two as a pastoralist, landlord, and politician.4

Burdekin’s father Thomas arrived in Sydney in 1828 and immediately established a branch of Burdekin & Hawley, ironmongers and general merchants in London.5 He married Mary Ann Bossley

---

in 1833, and their first son, Lloyd, was born in 1834. Another son, Bossley, followed in 1836, Marshall in 1837, Sydney in 1839, and a daughter, Mary-Ann, in 1842. At the same time as his family was growing, Thomas was building a successful business, and also acquired a significant amount of real estate in Sydney and other parts of the colony. In 1837 he was trading from premises in George Street, Sydney. Thomas died at home in Macquarie Street, Sydney on 18 August 1844. He left a large fortune to support his family, and Mary Ann had five children aged ten years and under to raise on her own. Their daughter, Mary-Ann, died on 28 June 1845 at home in Macquarie Street. The cause of death is unknown. Thomas’ will appointed Mary Ann and either her brother or father (listed in the press only as Mr Bossley) as the trustees of his estate. When Mr Bossley resigned as a trustee, Sir Charles Nicholson was appointed in his place. The legal wrangling over different parts of the estate lasted for nearly twenty years.

Thomas’ hard work building his business and acquiring land paid for Burdekin’s education at William Cape’s school. As noted in chapter 4, many of the politicians of the Fourth Parliament were educated by William Timothy Cape, including Burdekin, William Forster, Samuel Terry, James Martin, and John Robertson. He therefore received a solid grounding in Cape’s belief that there was no place for ‘snobs or sectaries or bigots’ in public life. The absence of a clear father figure in Burdekin’s life, given the uncertainty around who Mr Bossley was or how involved he was with the family, may indicate that Cape was one of the strongest influences in Burdekin’s life in terms of his understanding of the role of the gentleman in New South Wales social and political life.

Burdekin continued his education with a degree from the University of Sydney. He was one of 21 men who passed the first matriculation examination in October 1852, along with some who were

---

6 NSW Births Deaths and Marriages search, 17 April 2017.
7 NSW Births Deaths and Marriages search, 17 April 2017.
10 ‘Died’, The Sydney Morning Herald, 30 June 1845, 2; NSW BDM, 17 April 2017.
12 Goodin, ‘Cape’.
13 Goodin, ‘Cape’.
later political colleagues in the Legislative Assembly (Joseph Leary and William Windeyer) and others with significant political and social credentials, including Fitzwilliam Wentworth (son of Williams Charles Wentworth) and David Scott Mitchell (later benefactor of the Mitchell Library).  

Burdekin graduated with a Master of Arts in 1859 along with Windeyer. While Burdekin’s ADB biography lists Wentworth and Mitchell as friends, Windeyer is listed as an acquaintance, suggesting that they were never close (although there is no verification offered for this). Burdekin was called to the bar in New South Wales in 1859, and in 1861 he was called to the bar in Queensland.

On 25 February 1860, his oldest brother Lloyd died in the family home in Macquarie Street, having never married. Lloyd was only 25 years old and the cause of death is unknown. Burdekin’s second brother, Bossley, married Ellen Caroline Kate Weekes in Sydney in the same year. Bossley was kept busy by his role as a magistrate, regularly sitting on both the Water Police Courts and the Central Police Courts. In the same year, as the debates over access to land were reaching a crescendo, Mary Ann Burdekin was named in parliament as one of those who had alienated more than 1,000 acres of land in small parcels throughout New South Wales. The charge was that Mary Ann, along with the other landholders named, had chosen the best pockets of land for themselves in ways that rendered the surrounding land useless to others. In fact, Mary Ann had purchased 1,236 acres in the Liverpool Plains area made up of these small blocks, which was aligned with her son Sydney’s plan to keep the ‘locusts’ (free settlers) from choosing land among the Burdekin family’s holdings. There is no record of what Burdekin himself was doing during this period.

---

17 NSW BDM, 17 April 2017.  
18 See, for example, ‘Central Police Court – Tuesday’, The Empire, 16 May 1860, 3; Water Police Court – Wednesday’, The Sydney Morning Herald, 7 June 1860, 5.  
In December 1861, Burdekin stood for election to the seat of Tenterfield, which had been vacated by Robert Meston’s resignation. He was defeated at that election by Hugh Gordon, by 32 votes. A newspaper correspondent named Blue Jacket noted that ‘if Burdekin had jockeyed his case better, he would have been the member’, which implies that either Burdekin made some faux-pas, or that he was not clear enough about his message to significantly stand out against Gordon. Whatever mistake he made during that election, he learned from it for the next one.

Burdekin was elected to the seat of Liverpool Plains in a by-election in January 1863. He was 26 years old, one of the youngest politicians in the Fourth Parliament. The Liverpool Plains was a country electorate which joined the electorate of New England (held by George Markham) on its eastern side, Gwydir (held by Francis Rusden) on its western side, Upper Hunter (held by Thomas Dangar) to the south, and just touched the Bogan electorate (held by George Lord) on the south-west corner. New England and Gwydir met at the north of the electorate, creating a buffer between Liverpool Plains and the district of Tenterfield (still held by Gordon).

Alexander Dick had resigned the seat of Liverpool Plains in early January 1863 to take up a government appointment as an ‘examiner of titles’, a position created under the Real Property Act, which Dick had supported in December 1861. Burdekin claimed a personal interest in, and a connection with, the area due to family relationships, by which he meant his mother Mary Ann’s and brother Sydney’s pastoral interests. Sydney was particularly involved with the property near Tamworth and would likely have known many of the other landholders in the area.

---

22 Hogan et al, People’s Choice, 96.

244
himself already had something of a public profile in the broader area from his failed bid to secure the seat of Tenterfield just over a year before.25

The Empire described Burdekin as ‘the Ministerial candidate’ for the electorate, but thought his chances of being elected were slim due to strong opposition in the district.26 Loveday classified Burdekin as a member of the Cowper / Robertson faction, although Burdekin himself never declared such an allegiance and it may be nothing more than speculation by the Empire reporter. Although the analysis in chapter 3 suggests that Burdekin was strongly influenced by Cowper in relation to supporting or opposing issues in the Assembly, that is not a perspective that would have been available to the journalist at the time.

Burdekin told a meeting of electors in Tamworth that he could ‘afford to give attention to the duties of [being] your representative’.27 The choice of language is particularly interesting, as he did not explicitly promise to spend time advocating for them. Presumably everyone present shared a broadly similar understanding of what the ‘duties of [being] your representative’ were, but there would also have been some individual variations on that understanding. Did it mean that the duties of a representative were to advocate for the electorate, or to make decisions that benefited the colony as a whole? As discussed in chapter 4 it was most likely a combination of the two. Although a barrister by profession, at the time of standing for election Burdekin demonstrated the financial independence of a gentleman because he could afford not to work, and therefore could show the electorate that he had the time to attend to parliamentary matters.28

Burdekin used that speech as an opportunity to outline his stance on the major issues of the day:

- Although Parliament had already dealt with the issue on state aid to religion, he stated that if it came back before the Parliament (ie, if Queen Victoria did not assent to the Bill in its current form) he would support some provision for state aid to religion, but only if weighted towards rural and regional areas. He felt that urban areas could easily support the administration of religion among themselves – his concern was for the areas that did not have enough residents to provide sufficient support for a religious establishment but wanted one in their district.

- In relation to Church and School Lands, he felt that any money from the sale of such lands should be set aside for education and religious purposes.

- He wanted the Legislative Council to be an elected body, and he saw the Council as subordinate to the Assembly.

- The Impounding Bill was concerned with resolving the issue of straying sheep and cattle. It placed restrictions on when stock could be impounded to prevent squatters from luring herds into their own paddocks to then impound them and cause financial hardship to the selector who had to pay to get their animals released. This Bill would have directly affected Burdekin’s electorate, and in his opinion required some adjustment so that the fees would be sufficient to discourage residents from allowing their stock to wander, but low enough to prevent the use of impounding as a money-making enterprise.

- He felt that the spending program of the government to date would result in increased taxation in the near future, and noted that ‘such taxation would have to fall to a fair extent on the property of the country’.

---

• He noted that education was the most important matter to occupy any legislature, and that until a good alternative model was advanced, he would support the present system that utilised state funding to employ competent men and pay them well (ignoring the presence of women as paid teachers within the state system).  

He also advised that he thought the Bill currently before Parliament would require the appointment of a Minister of Education to make the school system directly responsible to the Parliament.

• He was in favour of the Land Acts, passed in 1861, being carried out to their full extent. This was something that would have a significant impact on many of the voters in the electorate who had built their wealth through squatting, including his own family. He wanted to speed up the survey process to allow new selectors to start improving their land as early as possible, and would encourage them to spread out further so as not to limit their potential for future growth by having all of their properties adjacent to the others. There may have been an interesting point of tension between Burdekin’s view and his younger brother’s. Sydney had gone to considerable effort to arrange the blocks on his runs so that they were as unattractive as possible for potential selectors, whom he considered to be ‘locusts’.

• He declared himself to be primarily in favour of free trade.

A number of questions were asked by the crowd at the meeting and were answered, but the details were not recorded. The *Empire* report of the same meeting noted that many of the questions were around protection (tariffs) but the exact questions and answers were not noted. William Cohen proposed, and Robert Chaffery seconded, a motion that Burdekin ‘was a fit and proper person to represent the electors of Liverpool Plains in Parliament’. Mr Donaldson (presumably not the same Stuart Donaldson who was the first Premier of New South Wales) moved, and Mr Patterson seconded, an amendment to the motion that Burdekin’s explanation had been unsatisfactory. The

---

30 Louisa Dearmer to Jane Lewin, letter, 1 June 1868, *FMCES*, 307-308.
Chairman, PJ Coghlan, declared Cohen’s motion to be carried by the meeting, although there seems to have been some disagreement about whether it was Cohen’s motion or Donaldson’s amendment that was actually carried.34

As is clear from his speech, Burdekin did not specifically promise anything for the electorate of Liverpool Plains. Instead he outlined his position on some policies that would have a stronger effect on country electorates (the Impounding Bill, state aid to religion) and some policies that would affect all electorates (education, church and school lands, taxation). As the questions and answers were not reported, it is difficult to know whether any of the electors present at the meeting had pressed him on those policy issues, or introduced others, but presumably if something important had been raised it would have been reported in more detail. The Empire report of the speech records that there were cheers throughout, which suggests that Burdekin’s position on the policy issues was favourably received by many of the electors who were present.35

Importantly for this research, Burdekin told the electors that ‘The gentlemen seeking their suffrages were bound by the principles they to-day enunciated’, which is a clear statement that candidates saw this process as one of making assurances to the electorate of what they could expect if the candidate was elected.36 Equally significant here is his use of the term ‘gentlemen’. As discussed in chapter 4, gentlemen were characterised, at least partly, by keeping to their own moral code or principles, and honouring their commitments, both public and private. Burdekin appears to articulate that clearly on the hustings, both as his own commitment to the electors and as a challenge to his opponents.

A Mr Mullen was reported by the Goulburn Herald on 21 January as Burdekin’s opponent, and he appears to have joined the race quite late.37 In his speech on nomination day, he noted that he

should have been in the field two weeks before, as many in the electorate seem to have felt that the election would go uncontested. He told the crowd that he had no desire to take office, and that no office the Government could give him would be better than his professional practice as a solicitor. His apparent reticence fits with the idea of a gentleman not seeking advancement but looking to do his duty and give back to his community through political service. It is possible that it was also his undoing. It seems that, by 1860, electors wanted their representatives to want the position, rather than bestowing it on the unwilling.

*The Maitland Mercury and Hunter River Advertiser* reprinted a letter from ‘an elector’, suggesting that Mr WR Collett also intended to stand. The ‘elector’ proposed a series of questions that suggested Collett had not acted properly in his previous government post of Road Commissioner.38 This letter alleges that Collett may have spent public money inappropriately and passed roads and bridges as satisfactorily constructed when they were not, however the letter was anonymous and offered no proof of these accusations.39 Collett withdrew from the race before the official nomination date of 22 January 1863.40

Mullen spoke after Burdekin on the hustings and agreed with many of the same policy points.41 He was also in favour of free trade, was in favour of state aid to religion in rural and regional areas, and felt that state owned church and school lands should be opened for selection. Mullen introduced two new elements to the campaign. He noted that he strongly opposed payment for members of parliament, and that he would act independently in parliament, not as a supporter of any party or ministry. Although Loveday classified Burdekin as a member of the Cowper / Robertson faction, and the *Empire* reported him to be a ‘ministerial candidate’, Burdekin never described himself as such, nor openly allied himself with Cowper who was Premier at the time of his

---

The fact that Mullen used the rhetorical device of proclaiming his independence shows that he thought it would play well with the electorate.

A show of hands was taken at the hustings, and the returning officer, Phillip Gidley-King, declared in favour of Burdekin. Mullen requested a ballot, which was scheduled for 29 January 1863. Regardless of whether the electorate saw Burdekin as Cowper’s man or an independent, they were sufficiently convinced of his merits as a political representative to elect him over Mullen’s clear independence but mixed messages about his commitment to the position. Burdekin won the ballot and took his seat in the House a few weeks later.

Burdekin spoke very infrequently in the House, and not on any of the issues that he covered in his campaign speech. There are no recorded speeches from Burdekin in the Assembly in relation to any of the key issues and legislation that were discussed in chapter 2. The Land Acts were already passed by the time Burdekin joined the House in January 1863, as was the Act to restrict the movement of Chinese nationals in the colony. He was present during at least some of the debates on the Public Education Bill in 1863, but there is no record in The Sydney Morning Herald that he expressed an opinion regarding the nature of the Bill itself, nor any of its specific clauses.

In terms of direct representation for his electorate, on Friday 24 July 1863 Burdekin asked a question on notice to the Secretary of Lands (John Robertson) regarding progress on the proposed bridge over the Peel River at Nundle, near Tamworth. Robertson replied only that plans and specifications had been prepared. On Wednesday 9 September 1863, a follow up question was asked by Geoffrey Eagar on Burdekin’s behalf in relation to how much money had been allocated for

---

43 For example, there is a record of Burdekin’s presence on 30 July 1863 because he is listed in the Teller’s lists for a division, but no record of him speaking in relation to the Bill. ‘Education Bill’, The Sydney Morning Herald, 31 July 1863, 4.
44 V&P1863/4, 168.
the bridge.45 Robertson replied that no money had yet been allocated, but there were plans to request that £1,400 be placed on the estimates for that purpose.

There is no suggestion here that Burdekin was seeking support from a supposed faction leader (Cowper) to get an infrastructure project completed in his electorate. This was business as usual for the government. If Burdekin was following Cowper’s lead, as the analysis in chapter 3 suggests, he was not doing so in exchange for favours for his electorate.

On Friday 17 July 1863, Burdekin asked a question in Parliament of the Secretary for Public Works regarding when tenders would be called for the Post and Telegraph office proposed for Tamworth.46 The Secretary, Arnold, replied that the tenders would be called for as soon as the government had possession of the site, and that the conveyancing process was currently underway. Burdekin followed up in November, after the ministry had changed and Martin’s government was then in power.47 The new Secretary for Public Works, Holroyd, advised that plans had been prepared, and tenders would be called as soon as the funding was approved in the estimates.

This work was also not something that Burdekin needed to advocate for. Like the bridge over the Peel River, the Post and Telegraph Office for Tamworth was already in progress as part of the normal business of government and continued as such when the ministry changed. Burdekin did not need the support of Cowper, or anyone else, to get an update on progress, which was all he was asking for.

On 27 January 1864, Burdekin asked the Secretary for Public Works whether there was any funding available to fix a river crossing at Breeza. Holroyd replied that there was no specific funding available, but that the costs could be met from the ‘Vote for Unclassified Roads for 1864’, and that an officer of the Roads Department had been instructed to prepare a report as soon as the costs

45 V&P1863/4, 416.
46 V&P1863/4, 127.
47 V&P1863/4, 675.
were known.\textsuperscript{48} On 1 March 1864, Burdekin asked for an update on the repairs to roads and bridges near Tamworth that had been damaged in recent floods.\textsuperscript{49} Holroyd replied that all the damages were currently being repaired. The same contractor who had constructed the bridge over the Peel River at Nundle was still in the area with all of his plant and equipment and would therefore stay to replace the bridge over Goonoo Goonoo Creek that had been washed away. Holroyd noted that he expected the work to be completed within two months.

While Burdekin was following up on outstanding infrastructure projects for his electorate, there is no sense that he was actively advocating for them. He never formally requested copies of the plans and specifications be provided to the House, which he certainly could have done if he wished. In this instance, he seems to have taken a reasonably passive approach to advocating for his electorate. The media, and possibly the electorate, saw it differently. When the first pile of the replacement bridge was installed in November 1864, the \textit{Maitland Mercury and Hunter River General Advertiser} noted that ‘our member, Mr Burdekin, is much to be praised for the exertion he made to push the matter to completion’.\textsuperscript{50}

Burdekin asked questions in the House on other matters as well. On Tuesday 19 April 1864, he asked the Treasurer whether it had been decided to move the post office from Nundle to Oakenville Creek and, if it had been decided, who had recommended such a move.\textsuperscript{51} Eagar replied that there was no intention to move the post office. On Friday 21 October, Burdekin asked the Colonial Secretary William Forster whether arrangements had been made for the performance of the duties of a magistrate now that Captain Douglas had been removed to Bathurst.\textsuperscript{52} Forster replied that the duties of a magistrate had been incidental to Douglas’ primary duty as Commissioner, and therefore had been overlooked as part of the transfer. Forster arranged for a Mr

\begin{flushleft}
\textsuperscript{48} V&P1863/4, 985.  \\
\textsuperscript{49} V&P1863/4, 1179.  \\
\textsuperscript{50} ‘Nundle’, \textit{The Maitland Mercury and Hunter River General Advertiser}, 3 November 1864, 3.  \\
\textsuperscript{51} V&P1863/4, 1365.  \\
\textsuperscript{52} V&P1864, 27.
\end{flushleft}
Walton to go to Nundle temporarily to act as a magistrate until a more permanent appointment was made.

Burdekin’s other contributions to Parliamentary business in 1863 and 1864 covered an eclectic mix of issues. On 22 September 1863, he raised a question regarding the cost of printing reports, evidence, and papers associated with Mr Bentley’s petition. The Treasurer, Thomas Smart replied that the printing costs were £280, and the shorthand writers’ charges were a further £250. On 19 April 1864, Burdekin asked whether the Government had considered the necessity of introducing some measure to prevent the regular ‘devastating inundations’ of the Hawkesbury River onto farmland. Premier Martin replied that the government had not considered the matter with any special reference to the Hawkesbury district. Burdekin did not press for more detail on this rather vague response. On Friday 31 July 1863, Burdekin requested that a return be laid upon the table of the House outlining which appeals had been allowed by the Supreme Court to the Privy Council in the last seven years, the appeals prosecuted, and the cases in which the Supreme Court’s decision was upheld. The motion was passed, and Darvall accordingly provided the return to the House on Friday 25 September 1863. There is no record of anything further in relation to this return, so it is difficult to speculate why Burdekin had requested it.

It would seem that Burdekin met the expectations of his constituents by behaving with the integrity of a gentleman. Although he did not speak on any of the policy positions that he articulated on the hustings, he appears to have honoured them when it came to voting in the divisions, and he was a regular and frequent attendee in parliament. Perhaps this is what both Burdekin and his constituents understood by the term ‘duties of [being] your representative’. This would align both with Burkean political philosophy and nineteenth century ideals of gentlemanliness and independence as discussed in chapter 4.

54 ‘New South Wales Parliament, Legislative Assembly’, Empire, 13 April 1864, 3.
55 V&P1863/4, 208.
56 V&P1863/4, 535.
As discussed in chapter 3, it is impossible to tell whether Burdekin was voting with Cowper as a supposed faction leader or against the government of the day when Cowper was on the opposite side of the division to Martin. However the evidence does strongly suggest that Burdekin looked to Cowper for guidance. As a young politician from a family of high achievers it is possible that Burdekin initially felt a little overwhelmed and looked to Cowper for guidance. Given that the evidence discussed in chapter 3 showed that factions – if they existed at this time – were inadequate to explain political decision-making, Burdekin’s apparent allegiance to Cowper should not be taken as evidence of factions. It is more appropriately interpreted as either a mentoring relationship if Cowper was an active participant, or as a follower if Cowper was less aware that Burdekin was using him as a guide.

Burdekin sat on six select committees during the Fourth Parliament.\(^57\) The Committee that examined the payments made out of public funds between June and August 1863 without the authority of Parliament was particularly important.\(^58\) This Committee was called for by James Martin and, in line with normal practice, he nominated his preferred colleagues, which did not include Burdekin. Martin had, however, called for Premier Cowper to join him on the Committee, suggesting an attempt at a balanced way forward considering the Committee would be investigating the financial conduct of Cowper’s ministry. The House approved the investigation, but Richard Sadlier demanded that the composition of the Committee be determined by a ballot. The Committee that was subsequently formed included William Arnold, Premier Cowper, John Caldwell, Burdekin, William Dalley, John Darvall, John Lucas, Daniel Egan, Thomas Holt, and Martin. On 18 August, Martin laid the report from this Committee on the table in the House and it was ordered to be printed, but I can find no record that it was discussed at any time afterward.\(^59\) The irony is that when Martin originally called for the Committee, he stated that above nearly all other

---

\(^57\) ‘Burdekin’, Former Members.


considerations it was important for the House to retain control of the public purse. However, as discussed in chapter 2, Martin’s ministry also acted in financial matters without first gaining the support of the Assembly, and it resulted in a loss of confidence from the House and the dissolution of the Fourth Parliament.

On 5 October 1863, Burdekin gave a lecture at the Windsor School of Arts on American literature. The lecture consisted largely of poetry readings accompanied by a brief commentary on each poem and anecdotes about the poets themselves. Burdekin took the opportunity to talk about the numerous free libraries in the United States and the broad circulation of newspapers that he felt had contributed to the literary advancement of all Americans. Burdekin wanted to see a similar initiative for New South Wales, which was an extension of his advocacy during his election campaign that education was one of the most important issues. For Burdekin, this included access to ongoing learning through libraries. The correspondent who wrote the piece enjoyed a small pun in calling the United States ‘now the dis-united States’, reminding the audience that the American Civil War was currently disrupting the literary advancement that Burdekin was so eloquently advocating.

Burdekin did not stand for re-election for Liverpool Plains in the December 1864 election. On hearing that he would not be contesting the seat, the editor of the Tamworth Examiner wrote that

In parting with Mr Burdekin, we are convinced that the electors will have some difficulty in finding a gentleman as well qualified in every respect for the high post he recently held. Possessed of ample means, a liberal education, of good social position, prudent, painstaking, and courteous, we shall be well pleased if we get a gentleman his equal in those respects.

The editor clearly recognised the correlation of the ideals of a gentleman with good political representation and appeared to see those characteristics in Burdekin. Despite promising them nothing, Burdekin managed to meet the expectations of his constituents, to a sufficient extent that

---

62 ‘Electorate of Liverpool Plains’, *Empire*, 30 November 1864, 3.
one newspaper editor at least regretted Burdekin’s decision not to continue representing the electorate.

Instead, Burdekin stood for (and won) the seat of Williams for the Fifth Parliament.63 The Empire speculated that he was looking for ‘a more comfortable seat nearer home’.64 It is equally possible to speculate that Burdekin was looking for a seat which had less direct connection with his mother’s and brother’s land interests. He won by a comfortable margin over his opponents, gaining 293 votes to Mr Manton’s 177 and Mr Allen’s 112.65 This would appear to vindicate the editor of the Tamworth Examiner’s view that Burdekin would have no trouble securing any seat he chose to stand for.66

As discussed, Loveday classified Burdekin as a member of the Cowper/Robertson faction, and the Empire felt that he was a ‘ministerial’ candidate. Shirley Humphries, his ADB biographer, states that he ‘believed that political loyalty was important’.67 Humphries believed that Burdekin’s loyalty to Cowper was rewarded with appointment to the position of Treasurer in 1866, a move which was unpopular enough to bring down the Cowper ministry.68 According to Humphries, this was largely because Burdekin was young, inexperienced, and a mediocre speaker. Henry Parkes went further in his motion to declare Burdekin unfit for the role of Treasurer, describing him as

without exhibiting any characteristic that would show his fitness to fill the high office, but rather shown a feebleness of character, a barren mind, and no intelligence ... so little effect had wealth and education had upon him that the three years he had been in Parliament only served to prove him a man of the feeblest character, the smallest information, and in every sense the least fitted to deal with the affairs of this community.69

63 ‘Burdekin’, Former Members.
64 ‘Burdekin’, Former Members; ‘Election Rumours’, Empire, 12 November 1864, 4.
66 ‘Electorate of Liverpool Plains’, Empire, 30 November 1864, 3.
67 Humphries, ‘Burdekin’.
68 ‘Mr Cowper and Mr Robertson’, Freemans Journal, 20 January 1866, 40.
69 ‘Vote of Censure’, Sydney Mail, 13 January 1866, 10.
Apparently Parkes felt that Burdekin’s character was so feeble it was worth mentioning twice. In a private letter to James Martin on 8 January 1866, Parkes described Burdekin’s appointment as ‘a public insult’ and Cowper’s appointment of him as an abuse of power.\textsuperscript{70}

If the post of Treasurer was indeed a reward for loyalty over the previous three years, it proved to be a poor one. At the 1866 by-election after Burdekin’s appointment as Treasurer (as discussed in chapter 2, ministers needed to re-contest their seats after accepting a ministerial appointment), Burdekin was defeated by Frederick Julian Manton, who had been his closest rival in the election of December 1864.\textsuperscript{71} Manton held the seat for only 2 months and 8 days, before he was forced to resign due to insolvency.\textsuperscript{72} By the time the next by-election for Williams was held, Burdekin had already contested and won another by-election for the seat of East Sydney in March 1867, and represented that electorate for the remainder of the Fifth Parliament.\textsuperscript{73} To win an East Sydney seat was not easy, there was always plenty of competition for the Sydney electorates, which suggests that Governor Young’s assessment of Burdekin as possessing a ‘good character’ with ‘fair abilities’ was shared by others. When that Parliament was dissolved in 1869, he did not stand for re-election.

Burdekin spent much of the rest of his life travelling overseas. During a visit home to Sydney in December 1875 he was appointed a Commissioner for New South Wales at the Philadelphia International Exhibition of 1876. While travelling in America, sometime before his departure in July 1877, he suffered a serious illness from which he never fully recovered. His brother Bossley died in 1882. Burdekin never married, and died in England on 10 November 1886.


\textsuperscript{71} ‘By Electric Telegraph’, \textit{The Queanbeyan Age and General Advertiser}, 25 January 1866, 2.


\textsuperscript{73} Humphries, ‘Burdekin’; ‘Burdekin’, \textit{Former Members}. The ADB entry that is the first reference here covers both Marshall and Sydney in the one entry.
His younger brother Sydney is far better known, with a reputation for business success, philanthropic benevolence, and personal likeability. Burdekin’s character is much more difficult to chart. Although he pre-deceased his mother by only three years, Burdekin was left out of his mother’s obituary in favour of Sydney as the point of reference that everyone knew. He appears to have led the life of a gentleman who wanted to contribute to society according to his talents, with little desire to be a leading light in either the social, business, or political spheres.

---

74 Humphries, 'Burdekin'.
75 'Burdekin, Mary Ann', Obituaries.
Daniel Cameron Dalgleish

Daniel Cameron Dalgleish was born in Alloa, Scotland, on 1 February 1827. He was the son of Adam, an exercise supervisor, and Catharine Cameron, from whom he got his middle name. On leaving school he was apprenticed as an engineer in Edinburgh, and later worked in that profession in London. In 1848 he married eighteen-year-old Emma Flew, and they continued the family tradition of using the matriarchal family name as a middle name for at least one of their children, Emanuel, born in 1864. Daniel and Emma may also have given the middle name Flew to a daughter, Eleonora, who was born in 1852 and died in the same year.

Dalgleish joined the Amalgamated Society of Engineers when it formed in 1851. In January 1852, employers in Manchester and London combined to lock out their engineers when the Society’s threat to ban systematic overtime was implemented. The union was defeated, and employers refused to reinstate anyone who would not sign a document renouncing their membership or support of any trade union. This was a common tactic used by English businesses at this point in the industrial revolution. They knew the benefits of organisation because they were using it themselves, and were keen to prevent their workers accessing the same power. Dalgleish was one of a small number who refused to sign the document.

1 Unfortunately there is no parliamentary portrait, nor other photograph, of Dalgleish available. ‘Dalgleish’, Former Members.
5 Ferguson, 'Dalgleish'.

259
A group of Christian Socialists had assisted the engineers during the lockout through letters of support and subscriptions to assist in their living costs. For those engineers who refused to renounce their membership, this group provided assistance for them to emigrate and one of them, Augustus Vansittart, advanced approximately £1,000 to pay the passages of twenty-seven engineers and their families. In 1852, Dalgleish sailed for Sydney with his fellow hold-outs and their families on the *Frances Walker*. Vansittart’s loan was later repaid in full. On the voyage they formed the first overseas branch of the Amalgamated Society of Engineers on 8 October 1852, which later became the Amalgamated Engineering Union. Dalgleish was on the first committee. On arrival in Sydney he worked as an engineer, and later set up his own engineering workshop.

Dalgeish’s road to parliament was different to Burdekin’s. On Monday 26 November 1860, a group gathered at the Lighthouse Hotel, on the corner of Bathurst and Sussex Streets, for the purposes of bringing forward Dalgleish to represent the working classes at the upcoming election. Dalgleish was a qualified engineer, which would seem to have placed him above the majority of the labouring working class, however that did not appear to present a barrier in accepting Dalgleish as an attractive representative, and Connolly sees Dalgleish as firmly part of the working class despite his qualification. Various speakers addressed the gathering, stating that Dalgleish was a ‘bona fide working man’ and that he would support free selection before and after survey, the abolition of state aid to religion, an elective Legislative Council, and the abolition of all state pensions. Having passed the motion that ‘Mr Daniel Dalgleish is a fit and proper person to represent the electorate of West Sydney in the Legislative Assembly’, a deputation of twelve men was despatched to advise Dalgleish of the resolution and request that he allow himself to be nominated.

---

6 Ferguson, ‘Dalgleish’.
7 Ferguson, ‘Dalgleish’.
9 ‘West Sydney Electorate. Mr Dalgleish for West Sydney’, *Empire*, 29 November 1860, 5; Connelly, [thesis], 117.
In a meeting held on 28 November 1860 at the Pyrmont Bridge Hotel, Dalgleish had his first opportunity to address potential electors. He ‘proposed to give them a statement of his political faith’, and proceeded to outline his stance on a variety of policy issues:

- He noted that he would not confine his attention to questions of labour, as important as they were. He promised to study the interests of the whole country, a statement that was reported as being greeted with loud cheers.
- He supported free selection before survey, which also received cheers from his audience.
- He supported an elected Legislative Council.
- He felt that education was one of the most important issues facing the colony, and that it should be completely secular.
- He opposed state aid to religion, citing memories of a dominant church presence in Scotland when he was growing up, and felt that with the level of subscriptions that were raised for overseas missions there was plenty of capacity for the communities to voluntarily support their own religious institutions. As a Scottish Presbyterian, Dalgleish may have had some personal experience of the dominant Church of England intruding on Presbyterian interests while he was growing up in Allowa.

This statement of his position on the big political issues of the election was remarkably similar to those attributed to him by those constituents at the meeting held at the Lighthouse Hotel two days before, suggesting they had a good prior knowledge of Dalgleish’s political position. Dalgleish’s stated intention to give attention to the interests of the whole colony, and not just those issues that concerned labour interests, suggests that he understood this was what was expected of a politician in the 1860s. The cheers from those present suggests this was a shared understanding.

The Chairman of the meeting, William Smith, opened the floor to questions. Dalgleish was asked his opinion on payment for members, which he said he supported as long as all members were

---

11 “West Sydney Electorate. Mr Dalgleish for West Sydney’, *Empire*, 29 November 1860, 5.
By this he meant that he supported official payment for members, but not the private subscriptions that some electorates raised for particular politicians. There was some concern among those who attended the meeting that Dalgleish may not have had the means to support himself if elected. This is curious considering that many of the politicians maintained professions while simultaneously serving in Parliament, and may be a reflection of the more active profession of engineer.

Despite his declared aversion to politicians being supported by public subscription, sometime after his election Dalgleish was presented (apparently anonymously) with 165 sovereigns to ‘assist’ him. The group who raised this money for him noted that

 Called as you were from the ranks of labor to represent your own class in the people’s House of Parliament ... and being chosen in this Electorate for making the experiment of the representative of Labour from its own ranks ... We have felt it our bounden duty to assist you to our utmost to carry out this experiment to a successful issue.

This raises questions of financial independence for Dalgleish which, combined with his strong labour affiliations, would likely have kept him outside the ranks of social gentlemen. He was not the only politician to receive some financial support from his constituents. David Burdekin received a regular stipend from his electorate, to assist with his living expenses while he represented their interests.

Dalgleish was also asked his opinion on free trade versus protection, and declared himself in favour of tariffs that were sufficient to pay the government’s expenses but not excessive enough to put products out of the reach of consumers. When pressed, he advocated the removal of tariffs on tea and sugar because they were staple consumables of the working classes. After this response, the motion that ‘Mr Daniel Cameron Dalgleish, [is] a fit and proper person to represent the electorate of West Sydney in the forthcoming Parliament’ was passed unanimously to loud cheers from the crowd.

---

12 ‘West Sydney Electorate. Mr Dalgleish for West Sydney’, *Empire*, 29 November 1860, 5.
13 Ferguson, ‘Dalgleish’.
14 Ferguson, ‘Dalgleish’.
16 ‘West Sydney Electorate. Mr Dalgleish for West Sydney’, *Empire*, 29 November 1860, 5.
In a speech at the Lighthouse Hotel on Thursday 29 November 1860, Dalgleish suggested that electors should look at the track record of the Third Parliament politicians and note those who had broken their campaign pledges. The similarity to Burdekin’s sentiment that politicians were expected to honour their campaign promises suggests that it was a widely accepted premise of politics in the 1860s. Unlike Burdekin, who only had to make two speeches to electors in Tamworth, Dalgleish had to do the rounds of pubs in the West Sydney electorate making a very similar speech each time. With serious competition in his electorate, this was both an expected and necessary part of the electoral process.

However, as shown by the discussion above, Dalgleish did not promise them anything. Like Burdekin, he outlined his position on various points of policy, and both men considered it important for politicians to stand by those positions when faced with the practical debates in the House. Dalgleish also did not promise anything specific for his electorate, or at least not publicly.

The Sydney Mail considered him a radical candidate, but no more radical that many of his fellow candidates. His fellow candidates were John Dunmore Lang, William Love, William Windeyer, Mr White, and Mr Berncastle (all supporters of land reform, including free selection before survey) and Mr Tooth, Mr Broughton, James Martin, and Mr Plunkett (all of whom opposed free selection before survey). On polling day on 12 December 1860, Dalgleish was duly elected to the seat of West Sydney with 1,426 votes, along with John Dunmore Lang (1,751 votes), William Windeyer (1,725 votes), and William Love (1,538 votes). Dalgleish’s nearest rival for fourth place was Mr Plunkett with 1,303 votes. This showed that the electors in West Sydney believed in the principal of free selection before survey, and they were not prepared to elect anyone who did not support that provision.

17 ‘Mr Dalgleish for West Sydney’, The Sydney Morning Herald, 30 November 1860, 5.
18 ‘Summary’, Sydney Mail, 1 December 1860, 1.
19 untitled, Empire, 12 December 1860, 4.
At the 1860 election, the West Sydney electorate encompassed the western side of what we would now consider to be the Central Business District (CBD). It was squeezed in between Glebe (won in this election by Thomas Smart) to the west, Newtown (won in this election by Alexander McArthur) and Paddington (won in this election by John Sutherland) to the south, and Eastern Sydney (a multi-member electorate, won in this election by John Caldwell, Charles Cowper Snr, Henry Parkes, and Robert Stewart) to the east.21 Sydney Harbour formed a natural boundary to the north.

At the time of his election, Dalgleish was 33 years old, positioning him among the younger members of the Fourth Parliament. In the Assembly he was considered a long winded and detailed speaker, much to David Buchanan’s frustration, and he certainly spoke often.22 He also served on 32 select committees, which amounts to more than 20 per cent of the total number of committees appointed between 1861 and 1864, and more than six times the average number of committees that politicians participated in during the Parliament. He chaired three of the committees: the Pawnbrokers Bill Committee in 1862, the Petition of Thomas Charles Bentley Committee in 1862, and the Exchange of Land, Scots Church, Jamison Street, Legalizing Bill Committee that sat from September 1863 to April 1864.

Dalgleish supported many of the Bills that would benefit the working classes, such as the Payment of Wages in Money Compulsion Bill of 1863, designed to prevent employers using payment in kind to under-pay workers.23 Dalgleish also voted in favour of Buchanan’s motion made on Tuesday 3 December 1861 to introduce a Bill to abolish state aid to religion, although the motion was defeated by 23 votes to 16.24 It is possible that the Bill was derailed by politicians distancing themselves from Buchanan’s motion after his statement that state aid to religion must be abolished because ‘the Church of England is a mass of corruption from one end to the other’, rather than

---

21 Hogan et al, People’s Choice, 83.
22 Ferguson, ‘Dalgleish’.
23 V&P1863/4, 342.
24 V&P1861-2, 359.
because they opposed the Bill itself. When the debate moved on to the Public Education Bill, Dalgleish suggested that at least some church run schools used education as form of proselytising, which earned him a sharp rebuke from William Redman who felt that the comment was out of line. Dalgleish’s Scottish-Presbyterian trait of being outspoken and fiery, shared by fellow politician John Dunmore Lang, did not endear him to everyone.

Ultimately his position on the abolition of state aid to religion was practical rather than ideological. Dalgliesh felt that the State was already providing as much funding as it could afford (£5,000 per year), and that as the circumstances of the colony fluctuated so too would the level of support provided to clergy and religious schools need to be adjusted. In line with his working class allegiance, Dalgleish supported cuts to the salaries at the top levels, but did not want to be seen to ‘save pence, while wasting pounds, by curtailing one sixpence of the amount paid to the subordinates, whose salaries had been reduced sufficiently already’.

However, Dalgleish voted against the introduction of payment for members when Joseph Harpur attempted to introduce a Bill just before midnight on Tuesday 26 August 1862. This appears to be a reversal of his position during his campaign. This was a motion seeking leave to introduce a Bill, so Dalgleish’s vote against the idea was not based on the form of the Bill because no-one had seen it yet. His vote against was based on his position on the broader issue. Dalgleish told the House that he supported the idea in principle, but that the Parliament was too young to consider payment for members at this point. He also wanted to see some Constitutional change, in the form of two-year parliamentary terms and measures that would force the Ministry to resign under certain circumstances, before he felt that the Members would be justified in receiving payment for their services. Dalgleish made the connection between the level of pay and the

25 V&P1861-2, 359.
28 V&P1862, 377.
quality of the members and believed that, when it was eventually introduced, payment for members would need to be high enough to attract quality candidates.31

Dalgleish supported the expansion of the railway network. In 1863 he noted that he ‘could conceive nothing more important to the interests of the colony at the present time than that its railways should progress’.32 However, he opposed Samuel Terry’s motion to pursue a railway between Mudgee and Muswellbrook in 1864, which suggests that he thought that particular proposal was not in the best interests of the colony. See Terry’s biography later in this chapter for more discussion on the proposed Mudgee to Muswellbrook railway.

Dalgleish was a dedicated parliamentarian. According to Loveday he was a member of Martin’s faction.33 Similar to the discussion in Burdekin’s biography with reference to Cowper, there is no clear evidence to suggest whether Dalgleish was voting with Martin or against the government of the day when they were on opposite sides of a division. However, while Burdekin’s voting behaviour and reticence in the House does give some support to the idea that he followed Cowper in many instances, there is no corresponding evidence to support the same conclusion for Dalgleish. No man who was voting in line with whatever a faction leader told them to would have formed his own opinion on so many topics. His extensive speech-making suggests that he was well informed on most subjects to come before the parliament, was forming his own opinions, and felt entitled to articulate them at length. The very frequent and detailed speeches that so annoyed Buchanan are the same traits that mark Dalgleish as a conscientious, thoughtful, and independent politician. His willingness to express his opinions on so many of the issues being considered by the House provides an extensive insight into his views on a range of topics. So many well-informed opinions, and a willingness to express them, would appear to mark him as more of a leader than a follower.

33 Loveday, Development, 511-514.
Dalgleish had also clearly answered those concerns about whether he would be able to support himself while honouring his parliamentary commitments. The number of Select Committees that he participated in, as well as his attendance record suggested by the number of speeches he made, gives the appearance of a diligent politician who carefully prepared for each issue under discussion and formed his own opinions, and who did not need to work excessive hours to maintain his income. To what extent the financial contribution made by his constituents assisted in this outcome is unclear. Despite the awkward questions regarding the kind of financial independence expected of both a gentleman and a politician, there is no evidence to suggest that the payment had any impact on Dalgleish’s political decision-making.

Dalgleish had not served in parliament before, and did not serve again, but he did serve for the whole Fourth Parliament, making him one of the 43 per cent who did. In the elections of December 1864 and January 1865, Dalgleish contested the seats of West Sydney, Goldfields South, and Glebe, and lost all of them. In four years Dalgleish went from the courted champion of the working class in Sydney’s west to being an undesirable candidate in three electorates. It is difficult to believe that his parliamentary record was unsatisfactory. He had stood by nearly all of his policy positions declared at the time of his election. He had clearly articulated his reasons for opposing payment for members when it was raised in the House, and this was not an issue where a change in stance would negatively impact his constituents. His attendance record and attention to the issues that affected the colony as a whole could only be described as diligent, and he appeared to have acted in the way expected of a gentleman (at least in the level of ideals, even if he did not make the social grade) and a politician.

One factor might have been the outcome of a committee inquiry into the state of the Public Works Department. John Whitton was chief engineer and came out of the enquiry with a number of questions raised over his own conduct and that of his office. The editor of The Sydney Morning

34 ‘Dalgleish’, Former Members.
35 Ferguson, ‘Dalgleish’.
Herald published a scathing editorial, defending Whitton and his staff, and accusing Dalgleish and John Lucas (and another unnamed man) of vilifying Whitton with a view to creating a new position within the Public Works department so that Dalgleish could take it. While Lucas appears to have shrugged it off, Dalgleish brought a charge of libel against the paper’s owners, Mr John Fairfax and Mr J.R. Fairfax. The Fairfaxes were supporters of Whitton, and had an unparalleled communication channel at their disposal. They proceeded to use the Herald to discredit Dalgleish during election season once the case was dismissed.

In the campaign for Glebe he accused fellow politician Thomas Holt of electoral impersonation. Holt was registered to vote in the Glebe electorate, however the electoral rolls were imperfectly kept and there was some confusion on the day as to whether Holt had voted. A man who had voted earlier in the day had been marked off the roll by two different people under different names, so when Holt showed up to vote later in the day it appeared he had already voted. The senior official present accepted Holt’s assurances, and allowed him to vote. Dalgleish then accused Holt of voting twice. This seems an extraordinary step to take, as that one vote would not have made a difference to the outcome. Dalgleish lost the poll to Thomas Smart by 171 votes. The Police Magistrate, Captain Scott, committed Holt for trial in the Central Criminal Court. If the office had been proved, the maximum sentence was two years in prison. The editor of The Sydney Morning Herald, The Rev. John West, was an old friend of Holt’s and used the paper to again discredit Dalgleish. There was considerable public outcry, and suggestions were made that Captain Scott no longer intended to prosecute the case. In response, Dalgleish brought his own action

36 ‘Dalgleish vs Whitton’, The Sydney Morning Herald, 16 April 1864, 8.
37 ‘Libel case – Dalgleish vs Fairfax and another’, The Sydney Morning Herald, 2 December 1864, 3.
38 ‘Libel case – Dalgleish vs Fairfax and another’, The Sydney Morning Herald, 2 December 1864, 5.
41 Holt, Colonist, 126.
42 Holt, Colonist, 127.
against Holt, and lost. Holt declined to collect the £500 awarded to him in damages and costs. He was interested only in vindicating his character. Interestingly, Martin and Richard Driver were both involved in the case on opposite sides as legal counsel. There was never any suggestion that acting professionally in a matter that involved ex-parliamentary colleagues (who may choose to serve again) would be considered a potential conflict of interest.

There is no indication in the historical record that the constituents of West Sydney were displeased with Dalgleish’s service, or felt that he was too aligned with either the government of the day or with Martin. It could be suggested that the electorate turned away from a diligent politician whose character as a gentleman had been called into question. The court case that Dalgleish instigated against Whitton in defence of his character, followed by his public insult to Holt, gave the electorate two examples of ungentlemanly behaviour during the election season. While Dalgleish certainly demonstrated his independence in both instances, the other gentlemanly traits of good character, good manners, and a firm moral code were called into question.

After leaving Parliament, Dalgleish was appointed engineer-surveyor in 1865 and then an inspector with the Steam Navigation Board in 1866. In February 1870, he was thrown from his horse, and died in Sydney Infirmary a week later on 18 February. He was buried with Masonic honours in the Old Devonshire Street cemetery, and members of the iron trades joined the funeral procession. The service was read by his parliamentary colleague and Presbyterian minister Rev John Dunmore Lang. Posterity and perhaps family memory seems to have forgotten or buried his role as a politician. His son Emanuel’s obituary in 1928 described Dalgleish only as an engineer.

---

43 Ferguson, 'Dalgleish'.
44 Holt, Colonist, 131.
45 Holt, Colonist, 134.
46 Ferguson, 'Dalgleish'.
47 'Dalgleish, Emanuel', Obituaries.
William Forster

William Forster was born in Madras, India, on 16 October 1818.¹ He was the son of an army surgeon, Thomas Forster, and Eliza Blaxland, daughter of the Gregory Blaxland who was among those credited with the first European crossing of the Blue Mountains in New South Wales.² Gregory Blaxland was one of the early European free settlers, arriving in New South Wales on the William Pitt at the end of 1805.³ Thomas and Eliza married in Sydney in 1817, and went to India in the same year.

As with a typical army family, Forster migrated often with his parents, first to Wales in 1822, then to Ireland in 1825. The family returned to New South Wales in 1829. Both Forster’s parliamentary and ADB biographers record that he was educated at a regimental school of the 14th Light Dragoons in India, but considering he was only four years old when the family went to Wales it must have been for a very short time.⁴ There is no record of the school he attended in Wales, but in Ireland he attended the Reverend J. Crawford’s school at Donnybrook. Once he arrived in Sydney, Forster attended William Cape’s School and The King’s School. At the King’s School he shared a classroom with his best friend Allan Macpherson, who was member for Central Cumberland from 6

---

¹ ‘Forster’ Former Members; Nairn, ‘Forster’; McMinn, ‘Forster’, 69.
³ Conway, ‘Blaxland’.
⁴ Nairn, ‘Forster’; ‘Forster’ Former Members.
June 1863, and the Rev. James Hassell, who was a cousin of Samuel Henry Terry’s.  

Although Forster and Burdekin both attended Cape’s School, Forster left before Burdekin was born. Forster was, however, a classmate of James Martin. In 1836 he won a prize for poetry, and this love of writing both poetry and prose stayed with him for the rest of his life.

Forster began acquiring land and squatting runs in 1839, and in the same year he took part in one of the first European overland expeditions to Port Phillip. By the end of the 1840s he controlled thousands of acres in the Port Macquarie, Clarence River, and New England areas. In April 1846, he married Eliza Jane Wall and they went on to have 8 children. By 1854 he had approximately 64,000 acres in the new Burnett and Wide Bay districts, and by the time he retired from active control of properties in 1867 he had approximately 80,000 acres in Queensland. His extensive land holdings and the income derived from them, in combination with his family background, meant that Forster met the social criteria for a gentleman.

In 1842 Forster was appointed as a magistrate. According to McMinn, he was removed from the magistrate lists in 1849 after a shooting incident involving Gregory Blaxland Jnr in which an Aboriginal man was wounded. Forster and Blaxland had both held property in the Clarence River area of New South Wales and had strong resistance from the Aboriginal people in the area. After the shooting incident, they sold up and moved their cattle to the Burnett River in Queensland, where they again encountered resistance.

The Burnett River rises in the Great Dividing Range at Burnett and flows north-east for 435 kilometres to Bundaberg. Stephen Foster describes Forster’s station of Gin Gin as being in the Wide

---

6 McMinn, ‘Forster’, 69.
7 Nairn, ‘Forster’.
8 Nairn, ‘Forster’; ‘Forster’ Former Members.
10 Nairn, ‘Forster’.
Bay district near the coast. The Burnett River flows through the lands of both the Gureng Gureng people and the Wakka Wakka people, but if Foster’s location for Gin Gin is correct then it would have been on the land of Gureng Gureng people. In August 1850, Blaxland was murdered by two Aboriginal men. It is not clear exactly where this occurred, or on which people’s land. The two men’s names were given in later press reports as ‘Boomer’ and ‘Fireaway’, although it is not clear how it was determined that they were the two men responsible. In response, Forster led what one writer has described as ‘a fearsome vengeance on the local native populace’, the extent of which was subsequently covered up. Foster’s description of Forster’s activities are opaque, ‘guarding the northern frontier’, but Forster’s ability to drive Aboriginal people away from what he saw as his land suggests that it was done violently.

In August 1843, Forster supported Alexander Macleay’s nomination for Speaker, and defended Macleay’s earlier acceptance of land grants in the face of criticism from others in the Council. The Sydney Morning Herald believed that Forster was taking the opportunity to repay a debt of gratitude for an earlier kindness from Macleay, but it is equally plausible that Forster was defending the actions on their own merit rather than the man. The Herald did not explain what that kindness had entailed.

In 1856, the same year his father died, Forster stood for election in the United Counties of Murray and St Vincent, and held that seat for the First and Second Parliaments. In the Third Parliament he held the seat of Queanbeyan, and was Premier for four months (27 October 1859 to 8

---

12 ‘Murder by the Blacks’, The Moreton Bay Courier, Saturday 31 August 1850, 3.
14 Keith Robert Binney, The Horsemen of the First Frontier (1788 to 1900) and the Serpent’s Legacy, (Volcanic Productions, undated) 110-111.
15 Foster, private empire, 250-251.
17 Cherry, Macleay, 383.
Forster was Governor Denison’s third choice, after both Richard Jones and John Hay were unable to form a ministry.\textsuperscript{21} McMinn, contrary to Loveday and Martin, sees Forster as someone who ‘had no personal following’ in Parliament, and yet could persuade sufficient members to work in a ministry with him to form a government.\textsuperscript{22} McMinn sees that as an achievement against the personal followings that others could command, but as discussed earlier in chapter 3, a personal following was not required to form government. All that was required was a sufficient number of men who supported a politician’s ideas to be willing to work with him in a ministry, and for that ministry to introduce legislation and support issues in ways that reflected the will of the House for them to stay in power. Further support of the idea that only ministers felt an obligation to vote in line with the ministry is evidenced by the fact that Forster’s two legal appointments – Edward Wise as Attorney-General and J.F. Hargrave as Solicitor-General – agreed to take those positions on the condition that they would not be included in the Cabinet, or be considered obliged to support the policy of the ministry.\textsuperscript{23} Forster’s government lasted less than five months, and he was ousted by a censure motion moved by S.W. Gray, member for Kiama, which Forster lost 33 votes to 25.\textsuperscript{24} While this was the mechanism through which Forster was removed, his government failed for the same reason that any ministry in a parliament full of independent politicians will fail – because the ministry introduced legislation that did not have the majority support in the House.

For most of the Fourth Parliament, Forster was one of four members for East Sydney. The electorate was bounded by Paddington (held by John Sutherland) to the south and east, West

\begin{flushleft}
\textsuperscript{19} ‘Forster’, \textit{Former Members}.
\textsuperscript{20} Goodin, ‘Cape’.
\textsuperscript{21} McMinn, ‘Forster’, 69.
\textsuperscript{22} McMinn, ‘Forster’, 70-71.
\textsuperscript{23} McMinn, ‘Forster’, 71.
\textsuperscript{24} McMinn, ‘Forster’, 77.
\end{flushleft}
Sydney to the west (a multi-member electorate, held by Daniel Dalgleish, John Dunmore Lang, William Love, and William Windeyer), and Canterbury touching in the south east corner (a multi-member electorate, held by John Lucas and Edward Raper). His colleagues were Robert Stewart, John Caldwell, and Charles Cowper Snr. However, he wasn’t elected in December 1860, but in a by-election in May 1861 after Henry Parkes resigned his seat to take up a paid government appointment.

The by-election in May 1861 was strongly contested. The audience at a public meeting in Hyde Park on nomination day seemed to find all of the nominees amusing, as the motions declaring each candidate a ‘fit and proper person’ were greeted with laughter. Many of the sitting members were in the crowd – it was not recorded whether they were laughing – including John Lucas, whose son George seconded Forster’s nomination. The other candidates were Dr Duigan, Thomas Argent, and James Henry Neale. Two nominations were made but not seconded, and therefore the candidates could not stand for election. Those two were James Martin and Charles Fowler.

As the only man standing in this particular by-election who had previous parliamentary experience, Forster was an easy target for the other candidates. They attacked his political record, accusing him of hindering legislation and being too ‘crotchety’ for anyone to work with. Unfortunately the newspaper records for the speeches on the hustings have deteriorated and are very difficult to read, but some details can still be gleaned. Forster appealed to the crowd of electors to judge him by his record and his public character. The crowd were initially not in a forgiving mood, however, and accused him of being too close to the squatters. Forster then entered into a debate with the crowd over the nature of liberalism, claiming that all politicians were liberal, even though one heckler felt that it was not a word that was in Forster’s vocabulary.

25 Hogan et al, People’s Choice, 83.
Forster claimed to be independent, having never pledged to follow either Charles Cowper or James Martin, which is an extraordinary claim given that, at this point in time, Martin was not in parliament at all, and two years later Forster claimed that neither he nor Martin had a party or faction in parliament to lead. This seems to be an example of the use of the term faction or party as a rhetorical device when campaigning, similar to Mullen’s use of the concept in his campaign against Burdekin for the seat of Liverpool Plains discussed earlier. It also appears to confirm Forster’s assertion that he did not have a faction to lead (at least at this point in time) and that the electors did not suspect that he did.

When Forster got past the heckling of the crowd and the debate over what liberalism was, he moved on to the questions of policy. He told the crowd that he would never pledge to vote in favour of a particular Bill, or against one, during an election because until he saw it in its final form he did not know whether he could support it. He did, however, pledge to do what he claimed he had always done: ‘exercise an independent judgement upon all questions that came before him in the best way that he could’. He would ‘not undertake to vote against his conscience, but he would offer no factious opposition to the bills’. This statement is particularly interesting in the context of this research. Forster appears to use the term ‘factious’ here to describe mischievous individual opposition to the government, rather than organised group opposition to a policy. It supports the hypothesis advanced in chapter 3 that nineteenth century use of the terms faction and factious have been misinterpreted in the twentieth and twenty-first centuries because the meaning has changed over time.

Forster then moved on to the type of scare-mongering that a twenty-first century politician would be proud of. He accused the other candidates of stating in their speeches that they would only vote in line with the government, setting himself up as the independent candidate. There is no evidence in the newspaper reports of statements that would support his accusation in relation to

29 See discussion in chapter 3.
the speeches by the other candidates. Some of his fellow candidates had not even spoken yet. Forster turned the crowd around with his rhetoric, receiving more cheers than groans towards the end of his speech, but there were no clear policy points articulated apart from his opposition to a nominated Legislative Council.

Forster made clear statements about the nature of independence in politics and campaigned on that platform. He certainly did not campaign on the idea of leading a faction, which would presumably have increased the electorate’s impression of his ability to influence policy direction. Instead, the electorate valued his independence, and elected Forster to fill the vacancy.

For Forster, therefore, we cannot assess his parliamentary record against his position in relation to key policies of issues. Forster’s ability to campaign without even articulating a position on these policies make Burdekin’s and Dalgleish’s policy statements look like a trap for young players. In their zeal as first-time politicians they appealed to their electorates by declaring their positions for or against policy measures. The more seasoned Forster recognised that those positions might change depending on the final form of a Bill or the timing of a motion. Instead, he staked his political reputation on the obligation to carefully consider each issue on its merits. Dalgleish arrived at the same conclusion through his own experiences, as seen in his choice not to support payment for members when it was proposed even though he had stated his support for the principle in his electioneering speeches.

Forster’s position on some issues can be suggested from his actions as Premier between October 1859 and March 1860. In October 1859, Forster introduced a Land Bill to prevent the renewal of the 10-year leases, extending them instead to December 1860.31 Robertson criticised this as a stop-gap measure, but Forster argued, rightly, that it would give the new ministry some time to determine the best way to move forward. The House agreed, passing Forster’s Bill in December 1859. In the same month, Forster also introduced a Bill to establish an elected Legislative

---

While it was an improvement on the nominated Legislative Council, the proposal was not liberal enough for many of his parliamentary colleagues and the Bill was defeated.

Forster’s position on payment for members is difficult to determine. While he spoke in the House during the debate in 1862, his remarks were focussed on criticising his fellow members for wasting the Parliament’s time in what many of them were referring to as an abstract discussion. Many of the politicians had agreed with Dalgleish that they supported the idea in principle but would not support introducing payment at that time. Forster felt they were wasting time discussing a measure that clearly did not have sufficient support to pass. He went on to explain that politicians were paid in New Zealand and Canada without any manifestation of the corruption that so many members appeared to fear. Ultimately Forster did support payment for members and felt that many of the objections raised by his fellow politicians amounted to little more than scare-mongering. Forster asked whether it ‘was not our duty to preserve such men independent in the exercise of the duties confident to them?’ He did not see the payment of members as contrary to notions of independence but felt that it would need to be introduced carefully. Any measure to introduce the payment of members would need to commence in the subsequent parliament to the one that voted to introduce it, so that politicians were never in the position of voting directly to pay themselves from the public purse. He wanted the electorate to determine who was worthy of being paid when the time came.

Forster’s position on education was firm. He believed it was the Parliament’s duty to ‘obtain the best system of education possible’. How to deliver that was the big issue that concerned the House. He labelled the vested interests referred to by others in the debate as prejudices, and was...

32 McMinn, ‘Forster’, 73.
34 ‘Payment for Members’, The Sydney Morning Herald, 27 August 1862, 4.
clear that he felt they should not be given much weight.\textsuperscript{38} Described as being a member of the Church of England by different biographers, Forster joined most of the ‘colonial intelligentsia’ in believing that church and state should be kept firmly separate.\textsuperscript{39} Despite that, he hoped for a more amicable resolution than simply cutting aid to church run schools through the legal mechanism of insisting that all schools must be vested in the national system to be eligible for funding.\textsuperscript{40} Although he disliked the mechanism of boards for controlling government services such as education because he felt their diluted accountability represented a significant risk, he recognised that there was no better mechanism available at that time. Burdekin, during his electioneering speeches, had articulated a similar position, noting that the appointment of a Minister of Education to make the school system directly responsible to the Parliament would provide better education and financial management outcomes.\textsuperscript{41} The idea of expanding the ministry, and therefore the salary bill for ministers, was not politically supportable at that time, and Forster therefore supported the idea of one education board, both as a monetary saving for the State, and an increase in efficiency in terms of delivering quality education.\textsuperscript{42}

Forster liked to bring the debates back to fundamental principles. After outlining his position on the Education Bill in general, Forster asked whether the Bill as presented by the Colonial Secretary ‘did what it proposed to do – whether in fact it provided an alternative better than the state of things to be left behind’.\textsuperscript{43} He then went on to discuss the main elements of the Bill in that light. In this respect, Forster was different to Burdekin and Dalgleish. His view point was more strategic, and he seems to have been capable of working at both the strategic level of political idealism and intention, and the operational level of how legislation and other initiatives would work in the real world.

\textsuperscript{38} ‘Education – Adjourned Debate’, \textit{The Sydney Morning Herald}, 24 July 1863, 3.
\textsuperscript{39} Nairn, ‘Forster’.
\textsuperscript{40} ‘Education – Adjourned Debate’, \textit{The Sydney Morning Herald}, 24 July 1863, 3.
\textsuperscript{41} ‘Tamworth’, \textit{The Maitland Mercury and Hunter River General Advertiser}, 22 January 1863, 3.
\textsuperscript{42} ‘Education – Adjourned Debate’, \textit{The Sydney Morning Herald}, 24 July 1863, 3.
\textsuperscript{43} ‘Education – Adjourned Debate’, \textit{The Sydney Morning Herald}, 24 July 1863, 3.
Forster’s experience in the Fourth Parliament was impacted by tragedy. His wife, Eliza, died on 31 May 1862.\textsuperscript{44} It appears that their eighth child was also born and died in that year. As the child was unnamed, it is possible that Eliza died in childbirth and the child either died at the same time or very soon afterward.\textsuperscript{45} Forster’s very high parliamentary attendance record, discussed in chapter 3, was very likely reduced in the June, July, and August of that year as he observed a mourning period for his wife and possibly his child.

Despite Loveday classifying Forster as the head of a faction, Forster considered himself to be independent, as evidenced by his comment that neither he nor Martin had a group within parliament to lead. As discussed in chapter 3 Loveday’s classification of Forster as a faction leader may result from a mis-interpretation of his diligence and consistency, inferring a more formal leadership position when in fact he occupied a very informal one. The fact that Forster had been Premier once before may have contributed both to Young’s view of Forster as likely to be able to form a government, and to Loveday’s view of Forster as a faction leader. Bede Nairn described Forster as ‘honourable and unyielding, always an individual’ which, while it does not directly address the concept of political independence as discussed in this research, does suggest that what Nairn saw as individualism was part of being an independent gentleman.\textsuperscript{46} Forster appears to have supported the government of the day unless there was a good reason not to, which in some ways makes him the quintessential independent politician because he did not make trouble for the sake of it, or to make a name for himself. He described himself as unsuited to the ‘details of official life and the constant vigilance over small matters’.\textsuperscript{47} It appears that public life exhausted him. He did not need to continue to serve. The fact that he did suggests that he felt a strong responsibility to do so.


\textsuperscript{46} Nairn, ‘Forster’.

\textsuperscript{47} Foster, \textit{private empire}, 308.
In October 1863, when Martin formed his ministry, Forster accepted the office of Colonial Secretary. Despite his reputation for being difficult to get along with, in this instance Forster appears to have worked cooperatively with his ministerial colleagues for the next twelve months until Martin was forced to petition Governor Young for a dissolution. As shown in the data in chapter 3, Forster was present in the House more often than Martin, and as they were of a similar age and had a similar range of political experience, it is possible to infer that Forster was the stronger political influence over that year between October 1863 and November 1864.

Forster later moved electorates for each Parliament, suggesting either that he was not popular with voters and electorates went looking for better representation each time, or he was not particularly attached to the electorates he represented and was looking for more advantageous options at each election. Nairn noted that in some of those elections he lost in one seat but was elected in another, which seems to support the idea that he was not a particularly popular candidate. Yet he was returned for a seat in each Parliament, which suggests that his political experience was valued.

In January 1866, Martin again became Premier. His attempt to draw Forster back into the ministry in the Lands portfolio failed when Forster insisted on conditions which Martin found unacceptable. In Robertson’s next ministry, Forster became Secretary for Lands – an arrangement that worked well until Robertson was forced to resign over financial difficulties and Cowper took over the Premiership again. Forster and Cowper did not work well together, and three months later Forster resigned from the ministry. In 1871, he joined the Senate of the University of Sydney and served until February 1876.

48 McMinn, ‘Forster’, 77.
49 See discussion in chapter 2.
50 Nairn, ‘Forster’.
51 McMinn, ‘Forster’, 77.
52 McMinn, ‘Forster’, 77.
In 1868, Forster and Macpherson’s forty-year friendship was seriously fractured. Macpherson was heading home to London with his family, and believed he had been effectively promised the paid position of Agent-General if it fell vacant while the Robertson/Forster ministry was in power. The position did fall vacant, and did not go to Macpherson. Macpherson immediately concluded that Forster had betrayed him, but Forster made it clear that there had never been and never could have been a promise that it would go to Macpherson. While Macpherson may have been considered for the position, the circumstances were very similar to those of Holroyd’s letter to Donaldson regarding their mutual friend Jardine. There could be no pledge ahead of time, and the government would consider on their merits all those people with the potential to fill the position. The friendship resumed in 1874, but only after Macpherson backed down.

On 8 November 1873, Forster married Maud Julia Edwards at Armidale. They had three sons and two daughters. Between February 1875 and February 1876, Forster served as Treasurer in Robertson’s ministry, alongside John Lucas who at that time was Minister for Mines. The fact that Forster served in the ministry of a conservative premier (Martin) and a liberal premier (Robertson) during his career supports the idea that Forster was making political decisions in line with whomever had policies and a legislative agenda that aligned with his personal values and ideals. Forster’s approach fits the mould of the independent gentleman politician that Letwin, Castronovo, Trollope, and perhaps even Hirst, would recognise.

In October 1875 Forster went to London in his capacity as Treasurer to address some financial issues, and stayed on as Agent-General from February 1876. Over the next three years he quarrelled with Thomas Woolner over a statue of Captain James Cook, gave an anti-federation speech to the Royal Colonial Institute, and developed a reputation for being off-hand with

---

53 Foster, *private empire*, 318-319.
54 See discussion in chapter 4.
55 Foster, *private empire*, 336.
56 Nairn, 'Forster'.
57 ‘Forster’, *Former Members*.
58 Nairn, 'Forster'.

282
government business. In December 1879, Parkes (who was then Premier) recalled Forster to Sydney.

On his return, Forster found that he had been elected to the seat of Gundagai while in transit. He returned to the Assembly, and also to the Senate of the University of Sydney. Of the 13 premiers of New South Wales between 1856 and 1901, Forster is one of only two who were never knighted. The other was James Farnell.

In his later life Forster returned to his writing. He published a verse play, The Weirwolf, in 1876, the same year his mother Elizabeth, sometimes known as Eliza (her mother’s name), died. In 1877 The Brothers followed, and Maud posthumously published Midas in 1884. Numerous other pieces remain unpublished. Nairn describes Forster’s literary wit as ‘occasionally peevish’ but believes ‘there is an inventiveness and technical skill in the whole of Forster’s work that places it near the front rank of nineteenth-century Australian literature’.

Forster served in nine parliaments and was still a member of the Legislative Assembly for the seat of Gundagai when he died on 30 October 1882 at Edgecliff in New South Wales. He was buried at St Anne’s in Ryde. After Forster’s death, Maud and their daughter Enid went to England, and Maud re-married in 1889.

60 McMinn, ‘Forster’, 78.
63 Nairn, ‘Forster’.
64 Nairn, ‘Forster’.
John Lucas

John Lucas was born in Kingston (now Camperdown), Sydney on 24 June 1818. 1 John was second generation native-born and the grandson of three convicts. 2 His birth coincided with a difficult period in his family’s life, as his paternal grandfather Nathaniel Lucas drowned weeks earlier in the George’s River. 3 A few years earlier, his paternal grandparent’s marriage had broken down and his grandmother Olivia was spending most of her time in the Launceston area of Van Diemen’s Land with those of her children who had moved there. 4

Despite never meeting his grandfather, Lucas’ father (also John) very likely told him stories of the Lucas family’s rise from transported convicts to respected businessmen. Nathaniel had been a builder, publican, boat builder, and carpenter, including working on the Rum Hospital in Macquarie Street, Sydney, and a parsonage at Liverpool for William Charles Wentworth. 5 Nathaniel had mixed

---

1 McKay, Nation, 676.
3 ‘Sydney’, The Sydney Gazette, 9 May 1818, 3; McKay, Nation, 26-27.
4 McKay, Nation, 672.
5 McKay, Nation, 25.
experiences with the colony’s governors, which likely formed a strong basis for many of the family stories. Despite being twice dismissed from his post as Superintendent of Carpenters on Norfolk Island, Nathaniel found favour with Lieutenant Governor Philip Gidley King – and it was King who suggested that the Lucas family transfer to Sydney instead of accompanying most of the other residents to northern Tasmania when Norfolk Island was evacuated in 1805. As trusted convicts who did not participate in the one rebellion known from the first Norfolk Island settlement, it is very likely that the Lucas’ also developed a relationship with surgeon D’Arcy Wentworth, whose illegitimate son William Charles was born on the Neptune in 1790 and spent his early years with the Lucas’ eldest children when the Wentworth family were stationed on Norfolk Island. William Charles Wentworth’s political career may have had some influence on Nathaniel’s grandson’s choice to enter politics, as will be discussed later.

This positive experience with King was in sharp contrast to that experienced with his successor, Governor William Bligh. In 1806 Nathaniel secured a fourteen year lease of land at Lot 93 Church Hill in the Rocks area, near St Phillip’s Church, and built a house on it. In October 1807 Bligh cancelled the leases to give a church more space. Nathaniel, along with others caught in a similar predicament, watched his house demolished on Bligh’s orders. Whether this had any influence on Nathaniel’s decision to sign the petition that requested Bligh’s removal from office by Major George Johnston in January 1808 is speculative but impossible to discount.

6 Acting Governor King to The Duke of Portland, letter, 10 March 1801, HRA, S1, V-III, 1801-1802, LCCP, 1915, 54, 496; McKay, Nation 22, 671.
8 McKay, Nation, 671.
9 Governor Bligh to The Right Hon William Windham, letter, 31 October 1807, HRA, S1, V-VI, August 1806-December 1808, LCCP, 1916, 155.
10 The undersigned to Major George Johnston, letter, 26 January 1808, ML A1982, State Library of New South Wales. There are two letters. This one Nathaniel signed was dated the day of Bligh’s removal, and therefore Nathaniel could be assumed to have supported the action just before, or as, it was taking place. A second
Nathaniel and Olivia’s son John married Mary Rowley, daughter of Captain Thomas Rowley of the New South Wales Corps, in 1817. After Rowley’s death in May 1806, his property was held in trust for his children. John later used Mary’s portion of the property near Annandale to go into property development. John built his first flour mill at Harris Creek in 1822 and his second at Woronora in 1825, which earned him the name of John the Miller. John also held a spirit licence for The Black Swan from 1822, and joined his brother William in a building contract for a Court House at Liverpool. Disaster struck when William drowned at Parsley Bay in July 1828 and John was declared insolvent. At 10 years of age, Lucas would have been aware of the difficulties his father faced, although possibly not all of the details.

Against this background of hard work and diversification, success, disappointment, and family tragedy, Lucas’ education reflects something of the rise in status of the family. He is recorded as having attended the Church of England School at Liverpool, and then Captain Beveridge’s Boarding School in Sydney. John Beveridge arrived in Hobart as Mate on the Harriett (or Harriott) in March 1817, and then worked on colonial sailing vessels as Master for the next decade. He opened his boarding school in 1826, in a building at 16 Prince Street in Sydney which commanded views of the

letter was signed the following day, and of those who signed that letter it would be more difficult to determine whether they truly supported the action or felt that they had little choice once the action was taken.

11 Fletcher, ‘Rowley’.
13 McKay, Nation, 672. McKay, Nation, 19-21; The undersigned to Major George Johnston, letter, 26 January 1808, ML A1982. Nothing is known about Lucas’ father’s education, but it appears that John could at least sign his name fluently. McKay, Nation, p 672. The fact that both men could enter into contracts for building works also suggests a degree of literacy that exceeded a basic level.
14 McKay, Nation, 676.

287
The school was still operating in 1848, but may have moved premises in the intervening years to Tara House at 51 Prince Street. Described elsewhere as a ‘commercial and naval seminary’, it would appear that John was being given the opportunity to learn about business rather than the sea. Captain Beveridge appears to have been a well-respected educator, which suggests that John enjoyed a reasonable quality of education at the school.

Alan Barcan’s thesis on education in NSW between 1833 and 1880 noted that as early as the 1820s there was a concerted effort to provide advanced or grammar-style education in elementary schools, which he saw as foreshadowing later educational reforms that the Fourth and later parliaments were heavily engaged in. Certainly Lucas and many of the other native born politicians in the Fourth Parliament enjoyed the benefits that Barcan identified in the compromise between classical and modern education that pervaded most of the colonial secondary schools. Literacy was more widespread than in England, but ‘excellence in education in the classics’ was frequently not the aim. At 16 years of age Lucas was apprenticed to a carpenter, which was consistent with the primary family trade. He was following his father and grandfather into the building trade, but he may have been the first of his family to gain a formal education in the field. Lucas’ education seems to have been deliberately targeted to allow him to follow the family traditions of diversified business interests and practical skills, but at more formal levels than had been available to his father.

At the age of 22, Lucas married Ann Sammons in Singleton on 4 January 1841. For the next twenty years, he followed both traditional family career paths – builder and publican – mostly simultaneously. He built the Catholic School at Burwood, where many of his extended family were

---

18 ‘Profile: Beveridge’, Macquarie Archive.
25 ‘Lucas’, *Former Members*.
living, and by 1848 he ran a pub in Camperdown. It is in the naming of his children that John first betrayed some political leaning, with sons named George Washington Lucas (born 1850) and William Wentworth Lucas (born 1855). William’s name is possibly a homage to William Charles Wentworth, who was well-known to the family and embodied their native-born pride before his shift to the political right.

Lucas’ first experience of public life was his appointment as a magistrate in 1858. Political activity does not seem to have been a family tradition. Despite Nathaniel’s apparently strong relationship with King, there is no evidence to suggest that he was politically active in the sense of attempting to influence policy or public events, aside from being a signatory to the petition that supported the removal of Governor Bligh from office. Rathbone, in his biography of Lucas, described his father John as a political activist, but John’s biography has no indication of this and the family history does not mention any political involvement or activism. John lived to see much of his son’s political career unfold, and he died on 7 June 1875, just a few months after seeing his son take up the position of Minister for Mines in Robertson’s ministry on 9 February of that year. To what extent John may have had any influence on that career is not indicated in the historical record.

In 1859, Lucas was active in the committees to elect Charles Cowper and John Black, and is recorded as chairing at least some of the meetings relating to these campaigns. Having refused to

27 McKay, Nation, 678.
28 The Lucas and Wentworth families spent time together at Norfolk Island during the first settlement there (1788 to 1805). Lucas’ father, John, was only a few years younger than William Charles Wentworth, and the settlement was so small that everyone knew everyone regardless of rank or class. Wentworth and his family left Norfolk Island before the evacuation in 1805, so it is unknown how much time the two boys might have spent together.
29 ‘Lucas, John (1818–1902)’, Obituaries Australia.
31 McKay, Nation, 671; ‘Lucas’, Former Members.
32 ‘Black’s Committee’, The Empire, 10 November 1859, 1.
run against the incumbent Edward Flood for the seat of Canterbury in 1859, despite being
nominated and seconded by two gentlemen at the hustings, Lucas decided to stand for the by-
election for that seat in early 1860. A committee, chaired by William Bell Allen (later a colleague in
the Fourth Parliament) was convened on 24 January of that year for the purpose of canvassing the
electorate on Lucas’ behalf.33 Already known as “Big Lucas” by 1860, the press made much of his
size in attempting to ridicule him.34 There is no evidence to suggest that he cared. Instead, he
placed an ad in the Empire promising to speak personally to as many members of the Canterbury
electorate as possible before the election.35 He was duly elected. In neither his appointment as a
magistrate nor his election as a politician did his convict heritage count against him. The electorate
did not seem to care. This aligns with Babette Smith’s view that the ‘convict stain’ was not
considered either remarkable or a disadvantage at this point in colonial history.36

Lucas stood for re-election for the seat of Canterbury in the December 1860 election. Raper,
Thomas Holt, Richard Cowan, and William Roberts, were all touted as candidates for the seat, so
there was a contest.37 Canterbury was a multi-member electorate, returning two representatives
for the Assembly. Holt did not formally nominate for the seat and was later returned for the seat of
Newtown in July 1861.38

Lucas clearly had a good reputation in the electorate, and his opinion carried considerable
weight with voters. When Cowan addressed a meeting of electors at the Waterloo Retreat, there
were only eight people present, including the pub’s landlord.39 However he claimed that he had
been nominated ‘as a fit and proper person’ at a meeting of Lucas’ supporters and then approached

34 ‘Metropolitan Correspondence’, Bathurst Free Press and Mining Journal, 21 January 1860, 2.
1860, 1.
37 ‘Writs of Election’, The Sydney Morning Herald, 3 December 1860, 6; ‘Candidates Actually in the Field’, and
38 ‘Mr Thomas Holt’, Former Members of New South Wales Parliament,
by a deputation asking him to stand for election, who were themselves apparently supported by 76 people. He presented himself as a fit partner for Lucas in the electorate, but without claiming any direct endorsement from Lucas. The people at the Waterloo Retreat also passed a motion declaring him ‘as a fit and proper person’, so his nomination was secured.

Interestingly, Raper met with the electors of Canterbury at least once at W. Lucas’ establishment at Burwood. W. Lucas was definitely a family relation of John Lucas, and many of the extended family were settled in the Burwood area at this time. Whether W. Lucas’ establishment was a private home or a hotel is not clear, but it is very interesting that he would host an electoral rival of his relation. However, it appears that Raper and Lucas had already determined that they would be the best combination to represent the electorate. Raper had been approached by the constituents of Hartley to stand for election as their representative but had chosen to stand for Canterbury at Lucas’ request and because he felt they would work well together. In his speech on the hustings in December 1860, told the crowd that although he himself was not native born his children and grandchildren were and that ‘this was his adopted country’. Allying themselves with the native born electors was clearly good electioneering practice.

In a four-person race for two positions, electing their favoured candidate was not a high enough measure of esteem. Michael Gannon, who formally proposed Lucas as a candidate on nomination day, called on Lucas’ supporters to work together to make sure that he was returned at the top of the poll – a suggestion that was greeted by cheers. John Phile, who seconded Lucas’ nomination at the public meeting on 13 December 1860, told the crowd that Lucas had ‘done all that had been asked of, and expected from him, he had done his duty and that was all that could be expected of any man’. There is a strong echo here in Forster’s claims on the hustings that he voted

40 untitled, Empire, 5 December 1860, 4.
43 Roe, Quest, 81.
in accordance with his conscience, a trait that was highly valued by the electorate. Gannon seconded Raper’s nomination, and in his speech said that he hoped Lucas and Raper would be returned together.46

In his speech to the crowd, Lucas said he had been asked to suggest a candidate with whom he could work, and he had nominated Raper.47 This is very significant for this research, as Loveday had considered Lucas to be an independent, and Raper to be a member of the Martin faction.48 While they were not standing as a joint ticket – there was no provision for that within the electoral system – Lucas made it clear that Raper was his preferred colleague, and it appears that he was in a position of sufficient standing within the community to make that request. Considering his strong family ties to the area, this is not surprising – Lucas appears to have been considered as a local candidate, even though he did not live there during this period. The Sands Directory for 1861 shows Lucas as a resident of Hereford Road in The Glebe.49 Lucas explained to the crowd that, during the Third Parliament, his colleague for Canterbury was someone with whom he did not agree on many issues. As a result, they often voted on opposite sides of a division, ‘so that the electorate had been effectively disenfranchised’.50 This was his motivation in asking the electorate to return someone with whom his ideas were more aligned.

In his speech to the electors, Lucas articulated the following policy positions:51

• He believed that metropolitan areas should get their fair share of government infrastructure spending, and had acted accordingly in the eleven months he had served in the Third Parliament by taking steps to have the money allocated for metropolitan roads increased from £1,060 to £6,000. This was not specifically for the Canterbury electorate, but for all metropolitan electorates.

---

48 Loveday, Development, 511-514.
• He was in favour of the Land Bills as proposed by John Robertson during the Third Parliament, and was able to talk knowledgably on the details of the Bill. Lucas believed that land should not have to be purchased at all, except that the revenue raised paid for the infrastructure required to connect the land to markets – the roads, bridges, and railways. He systematically went through the objections to free selection and dismantled them, giving the crowd a master-class in land policy as well as articulating his own position.

• He supported free and secular education for all children. He wanted to see the top performing students at all levels graduated to the next level with scholarships, so that talent was fostered in all children and not just the ones with wealthy parents. This may echo his own experience, as his education was certainly only as much as his parents could afford. He told the crowd that, through these means, the best talent in the colony would ‘be thus rendered competent to fill the very highest offices of the State’ rather than leaving those positions only to the wealthy and exclusive.

• He supported an elective Legislative Council. He correctly noted that some Bills originated in the Council, and that the Council had to concur with the Assembly’s Bills before they went to the Governor for assent. On both grounds, Lucas felt that the Council should also be responsible to the people.

• He opposed State legislation on any aspect of religion. He supported the right of all individuals to worship God in whichever way they felt most appropriate.

• He supported fair remuneration for public officials, but not pensions after their work was completed.

Lucas was re-elected to the seat of Canterbury in the December 1860 election, and was joined by Raper for the two-member seat. Canterbury was a medium sized urban electorate, surrounded by Central Cumberland (a multi-member electorate, won in this election by James Atkinson and John Laycock) to the south and east, and meeting St Leonards (won in this election by Isaac Shepherd) to
the north. To the east, the Pacific Ocean formed a natural boundary, and around the north east, Canterbury sat adjacent to the electorates of Glebe (won in this election by Thomas Smart), Newtown (won in this election by Alexander McArthur), Paddington (won in this election by John Sutherland), and East Sydney (a multi-member electorate, won in this election by John Caldwell, Charles Cowper Snr, Henry Parkes, and Robert Stewart).

Once back in parliament, Lucas showed the same dedication that his electorate had seen during the Third Parliament. He spoke regularly in the House, and he was often on the list of politicians remaining in the House when the number of attendees dropped below 20 and the House had to be adjourned due to lack of a quorum. He also frequently moved or seconded motions, giving the impression that he was a very active and engaged member of the parliament.

Lucas honoured his campaign promises. He was an active participant in the debates over the Robertson Land Acts, supporting amendments to keep the spirit of making free selection available while restricting the ability of squatters and squatting corporations to take advantage of the loopholes. Lucas was a strong advocate for education reform. While he believed that education should be free, secular, and available to all, he challenged some of the provisions of the Education Bill. Like Forster and Burdekin, Lucas had concerns about the proposed reporting lines and composition proposed for the Education Board, but ultimately supported the second reading of the Bill. He presented to the House a petition from the Catholic residents of Petersham requesting that the government not withdraw funding from religious establishments. Despite opposing State aid to religion, Lucas did the duty of an elected politician by presenting the petition to the House, even though he disagreed with the premise of it. He participated in the debate on the Abolition of

---

54 Hogan et al, *People’s Choice*, 83.
56 ‘Lucas, John (1818–1902)’, *Obituaries Australia*.
57 ‘Legislative Assembly (Continued)’, *The Empire*, 23 July 1863, 4; ‘Legislative Assembly Wednesday’, *The Sydney Morning Herald*, 23 July 1863, 3; V&P1863/4, 160-161.
State Aid to Religion Bill, supporting his position that the government should not have any involvement in religion, but advocating for a compensation payment for those clergy currently being supported by the state who had had some expectation of that arrangement continuing.  

Interestingly the most prominent of Lucas’ achievements in the Fourth Parliament was not mentioned as an objective in his campaign speech. Lucas proposed, drafted, and shepherded through all its stages the Act to Regulate Chinese Immigration, the passage of which was described in detail in chapter 2. John Hirst describes Lucas only as the ‘anti-immigration’ politician, thereby reducing his entire forty-year political career to one policy position. Lucas’ unashamedly racist stance – that the Chinese would not make good colonists or contribute to raising the social condition of New South Wales – was not atypical for the time. While it is easy to hold this racism against him at this distance, it would not have raised eyebrows in 1861, as shown by John Wilson’s comments that it was deplorable that Chinese nationals should enjoy the same privileges as English nationals. Although Lucas mentioned it in his speech during the elections for the Fifth Parliament, The Sydney Morning Herald records barely a response from the crowd, while Lucas’ position on other policies received a more vocal response.

Lucas was one of the first Europeans to visit Jenolan Caves. He felt that they were so important as a feature of natural beauty that he campaigned for government protection, and in 1863 wrote letters to the newspapers describing what he had seen. The Lucas Cave is named in his honour. He was later a vocal advocate for the conservation of natural heritage and open green spaces, becoming one of the driving forces behind the establishment of the Royal National Park.

60 Hirst, Colonial Democracy, 158.
64 ‘Lucas, John (1818–1902)’, Obituaries Australia; Rathbone, ‘Lucas’.
65 ‘Lucas, John (1818–1902)’, Obituaries Australia.
Lucas honoured his commitments to his constituents by acting in accordance with his conscience and in line with the positions he outlined when he was campaigning on the hustings. However, as we have no record of any specific requests that came from any of his constituents, there is no way of knowing whether he met any of those requests. The constituents of Canterbury seem to have only expected Lucas to act exactly as he did – considering each issue in terms of what was best for the largest group of people without necessarily wanting or demanding anything specific for themselves.

Rathbone’s *Australian Dictionary of Biography* entry for Lucas gives precedence to negative comments from others, and provides only grudging acknowledgement of what he sees as Lucas’ political achievements. However the evidence points to a very different view from the electorate. Lucas was clearly a very intelligent man, as his speech on the hustings shows. He was described in one obituary as ‘a far-seeing and intelligent man, whose opinions were unclouded by Conservative rancour and prejudices’. Lucas was the only politician in this case study group for whom we have clear evidence that he not only understood the main issues of the day, but that he respected the constituents of Canterbury enough to engage with them in detail. His discussion on land reform and advocacy for increased spending on metropolitan roads shows that he knew what his constituents were interested in and was prepared to engage in discussion with them. This was in marked contrast to Forster’s careful non-articulation of his position on issues, and Burdekin and Dalgleish’s enthusiastic but brief descriptions of their positions on the key issues of the day. While also demonstrating his character as an independent gentlemen and his political credentials, Lucas was clearly a different type of candidate to the others in these case studies.

Lucas had a reputation for being ‘fiercely independent’, and this research had its beginnings in trying to understand what that meant. It appears that the only thing particularly fierce was his manner, as all politicians were independent. In addition to calling fellow politicians names on the

---

66 Rathbone, ‘Lucas’.
67 ‘Lucas, John (1818–1902)’, *Obituaries Australia*. 296
floor of the House (see chapter 2), Lucas was known for being bombastic and ‘larger than life’. 68 While his manners certainly stretched the boundaries of gentlemanliness, his integrity, his choice to give back to the community by serving in parliament and his well-informed stance on policy were all essential parts of the individual moral code that Letwin identified as essential to the concept of a gentleman. In those respects, there is no difference between Lucas and Burdekin, Dalgleish and Forster, in that all of them made decisions based on their own experience and knowledge. It is reasonable to suggest that, with his intelligence and quick wit, Lucas did not tolerate those he considered to be fools very kindly, and his manners reflected that.

Lucas’ political career spanned forty years: 20 years in the Legislative Assembly and 20 years in the Legislative Council. In 1888, Robertson exerted some pressure on Parkes, who was then Premier, to allow one of Lucas’ sons to resign rather than be dismissed from the public service. 69 This may have been John Hector, a surveyor, who was the subject of a question in the Assembly regarding whether he had been dismissed from the public service. 70 There was some suggestion that John Hector may have misappropriated public money and, in July, John McElhone requested all information in relation to the matter be laid on the table of the House. 71 The Thirteenth Parliament ended before the subject was discussed again, and there is no further information on the issue in the public record. There is no evidence to suggest that Lucas intervened on John’s behalf, but any intercession may have been in person, leaving no archival record.

This was not the first political scandal to hit the family. Lucas’ cousin George and his wife Mary Ann had been in charge of the Newcastle Industrial and Reformatory School in the late 1860s.

68 Rathbone, ‘Lucas’.
69 Rathbone, ‘Lucas’.
and early 1870s, after it relocated to Cockatoo Island and was renamed Biloela.\textsuperscript{72} The second Royal Commission into Public Charities in 1874 detailed the abuse that George and Mary Ann had dealt out to the girls in their care.\textsuperscript{73} There is no evidence that Lucas involved himself in this scandal either, or that he tried to protect George and Mary Ann from the repercussions of the Commission’s findings.

Ann died in 1897, and Lucas died in 1902, aged 84.\textsuperscript{74} He was still a resident of Camperdown.\textsuperscript{75} Despite Ann’s family coming from the Singleton area and many of Lucas’ extended family living in the Burwood area, Lucas seems to have been happy staying in the same suburb for most of his life. Its proximity to the Parliament and the business district were no doubt part of the attraction. His son, Percy Charles, continued the political legacy of the Lucas family, serving as an alderman for Camperdown and Glebe, and as Mayor for both at different times over a 45-year career.\textsuperscript{76}


\textsuperscript{74} ‘Lucas, John (1818–1902)’, \textit{Obituaries Australia}.

\textsuperscript{75} ‘Lucas, John (1818–1902)’, \textit{Obituaries Australia}.

Samuel Henry Terry was the son of John Terry and Eleanor Rouse. The Terry and Rouse families had played significant roles in the establishment of British colonial society in New South Wales, and Terry inherited a strong Australian native-born (Rouse family) and ex-convict (Terry family) identity combined with a legacy of success based on hard work from both sides. On his mother’s side, Terry was also related to the Hassell family, who were well known in colonial Sydney and were very influential in the delivery of religious services to the early colony.

On the Terry side of the family, Samuel Terry (Terry’s step-grandfather) was a shrewd businessman, ruthless in his pursuit of legal remedy when required, and frugal in his habits. Samuel started to build his fortune by selling his grog ration while still a convict. He quickly became one of the largest land owners in the colony, but was also a speculator who at one time held more than a fifth of the total value of mortgages registered in the colony. James Ryan, one of Terry’s colleagues in the Fourth Parliament, must have heard stories about Samuel from his own family. Ryan recalls in his Reminiscences that Samuel Terry had 300 acres under cultivation in the County of Cumberland.

---

4 Dow, Samuel Terry, 43-44.
around 1817, the year before Ryan was born. 6 Janette Holcomb has suggested that Alexander Riley, an average farmer but excellent merchant, may have joined with Samuel in a rum speculation, but urged his brother Edward (in Bengal) not to mention it to his contacts there because of Samuel’s convict past. 7 Gwynneth Dow believes that Samuel was the subject of some envy from his peers, who preferred to see his success as the reward for cunning and frugality rather than intelligence and vision. 8

Samuel took pride, and according to Dow ‘showed a sense of history’, in giving both his children and step-children the wealth and education to assist them in their careers. 9 In a very modern arrangement, Samuel and his wife Rosetta signed a pre-nuptial agreement that preserved all of Rosetta’s assets in her possession at the time of their marriage in her own name. 10 Rosetta was an accomplished businesswoman, and together they would have made a formidable team. Grace Karskens has described them as Australia’s ‘first millionaires’, while Dow described Samuel as ‘the Botany Bay Rothschild’. 11 There does appear to have been some mingling of assets, mostly property, and the liquor licences that Rosetta held before their marriage were subsequently held by Samuel. However, after Samuel’s death, Rosetta inherited at least one of his pubs which then joined her own portfolio of assets.

In her biography of Samuel, Dow was unable to determine exactly who was Terry’s grandfather. 12 It seems clear that it was not the Samuel he was named for, who married Terry’s grandmother Rosetta after her first three children were born – although the youngest, Terry’s father

---

John, was very young at the time and Samuel senior was likely the only father John ever knew. Dow concluded that, although John was the only one of the children to take on Samuel’s surname of Terry (including his own children with Rosetta – Edward and Martha), he was not actually Samuel’s son. This is based on the fact that the courts found Edward to be Samuel’s rightful heir in the squabble over his assets after he died, and that successive iterations of Samuel’s will in the years prior to his death gradually changed John’s status from son to step-son to no mention at all. Ultimately John did not inherit anything from his step-father. John’s death notice, however, refers to him as Samuel Terry’s son.  

Blood relationships are no indication of emotional bond. Perhaps the most compelling evidence of a bond between John and his step-father was his decision to name his own son after him. John’s eldest son Samuel Henry, born 9 April 1833, became the politician that is the focus of this biography. Interestingly, Terry’s parliamentary biographer did not mention his grandparents at all. Given that Samuel Terry the emancipated convict is so prominent in the historical record, and that they share a name, it seems strange that this is not addressed. G.P. Walsh, his ADB biographer, declared him to be the grandson of Samuel Terry the convict, without any indication of the uncertainty around John’s parentage. It is not clear whether this reflects any deliberate obfuscation of his heritage by Terry himself, or simply the opaqueness of the historical record prior to extensive digitisation of records.

Terry appears to have inherited a property at Yass directly from Samuel senior when he died on 22 February 1838. Combined with Eleanor’s family’s wealth, Terry’s parents were able to provide him with a good start in life. This good start would have been seriously affected by John’s death in November 1842, aged 35, in a fall from his horse. At nine years old, Terry was his father’s

---

14 ‘Terry’, Former Members; Walsh, ‘Terry’.
15 ‘Terry’, Former Members.
16 Walsh, ‘Terry’.
17 Dow, Samuel Terry, 145; Dow, ‘Terry’.
principal heir. John’s estate was valued for probate at £30,000, which combined with the property at Yass made Terry a wealthy child. Portia Robinson may have had children like Terry in mind when she wrote:

The native-born children of the wealthiest of the ex-convicts shared the same material advantages as did the children at the corresponding level of free society ... it was from this group that the few native-born active in colonial affairs emerged in a similar fashion to the most vocal of the children of the wealthy free parents.

On the Rouse side of the family, Terry was descended from some of the earliest free settlers in the colony. Richard Rouse married Elizabeth Adams on 6 June 1796, and they arrived in Sydney in December 1801 on the Nile, with two small children. Rouse was a successful farmer, and later superintendent of carpenters, an auctioneer, and ‘a very efficient grazier’. Nathaniel Lucas also held the position of superintendent of carpenters, and so they likely knew each other as they were working in similar trades. However, they found themselves on opposite sides of the arrest of Governor Bligh. Rouse was a staunch supporter of Bligh and was originally one of the witnesses Bligh planned to take to England to testify in support of his Governorship. Bligh changed his mind and Rouse stayed in Sydney, but his support for Bligh cost him his government post, and Nathaniel became his replacement as superintendent of carpenters.

It is reasonable to conclude that the Rouse family had similar stories to the Terry family about the success that came from hard work and measured risk-taking. Terry’s grandparents on his mother’s side were very likely a strong presence in his life as he grew up. His grandmother, Elizabeth Rouse, died on 26 December 1849 at Rouse Hill, and his grandfather, Richard Rouse, died on 10 May 1852.

---

18 Dow, *Samuel Terry*, 231.
19 Robinson, *hatch and brood*, 57.
21 Lenehan, ‘Rouse’.
22 Lenehan, ‘Rouse’.
23 ‘Deaths’, *The Sydney Morning Herald*, 31 December 1849, 3; Lenehan, ‘Rouse’.

302
After his father’s early death, his paternal grandmother Rosetta very likely remained a strong influence in Terry’s life. John certainly seems to have passed on his step-father’s emphasis on education as a form of protection against any potential social disadvantage to his son, and Terry was educated at John Mill’s school at Parramatta, then at William Cape’s school – something he had in common with many of his fellow politicians. As Terry was only four years older than Burdekin, it is possible that they crossed paths at Cape’s school, but perhaps only for a year or two. After leaving school, he joined J.R. Young’s Sydney accounting house to learn business.24

On 13 May 1856, Terry married Clementina Parker Want, youngest daughter of John Want, at St James’ Church in Sydney.25 They had one daughter and one son.26 Two years later, on 5 September 1858, his grandmother Rosetta Terry died aged 89 years.27 Terry was first elected to parliament in a by-election in December 1859 for the seat of Mudgee, having failed to win a by-election for Canterbury in June of that year.28

Terry decided to stand again for Mudgee in the December 1860 election. A meeting of electors at Readford’s Hotel in late November 1860 gave Terry a chance to talk to the electors of the district.29 The newspaper report indicated that the Hotel was full, and the approbation of his record nearly unanimous. Unfortunately, it does not tell us what he spoke about, and there is no indication of what, if any, undertakings he gave the electorate.

On nomination day, Terry was duly nominated and seconded as a candidate by Mr Lyons and Mr Cassin. Another Mudgee resident, Mr Bayly, then nominated James Martin as an alternative candidate, again probably without Martin either knowing about or agreeing to such a move. In his speech supporting his nomination of Martin, Bayly was quite scathing of Terry personally and of his parliamentary record to date, noting that he had been pulled up in the Parliament for reading his

---

24 ‘Terry’, Former Members; Walsh, ‘Terry’.
25 Walsh, ‘Terry’.
26 ‘Terry’, Former Members.
27 ‘Deaths’, The Sydney Morning Herald, 8 September 1858, 1.
28 ‘Terry’, Former Members; Walsh, ‘Terry’.
speeches and that he had not done enough for the electorate. This is the first mention in the press for any of the case study politicians that refers to an expectation that their representative would deliver specific outcomes for the electorate. Martin’s nomination was seconded by Mr Lowe.

Terry then had the opportunity to address the crowd, but the only record is a one paragraph summary noting that he had supported John Robertson and made strenuous efforts to advance the interests of Mudgee. This is one of the few examples of blatantly biased reporting that appears in the records of the 1860 election. Bayly’s character assassination of Terry was given nearly a whole newspaper column and apparently quoted almost verbatim. By contrast, Terry’s speech was given a short summary.

The comment that Terry supported Robertson is interesting. Given that Loveday classified Terry as independent, and that this classification is supported by the analysis in chapter 3, this comment in the newspaper report is likely a truncation of a longer statement that Terry supported the free selection before survey provision in the land reform legislation that Robertson had tried to pass at the end of the Third Parliament. If a significant number of people in the Mudgee electorate opposed the principal of free selection before survey, this may underpin the suggestion that Terry had not done enough for his electorate because he supported a reform they did not agree with, rather than opposing it as they had wanted him to do.

Terry faced a challenge from Martin, who was nominated as a candidate but possibly without his knowledge. Martin was not present, and none of his supporters who were present were willing to speak on his behalf. The returning officer then called for a show of hands and declared in favour of Terry. Martin’s supporters demanded a poll, which was held on 22 December 1860. At that poll, Terry was re-elected as the representative for Mudgee. The electorate shared boundaries with Wellington (won in this election by Silvanus Daniel) to the west and south, Hartley (won in this election by Henry Rotton) to the south and east, and Upper Hunter (won in this election by John

Robertson) to the north. He was only 27 years old when the Fourth Parliament took their seats in January 1861, joining Burdekin as one of the youngest members of the Parliament.

As we have no record of what Terry promised his electorate, we cannot judge his parliamentary record against his promises. Based on Bayly’s criticisms, it would appear that they wanted a representative who would not disgrace them on the floor of the House by reading his speeches, and would advance their interests whenever possible. In the brief accounts of the campaign in the media reports, there is no discussion in relation to Terry voting with his conscience, or that it would be desirable if he did. It is possible to speculate that he did act in accordance with his conscience in relation to the land reform legislation during the Third Parliament, against the wishes of his electorate.

As noted in the discussion on the Chinese Immigration Bill in chapter 2, Terry supported Lucas in introducing the Bill by seconding the motion for the House to resolve itself into a Committee of the Whole to consider whether a limitation on immigration of Chinese nationals was desirable. The House supported the idea, and resolved that Lucas had leave to introduce the Bill once it was drafted. It is likely that this was discussed before-hand. Lucas would probably not have introduced the motion without at least having lined up someone to second it.

Terry and Lucas were also broadly aligned in their views on land reform, with Terry voting to support Lucas’ amendments to some clauses of the Land Acts to protect the rights and options of selectors. Terry did not speak in support of those amendments but joined the majority of the politicians present to support them in the divisions. It is a clear example of two politicians – known to be resolutely independent in the historiography – reaching the same conclusions regarding what was best for the colony.

31 Hogan et al, People’s Choice, 96.
33 ‘Crown Lands Alienation Bill’, The Sydney Morning Herald, 8 March 1861, 4.
This impression that Terry and Lucas were independent of each other is supported by the fact that they were not aligned on other issues. Terry was an advocate for the payment of members of parliament, which Lucas opposed.\textsuperscript{34} Terry opposed the second reading of the Public Education Bill, which Lucas supported.\textsuperscript{35} Terry also opposed the abolition of state aid to religion, thereby showing a consistency in his belief that the role of the Church in the colony was important in both the educational and religious spheres and that it should be supported by government.\textsuperscript{36} As discussed in Lucas’ biography, he was strongly opposed to the continuation of state aid to religious groups, even though he did not wish to disadvantage the group of clergy who were financially supported by the government at that time.

Clementina died on 4 January 1863.\textsuperscript{37} On 12 September 1863, Terry married Caroline Jane Weaver at St John’s Church in Darlinghurst.\textsuperscript{38} According to their son, George’s, obituary, the Weavers were ‘also a pioneer family’.\textsuperscript{39} Terry and Caroline had one daughter and two sons together – the names of their daughter and the other son are not known. George later married Nina Rouse, which suggests that ties amongst the extended Rouse family remained strong.\textsuperscript{40}

During the Fourth Parliament, Terry did attempt to get a railway built between Mudgee and Muswellbrook, where it would have connected to the broader rail network. On 15 April 1864, Terry moved that the House will on Friday next resolve itself into a Committee of the Whole to consider of an Address to the Governor, praying that His Excellency will please to cause

\textsuperscript{34} Walsh, ‘Terry’.
\textsuperscript{35} V&P1863/4, 160-1.
\textsuperscript{36} V&P1861-2, 359.
\textsuperscript{38} ‘Terry’, Former Members; Walsh, ‘Terry’.
\textsuperscript{40} ‘Terry, George’, Obituaries.
to be placed on the Supplementary Estimates for 1864, a sum of money not exceeding £350,000 for a Railway from Muswellbrook to Mudgee.  

Terry believed that the line had already been surveyed, and plans and sections had already been prepared. Railways had a measurable impact on the economy of areas that had access to them, because transporting grain by other means for more than 30 or 40 kilometres was usually too expensive to be worthwhile. After some debate regarding whether the proposed route to take the railway to Mudgee was the best one, Dalgleish moved ‘That this Question now be put’, which was narrowly passed by 17 votes to 15. In this instance, 81 per cent of the country / rural politicians voted in favour of the motion to put the question, while only 29 per cent of the city / metropolitan politicians supported it. The division went as follows:

| Proposed Railway from Muswellbrook to Mudgee – motion to put the question to a vote |
|----------------------------------|----------------------------------|
| **Ayes**                        | **Noes**                        |
| Thomas Mate (rural)             | James Martin (rural)            |
| Atkinson Tighe (rural)          | John Wilson (industry)          |
| William Piddington (metro)      | Geoffrey Eagar (metro)          |
| **John Lucas (metro)**          | **William Forster (metro)**     |
| James Hart (rural)              | Arthur Holroyd (metro)          |
| Daniel Egan (rural)             | Robert Wisdom (industry)        |
| **Samuel Terry (rural)**        | Allan Macpherson (metro)        |
| Richard Sadlier (rural)         | John Sutherland (metro)         |
| William Cummings (rural)        | Augustus Morris (rural)         |
| James Cunneen (metro)           | David Bell (metro)              |
| Elias Weekes (rural)            | John Lackey (metro)             |
| John Dunmore Lang (metro)       | Robert Stewart (metro)          |
| Henry Flett (rural)             | Joseph Leary (metro)            |
| Thomas Garrett (rural)          | Marshall Burdekin (rural)        |
| Thomas Dangar (rural)           | Daniel Dalgleish (metro)        |
| Robert Forster (rural)          |                                  |
| Richard Driver (rural)          |                                  |

Table 30: Proposed railway between Muswellbrook and Mudgee - motion to put the question to a vote

It is unclear why Dalgleish moved that the question be put and then voted against his own motion. Usually if there was a mistake in the recording of the votes that would be corrected in the records

41 V&P1863/4, 1360.
42 ‘New South Wales Parliament. Legislative Assembly’, *Empire*, 16 April 1864, 2.
43 Macintyre and Scalmer, ‘Colonial States’, 193, 196.
44 V&P1863/4, 1360.
for the following day, but not only is there no record of a correction, Dalgleish is listed as one of the
tellers for the division so a mistake in this instance is very unlikely.

While it is tempting to see this as one example of country politicians working together to
support rural infrastructure projects, once the question was put to a vote it was a different story.
Terry’s motion was defeated by 20 votes to 11. In this instance, only 53 per cent of the country /rural politicians present voted in favour of the motion, with the proportion of city / metropolitan politicians remaining the same. The division went as follows:

| Proposed Railway from Muswellbrook to Mudgee – motion to schedule consideration in the Committee of the Whole45 |
|-------------------------------------------------|-------------------------------------------------|
|                    Ayes                              |                    Noes                             |
| **Samuel Terry (rural)** | **James Martin (rural)** |
| Richard Sadler (rural) | John Wilson (industry) |
| Thomas Garrett (rural) | Geoffrey Eagar (metro) |
| James Cunneen (metro) | **William Forster (metro)** |
| Elias Weekes (rural) | Arthur Holroyd (metro) |
| John Dunmore Lang (metro) | Robert Wisdom (industry) |
| Henry Flett (rural) | Allan Macpherson (metro) |
| Joseph Leary (metro) | John Sutherland (metro) |
| Thomas Dangar (rural) | **John Lucas (metro)** |
| Daniel Egan (rural) | Augustus Morris (rural) |
| Atkinson Tighe (rural) | William Piddington (metro) |
|                              | David Bell (metro) |
|                              | Thomas Mate (rural) |
|                              | Robert Stewart (metro) |
|                              | John Lackey (metro) |
|                              | James Hart (rural) |
|                              | Richard Driver (rural) |
| **Marshall Burdekin (rural)** | **Daniel Dalgleish (metro)** |

Table 31: Proposed railway between Muswellbrook and Mudgee - motion to consider the proposal in a Committee of the Whole

The politicians who voted in favour of putting the question, and then against the motion itself, came
from a mix of electorates. William Piddington and John Lucas were from metropolitan electorates,
while Thomas Mate, James Hart, and Richard Driver were all from rural electorates. The two
politicians who voted against putting the question, but then voted in favour of the motion itself were Thomas Garrett (rural) and Joseph Leary (metro). Two politicians who voted against putting

45 V&P1863/4, 1360.
the question – William Cummings (rural) and Robert Forster (rural) – were absent from the division on the motion itself. There is no evidence here to suggest that politicians were supporting or opposing particular measures by working with colleagues from similar electorates, which supports the discussion in chapter 4 which found no evidence of a city / country divide within the Fourth Parliament.

On this occasion, Terry was unable to deliver a major infrastructure project for his electorate of Mudgee, or even have it properly debated in a Committee of the Whole. Although there is no record of this project as a particular campaign commitment, the electorate of Mudgee would naturally have been unhappy with the outcome given their clearly articulated expectation that Terry would deliver something for them as a condition of their support. The construction of the railway would have had a clear benefit for his electorate, as his constituents would have been able to move their export goods more cheaply and quickly by rail to ports and markets than they could overland on drays. Despite his lack of success in this instance, the fact that he made the attempt showed that Terry was trying to advance the interests of his electorate and he may even have seen this move as essential to his chances of re-election in the seat of Mudgee. The fact that he felt he would gain sufficient support to pass such a measure suggests that there was a pattern of parliamentary support for initiatives that the majority of politicians present felt had sufficient value.

It is also possible to suggest that politicians looked after their electorates only when the project, issue or Bill concerned would also have a benefit for other electorates or the colony as a whole. Terry’s pursuit of the railway would support this theory, as there were also benefits for Thomas Dangar’s electorate of Upper Hunter and, depending on the route chosen, possibly Henry Rotton’s electorate of Hartley.46 Dangar voted in favour of supporting the railway, but Rotton was not present in the House when these two divisions were called. The proposed line may also have touched the southern districts of the Liverpool Plains (Marshall Burdekin’s electorate) and would

46 Hogan et al, People’s Choice, 96.
have had an impact on the industry Western Goldfields electorate (Robert Wisdom).\textsuperscript{47} Both Burdekin and Wisdom voted against it, but as neither of them spoke against the motion it is unclear why they opposed it.

There are correlations between Terry’s argument in favour of the railway being good for the colony as a whole, and Lucas’ move to have some funding re-allocated to metropolitan roads during the Third Parliament. As discussed in Lucas’ biography, he told the electors of Canterbury that his aim had been to ensure that the metropolitan electorates got their fair share of resources, but not to claim more than Canterbury was entitled to. His motive and the outcome were cheered by the crowd, suggesting that they supported both.

Terry was known for his independence, which was regarded as similarly unassailable as that of Lucas, and he was recognised as an independent by Loveday (see chapter 3).\textsuperscript{48} His manners were more polished than Lucas’, as evidenced by his response to being called a jackass during the debate on the Chinese Immigration Bill. In his appeal for funds for the railway line between Mudgee and Muswellbrook, Terry appealed to his fellow politicians that

surely they as legislators ought not to be guided by such localisms [as looking out for their own electorates ahead of the good of the colony], but rather study to promote the good of the whole colony.\textsuperscript{49}

This suggests that Terry believed this idea to be a generally well supported one, and it was. Some of the politicians whose electorates would have benefited from Terry’s proposal ultimately voted against it, as they put the good of the whole colony ahead of the immediate benefits to their own constituents.

Terry also represented Mudgee in the Fifth Parliament. This suggests that the constituents of Mudgee were happy with the way he represented their interests, despite the failure of the proposal

\textsuperscript{47} ‘New South Wales Parliament. Legislative Assembly’, \textit{Empire}, 16 April 1864, 2.
\textsuperscript{48} Walsh, ‘Terry’.
\textsuperscript{49} ‘New South Wales Parliament. Legislative Assembly’, \textit{Empire}, 16 April 1864, 2.
to build the railway to Muswellbrook.\textsuperscript{50} For the Sixth, Seventh, Eighth and Ninth Parliaments he represented the seat of New England, but returned to represent the seat of Mudgee in the Tenth Parliament.

Terry died of heart disease on 21 September 1887 at his home, The Lilacs, in Ashfield.\textsuperscript{51} He was survived by his five children. He was a member of the Church of England and was buried in St John’s churchyard at Ashfield. His brother Edward, named for John Terry’s brother who died two years before Edward was born, also served in political spheres.\textsuperscript{52} Edward was more involved at the municipal level – he was an alderman for Ryde Council from 1871 to at least 1899, and was mayor more than once. In June 1898, he won the Legislative Assembly seat of Ryde, and represented that electorate for nearly three years, until June 1901. He represented Ryde again for 5 months in 1904.

\* \* \* \* \*

\textsuperscript{50} ‘Terry’, Former Members.
\textsuperscript{51} Walsh, ‘Terry’.
\textsuperscript{52} ‘Mr Edward Terry’, Former Members of New South Wales Parliament, 
These biographies bring together the threads of enquiry that run throughout this thesis to support the conclusions drawn in chapters 3 and 4. The primary question of how and why politicians made decisions on which issues, policies, and legislation to support has been answered. Four of these five politicians made their decisions based on lived experience, thoughtfully considered positions on issues that were important to them, what was best for the colony, and whether it was possible to also assist their electorate.

Burdekin is the outlier in this research as he appears to have been largely as Loveday had classified him. As the middle child in a family of over-achievers, Burdekin may have had some reticence about forming his own opinions on political topics. As a third son in need of a profession, it is possible that he was pushed in this direction by his family rather than through any personal inclination. There is strong evidence to suggest that he looked to Cowper for guidance, although to what extent Cowper was aware of that is unclear. It is very possible that Burdekin simply followed Cowper’s lead on which way to vote for the majority of divisions, without Cowper necessarily providing any guidance, formally or informally. Burdekin’s change of electorate for the Fifth Parliament suggests that he wanted to move away from the areas in which his family had a strong presence, but there is little other evidence that he had clear opinions and goals of his own. Governor Young’s description of Burdekin’s character as ‘steady’ was certainly better than Parkes’ assessment of ‘feeble’, but was hardly a shining endorsement. Burdekin’s life story illuminates his approach to political decision-making as cautious, following someone else’s lead where possible, and following up on electorate-specific issues which were part of the normal course of government business and did not require any support from the House.

Burdekin met the criteria of being a gentleman by birth. He was the native born son of a free immigrant family, and although his family money came from business (rather than land or inherited), the Burdekins were sufficiently active in both developing landholdings and in philanthropic initiatives to provide the necessary background. His education at Cape’s school provided the right mix of
classical and practical education with a focus on leadership and political skill that prepared so many
colonially educated men for their future roles as political leaders. Burdekin himself has left very
little evidence of what his own moral code was. His positions on political issues as outlined during
his election campaign were rarely tested. Even when those issues came up for discussion in the
House, Burdekin rarely spoke, preferring to express his support or otherwise through the power of
his vote. His apparent lack of independence is perhaps the one area in which he falls short of the
gentlemanly ideal, however Burdekin may really have shown the quieter form of independence –
nothing showy or overt, just a quiet manoeuvring to a new electorate away from his family’s land
interests, and eventually to positions overseas.

Dalgleish’s life story shows him to be a strong independent thinker. His choice not to sign the
document repudiating his right to strike in Scotland, knowing that it would close many of the doors
to employment, is evidence of his sense of right and wrong and of what he was willing to risk for
what he felt was the right cause. He was in a minority in that instance. Although it is not clear
whether the promise of assistance to emigrate was made before or after Dalgleish had to make his
decision, it was still a significant risk. His later performance in Parliament – well informed,
opinionated, and mostly true to his campaign positions – mark him as a clear independent.
Loveday’s classification of Dalgleish as a member of Martin’s faction is not borne out either by the
evidence of his voting patterns when the sample size was widened (chapter 3) or by his clear
independence of thought and action.

That this independence of thought and action also cost Dalgleish his parliamentary career is
indicative of the potential pitfalls of defending his honour as a gentleman. The court case for libel
against the Herald was a mistake, as demonstrated by Lucas’ choice to shrug off the editorials and
his subsequent political survival. In Dalgleish’s case, following this so closely with the charge against
Holt showed the electorates in which he was trying to get elected that he was too focused on
defending his honour, instead of allowing his reputation as a gentleman to speak for itself. Legal
redress was certainly an avenue for those who felt their own status was vulnerable, but in itself appears to say something important about their character. With small electorates at a time when reputation was very personal and a public and private character needed to be equally above reproach, Dalgleish may have felt caught between wanting to prove himself a gentleman and the fact that taking court action to do so called that status into question.

Forster’s story is an interesting one. Clearly a colonial gentleman, Forster came from the right family background in being descended from the Blaxlands who had made a name for themselves as explorers, squatters, and businessmen. His education at Cape’s school, at the same time as many future politicians including his best friend Allan Macpherson, helped to form his ideas of political service and independence, which in Forster took on a rather prickly form. Cape’s focus on educating men such that they would not be bigots is interesting in light of Forster’s subsequent running conflicts with the Aboriginal people on whose land he was grazing his herds. However, it is clear that Cape taught Forster and his classmates how to think, rather than what to think, and that this shaped Forster’s careful approach to political issues. Evaluating every issue and proposed legislation on its merits, rather than trying to honour earlier statements about his position on those issues, contributed to making Forster a leader in the Legislative Assembly for decades.

Loveday’s classification of Forster as a faction leader was interesting right from the start of this research. Giving Forster a faction of only four people, including himself, meant that even if factions were operating during the Fourth Parliament this particular one could have very little effect. That one of the faction members was Forster’s friend Macpherson appears too easy – given their close friendship it would not be surprising that they thought alike on many of the issues. That does not make them members of the same faction. In looking at Forster’s political behaviour and consistent attendance, Loveday appears to have seen the same thing that Young saw when he asked Forster to form a ministry in 1863. Forster was an informal political leader in the House. He was in attendance more consistently than most, he thought clearly and seriously on every matter before
the House, and he brought debates back to first principles around whether the proposed measure would make the colony better off than it currently was. It was very likely his prickly nature that prevented him becoming a more formal leader. Forster did not moderate his views or his tone to build relationships with others, and had no qualms about telling the House they were digressing into minutiae or irrelevancies when they were. Forster was a strong political independent who was also a leader in the House – showing clearly that it was not only possible to be both, but that it was valued.

Lucas was another politician who found independence to be valued. His reputation for fierce independence, which is where this research started, was borne out by Loveday’s decision to classify him as an independent politician. However, as this research has shown, while his manner may have been bombastic and his personality large, his independence appears to have been no more fierce than the majority of his parliamentary colleagues. Lucas had a thicker skin than Dalgleish, as shown by his decision not to argue with the Herald over their reporting of the investigation into Whitton and his department, and his difficulty in getting along with some of his colleagues bears some similarity to Forster. However all three of them showed themselves to be independent thinkers and independent politicians during the Fourth Parliament in ways that are very similar – despite their different backgrounds and educational experiences.

Unlike Forster, Lucas had the wrong family background. The grandson of convicts, and the son of a builder who experienced ongoing financial challenges, Lucas did not have the family pedigree to be a gentleman by birth. His manners were, arguably, not always those of a gentleman, although the similarity between his manners and Forster’s suggests that if Forster was considered a gentleman in spite of being prickly and sometimes difficult to get along with then it should not have posed a significant barrier for Lucas. Like Forster, Lucas demonstrated a personal moral code, a set of values that he lived by, and a public and private character that were equally beyond reproach. His ability to understand political issues, translate them into language well understood by voters, and his
willingness to engage with the electors on that level shows a confidence in himself that was as much a part of the nature of the gentleman as the personal moral code that could not be swayed by others. Having made enough money to provide for himself and his family, Lucas turned to community service in the form of parliamentary representation to give back to his community in the same way as Burdekin and Forster was educated for. This was no token gesture, as his forty years of political service shows.

Terry’s family background was similar to Lucas’, although with stronger financial resources they achieved social mobility earlier than Lucas’ family. Terry was also classified by Loveday as an independent politician, and it is interesting that the two politicians in this group of five who came from emancipist families were considered by Loveday to be independent although there is no evidence to suggest that this is anything more than an interesting coincidence. Terry, like Burdekin and Forster, had the benefit of Cape’s teaching, and like Forster appears to have absorbed the ability to think, rather than a desire to be told what to think. In losing his father at a young age Terry would have been expected to grow into his independence quite early, and being surrounded by strong women, particularly his maternal grandmother Rosetta, may have added a different flavour of independence from other men. This early experience of personal independence may have set him up for his parliamentary career as, along with Burdekin, he was one of the youngest in the Fourth Parliament. Having achieved financial independence so early, Terry chose to give back to his community by entering politics and, like Lucas and Forster, he served for decades, showing that this was no token gesture to fulfil a shallow expectation.

Terry’s manners appear to have been much closer to Burdekin’s than Lucas’. His response to being called a jackass by Lucas on the floor of the House was measured and appropriate. Although not a gentleman by birth, Terry showed himself to be one through his manners, and through his personal moral code that had him vote differently at times from other independent politicians, other men with emancipist backgrounds, other men with the same religious affiliation, and other men who
had been educated at the same school. The only area in which Terry’s political independence may have fallen short of the ideal is in trying to get a railway project for his electorate that appears not to have been in the best interests of the colony. The fact that he did not have support in the House for this project suggests that his colleagues did not feel the colony would get sufficient benefit from it, but to what extent Terry shared that view is unclear. It is very possible that he believed strongly in the project himself, rather than succumbing to pressure from his electorate. In every other way, during the Fourth Parliament Terry showed himself to be an independent politician, and a gentleman in every sense of the word.

These five men, with their mix of backgrounds, experience, and characteristics, represent the breadth and depth of the 96 men who served in the Fourth Parliament. With the exception of Burdekin, their life stories and their political actions show them to be independent thinkers, independent politicians, and gentlemen by character if not by birth. Burdekin’s apparent choice to look to Cowper for guidance appears to be related more to his own experience and personality rather than what was expected of a politician. As this thesis has shown, in the Fourth Parliament the expectations were weighted far more strongly in favour of political and personal independence than factional or party support, and the nineteenth century ideals of how a gentleman behaved were closely connected.
Conclusion

The evidence presented in this thesis leads inevitably to the conclusion that politics during the Fourth Parliament of New South Wales (1860-1864) was considerably different than has been previously thought. While factions may have emerged right at the end of 1864, they did not play a significant role in the individual politician’s decision-making process regarding policies, issues or legislation. However historians who have built on their work, from Hawker in the early 1970s through to the historians who contributed to the publications that celebrated the sesqui-centenary of responsible government in New South Wales in 2006, have gradually extrapolated Loveday and Martin’s theory of factions as an organising principle into factions being the organising principle of colonial politics. What has stayed constant is the idea that factions were an undesirable development. Factions have been conceptualised as the product of an under-developed and unsophisticated political landscape. This understanding has been carried through in many of the political science textbooks, further cementing the negative impression of colonial politicians as largely weak, self-serving, and looking to a few competent men for guidance.

This does not hold true for the Fourth Parliament. Detailed research into the politicians who served between 1861 and 1864 shows that factions in the sense of limited operation in which Loveday and Martin articulated them were not clearly evident during this period. Factions as articulated by other historians, as the central organising principle of politics, were certainly not evident between December 1860 and November 1864. What is evident is numerous media references to the term faction, which indicates that in this period it was used largely as a warning – a way of articulating that they were watching proceedings closely and a way of influencing their readers for or against a particular politician. The press of the day never articulated a faction’s membership, or clearly showed that one existed. While this could be consistent with the idea that factions were shadowy and difficult to determine with clarity, this research argues that this lack of clarity is the key point. If they cannot be identified, and only Loveday has attempted to lay them out
in a way that can be tested, it can be argued that they did not exist. The quest to definitively prove or disprove the existence of factions is best left to a future historian. For this thesis there is enough evidence to say that factions had negligible, if any, effect on how politicians in the Fourth Parliament were making decisions on issues, policies, or legislation. Without any allegiance to a particular leader, politicians were free to make their own decisions.

Those decisions were influenced to some extent by the expectations of those people who had elected them. The expectations of constituents were significantly different in the 1860s than they are in modern politics. In the 1860s, politicians were expected by their constituents to make decisions according to their own conscience, and to act in the interests of the colony as a whole. These considerations should be balanced with the needs of their constituents, but it is interesting to note the gratitude that electorates showed to politicians who acted on their behalf. In the examples of the bridge over the Peel River at Nundle, which Marshall Burdekin followed up in Parliament, and the re-allocation of funding to metropolitan roads to reflect a fairer share, which John Lucas advocated for, it is clear that their constituents were grateful but not expectant. Similarly, although Samuel Terry failed to gain sufficient support for a railway line between Mudgee and Muswellbrook, his call to action for his fellow politicians was to act in the best interests of the colony rather than a call to those who represented other electorates that would benefit to act in the best interests of their constituents instead. Terry was the only one of the five case study politicians who experienced any clear pressure from his electorate to produce an infrastructure project, but his failure to do so did not prevent his re-election to the Fifth Parliament for the seat of Mudgee.

Partly as a result of this expectation from constituents that their representatives would act in the best interest of the colony as a whole, there was no identifiable city (metropolitan) versus country (rural) divide. Although politicians would naturally have considered the interests of their constituents in relation to any issue before the Parliament, there was no sense that the representatives of city electorates worked together to secure funding for metropolitan projects, or
that representatives of country electorates worked together to improve conditions for rural businesses and squatting interests.

The politicians serving in Parliament for the first time have been credited with unlocking the land of New South Wales by supporting John Robertson’s Land Acts. These Acts allowed free selection before formal survey to encourage smaller selectors to build a farming or grazing future for themselves and their families, but also reinforced the lack of security that the squatters had over land they had run stock over for decades. While these first time politicians may well have been the decisive factor in passing the Robertson Land Acts, as the discussion in chapter 3 has shown there is no evidence to suggest that they worked together on any other issue, policy or legislation.

Some historians have found evidence of sectarian concerns within the electoral process for some electorates, particularly in country areas. While that sectarian divide may have been evident in some electorates, it was left outside the doors of the House. There is no evidence to suggest that politicians of the same religious background were working together to support or defeat particular legislation, and the Fourth Parliament politicians passed a resolution requesting that communications from the Queen, Governor, and English government no longer show preference to the Church of England.

Religious affiliation would still have had an impact on political decision-making. Lucas, Burdekin, Forster, and Terry all had different views on the role of the state in funding religious institutions, and they all identified as Church of England. As Kristina Keneally described in her 2015 opinion piece, religious beliefs impact political decision-making for all politicians, but it is not always of much help, and rarely the primary consideration.

The fact that they were able to use their religious beliefs as part of the web of lived experience to inform but not rule their decision-making process was, for some at least, a reflection of their education. William Cape, one of the leading educators in Sydney during the 1820s and
1830s, appears to have taught his students how to think rather than what to think, with an emphasis on preparing them to be political leaders in the colony. As the examples of Forster, Terry, and Burdekin showed, Cape succeeded in his aim. Loveday recognised that there was very little linking these three together when he classified Forster as leading a faction of his own, Terry as an independent, and Burdekin as a member of the Cowper / Robertson faction. Cape’s education prepared these three men to be able politicians, and to form their own opinions on policies, issues and legislation. The style of education that Cape provided fits the model of the behaviour required of a gentleman. As Shirley Letwin and David Castronovo outlined in their respective examinations of what it meant to be a gentleman in the nineteenth century, the key elements were personal and financial independence, a clear moral code, and a sense of obligation to give back to their communities.

Very few of the politicians in the Fourth Parliament attended Cape’s school. The other politicians would have acquired their understanding of the nature of independence, political decision-making and what it meant to be a gentleman through other means. No doubt other educators were imparting some or all of these ideas through the hybrid of classical and vocational education that Clifford Turney identified as being the main education stream in New South Wales in the first third of the nineteenth century. Others were educated overseas, primarily in England, and would have acquired their understanding through the education available to them there. As Anthony Trollope saw throughout his visit to the colonies in the 1860s, most homes boasted a well-stocked bookshelf that indicated a desire for continuous learning among the broader population. Other historians have been able to trace in detail the influences of political and social thinkers on individual people in New South Wales, including Erin Ihde’s work on Edward Smith Hall.

Regardless of where their understanding came from, the politicians of the Fourth Parliament are shown to have understood and attempted to live up to the ideals of an independent gentleman. Instead of following a leader due to a sense of obligation or out of ignorance, the politicians of the
Fourth Parliament maintained the financial and intellectual independence that their constituents expected of them. Those who became insolvent, including James Atkinson and Henry Parkes, resigned from Parliament until their financial footing was suitably stable again. Despite the existence of a well-functioning patronage system, there is no indication that it compromised any politician’s intellectual independence or would induce any politician to vote against his conscience because he felt a sense of obligation to another.

Our understanding of what it meant to be a gentleman in nineteenth century New South Wales remains somewhat opaque. As Letwin convincingly argued, the society novelists of the nineteenth century used their writing to explore the idea, suggesting that they also had some difficulty in articulating exactly what people of the time should expect to see in a gentleman. It is therefore understandable that, at this distance, the veil has become thicker rather than thinner.

Despite this, the characteristics that we can identify can be shown to have been present in the politicians of the Fourth Parliament. In addition to being independent of any particular leader, and financially solvent, they used their lived experience and their education to form their own individual opinions on policies, issues, and individual pieces of legislation. Each man brought his filters of family background, occupation, age, religious affiliation, whether he represented a metropolitan or rural electorate, and his education – both the substance and his overall experience – to the Legislative Assembly and made his own decisions on everything that came before the House. The Fourth Parliament politicians arguably felt a stronger sense of civic duty than others who served after them, with 17 per cent of politicians serving for more than 20 years, compared to an average for the nineteenth century of six per cent serving for more than 20 years.

Certainly some politicians were more engaged than others. The contrast between Daniel Dalgleish, who seems to have had a ready opinion on everything, and Clark Irving, who was absent from the House for an entire session without leave, is a clear indication that there was little to keep the politicians attending regularly or frequently beyond their interest in the future of the colony and
their desire to give back to their community. The absence of any simple procedures for enforcing attendance, either by the House itself or by specific leaders, undoubtedly contributed to the frequent absenteeism of Members. This further supports the case for independence of all politicians in the Fourth Parliament. With the exception of the ministry itself, everyone else was answerable only to their own conscience and, at election time, to their electorate.

With this recognition of political independence and individual agency exercised by all politicians in the Fourth Parliament, it becomes clear that none of the summary arguments examined in this thesis can be used to explain why the Parliament behaved in the way that it did. It also becomes clear that none of the summary arguments can be used to explain individual political behaviour. John Lucas’ reputation for being fiercely independent does not help me understand how he made decisions in a Parliament full of independent politicians. The term fierce now appears to refer to his personality and the way he expressed his opinions rather than a modifier of the term independent. That is a subject for future research.

As foreshadowed earlier, this thesis has not created a vertical integration between micro and macro theories of political behaviour in nineteenth century New South Wales. Conclusions drawn for the Fourth Parliament based on the micro-level research conducted for this thesis cannot be extrapolated to other Parliaments and cannot be used to determine a different summary theory for the second-half of the nineteenth century. They are applicable to the Fourth Parliament only, especially as there are some indications that the landscape started to change at the end of 1864. Whether these changes continued through to the Fifth Parliament, or took a different turn again, is left to other historians to examine.

The method of analysis used to answer these questions for the Fourth Parliament could easily be used by other historians to examine different parliaments. With enough individual parliaments examined, it would then be possible to see if an over-arching model can be constructed that would
hold true across a number of parliaments, possibly even over a number of decades. Alternatively, it may show a trajectory of change that is more nuanced and variable than a single model would allow.

It is human nature to look for patterns to make sense of history. However, the absence of a pattern does not necessarily denote the presence of chaos. The Fourth Parliament had no clearly identifiable pattern of organisation or decision-making among the politicians, and yet the absence of these patterns did not bring disorder. The Fourth Parliament passed 139 Bills, considered a further 74 Bills, appointed 144 Select Committees, and considered thousands of motions. The obligations and responsibilities of an independent gentleman serving in parliament were enough to ensure that parliamentary business progressed, while meeting the expectations of their constituents that they would exercise their own judgement on every matter that came before the House. Every politician who served in the Fourth Parliament did so as an independent, politically autonomous unless they joined a ministry. It was a parliament of independent voices.
### Appendix 1: Details of the politicians of the Fourth Parliament of New South Wales (1860-1864)

<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday’s factional allocation¹</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maurice Alexander²</td>
<td>Goulburn</td>
<td>No</td>
<td>CR</td>
<td>Immigrant</td>
<td>Merchant (Trade)</td>
<td>Jewish</td>
<td>No</td>
<td>41</td>
</tr>
<tr>
<td>William Allen³</td>
<td>Williams</td>
<td>Yes</td>
<td>Independent</td>
<td>Immigrant</td>
<td>Manufacturer (Trade)</td>
<td>Unknown</td>
<td>No</td>
<td>49</td>
</tr>
<tr>
<td>William Arnold⁴</td>
<td>Patterson</td>
<td>Yes</td>
<td>CR</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>42</td>
</tr>
<tr>
<td>James Atkinson⁵</td>
<td>Central Cumberland</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Wool and produce agent (Trade)</td>
<td>Unknown</td>
<td>No</td>
<td>41</td>
</tr>
<tr>
<td>David Bell⁶</td>
<td>Camden</td>
<td>No</td>
<td>Independent</td>
<td>Native Born</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>Yes</td>
<td>33</td>
</tr>
<tr>
<td>Isidore Blake⁷</td>
<td>Hunter</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Lawyer (Law)</td>
<td>Catholic</td>
<td>No</td>
<td>49</td>
</tr>
</tbody>
</table>

¹ Loveday, Development, 511-514.


<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday’s factional allocation</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Buchanan⁸</td>
<td>Morpeth, then East Macquarie</td>
<td>No</td>
<td>Independent</td>
<td>Immigrant</td>
<td>Labourer, later Lawyer (Law)</td>
<td>Presbyterian</td>
<td>Yes</td>
<td>38</td>
</tr>
<tr>
<td>James Buchanan⁹</td>
<td>Goldfields North</td>
<td>No</td>
<td>N/A</td>
<td>Native Born</td>
<td>Goldfields Commissioner (Other)</td>
<td>Unknown</td>
<td>Yes</td>
<td>34</td>
</tr>
<tr>
<td>Marshall Burdekin¹⁰</td>
<td>Liverpool Plains</td>
<td>No</td>
<td>CR</td>
<td>Native Born</td>
<td>Barrister (Law)</td>
<td>Church of England</td>
<td>Yes</td>
<td>24</td>
</tr>
<tr>
<td>John Burns¹¹</td>
<td>Hunter</td>
<td>No</td>
<td>M</td>
<td>Immigrant</td>
<td>Flour Miller (Trade)</td>
<td>Church of England</td>
<td>Yes</td>
<td>28</td>
</tr>
<tr>
<td>James Byrnes¹²</td>
<td>Parramatta</td>
<td>No</td>
<td>N/A</td>
<td>Native Born</td>
<td>Builder, Storekeeper, Manufacturer (Trade)</td>
<td>Methodist</td>
<td>No</td>
<td>55</td>
</tr>
<tr>
<td>John Caldwell¹³</td>
<td>East Sydney</td>
<td>Yes</td>
<td>CR</td>
<td>Immigrant</td>
<td>Merchant (Trade)</td>
<td>Methodist</td>
<td>Yes</td>
<td>44</td>
</tr>
<tr>
<td>Edward Close¹⁴</td>
<td>Morpeth</td>
<td>No</td>
<td>CR?</td>
<td>Native Born</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>36</td>
</tr>
</tbody>
</table>


¹⁰ Humphries, ‘Burdekin’; ‘Burdekin’, *Former Members*.


<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday’s factional allocation¹</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles Cowper Snr¹⁵</td>
<td>East Sydney</td>
<td>Yes</td>
<td>CR</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>54</td>
</tr>
<tr>
<td>Charles Cowper Jnr.¹⁶</td>
<td>Tumut, then Orange</td>
<td>Yes</td>
<td>CR</td>
<td>Native Born</td>
<td>Storekeeper (Trade)</td>
<td>Church of England</td>
<td>No</td>
<td>27</td>
</tr>
<tr>
<td>William Cummings¹⁷</td>
<td>East Macquarie</td>
<td>Yes</td>
<td>CR</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Unknown</td>
<td>No</td>
<td>58</td>
</tr>
<tr>
<td>James Cunneen¹⁸</td>
<td>Hawkesbury</td>
<td>Yes</td>
<td>CR</td>
<td>Native Born</td>
<td>Farmer and land agent (Pastoralist/Grazier)</td>
<td>Catholic</td>
<td>Yes</td>
<td>35</td>
</tr>
<tr>
<td>Daniel Dalgleish¹⁹</td>
<td>West Sydney</td>
<td>Yes</td>
<td>M</td>
<td>Immigrant</td>
<td>Engineer (Other)</td>
<td>Presbyterian</td>
<td>Yes</td>
<td>34</td>
</tr>
<tr>
<td>William Dalley²⁰</td>
<td>Carcoar</td>
<td>No</td>
<td>Independent?</td>
<td>Emancipist</td>
<td>Barrister (Law)</td>
<td>Catholic</td>
<td>No</td>
<td>30</td>
</tr>
<tr>
<td>Thomas Dangar²¹</td>
<td>Upper Hunter</td>
<td>No</td>
<td>CR</td>
<td>Immigrant</td>
<td>Storekeeper, postmaster, squatter (Pastoralist/Grazier)</td>
<td>Unknown</td>
<td>Yes</td>
<td>54</td>
</tr>
</tbody>
</table>


⁵ 'Dalgleish', Former Members; Ferguson, 'Dalgleish'.


<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday’s factional allocation</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silvanus Daniel 22</td>
<td>Wellington</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Pastoralist and civil servant</td>
<td>Church of England</td>
<td>No</td>
<td>46</td>
</tr>
<tr>
<td>John Darvall 23</td>
<td>East Maitland</td>
<td>No</td>
<td>CR</td>
<td>Immigrant</td>
<td>Barrister (Law)</td>
<td>Church of England</td>
<td>No</td>
<td>52</td>
</tr>
<tr>
<td>Alexander Dick 24</td>
<td>Liverpool Plains</td>
<td>No</td>
<td>N/A</td>
<td>Native Born</td>
<td>Solicitor (Law)</td>
<td>Unknown</td>
<td>Yes</td>
<td>34</td>
</tr>
<tr>
<td>James Dickson 25</td>
<td>East Maitland</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Tailor and merchant (Trade)</td>
<td>Presbyterian</td>
<td>No</td>
<td>48</td>
</tr>
<tr>
<td>John Douglas 26</td>
<td>Camden</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Squatter and journalist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>33</td>
</tr>
<tr>
<td>Richard Driver 27</td>
<td>West Macquarie</td>
<td>Yes</td>
<td>Independent</td>
<td>Native Born</td>
<td>Solicitor (Law)</td>
<td>Church of England</td>
<td>Yes</td>
<td>32</td>
</tr>
<tr>
<td>Geoffrey Eagar 28</td>
<td>West Sydney</td>
<td>No</td>
<td>M</td>
<td>Emancipist</td>
<td>Bookkeeper, later a squatter (Trade)</td>
<td>Church of England</td>
<td>No</td>
<td>43</td>
</tr>
</tbody>
</table>

22 ‘Daniel’, Former Members.
<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday’s factional allocation</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph Eckford</td>
<td>Wollombi</td>
<td>Yes</td>
<td>CR</td>
<td>Native Born</td>
<td>Publican, then hotel proprietor (Trade)</td>
<td>Church of England</td>
<td>No</td>
<td>47</td>
</tr>
<tr>
<td>Daniel Egan</td>
<td>Eden</td>
<td>Yes</td>
<td>CR</td>
<td>Emancipist</td>
<td>Foreman, then fleet owner (Trade)</td>
<td>Catholic</td>
<td>No</td>
<td>58</td>
</tr>
<tr>
<td>Samuel Emmanuel</td>
<td>Argyle</td>
<td>No</td>
<td>CR?</td>
<td>Immigrant</td>
<td>Businessman (Trade)</td>
<td>Jewish</td>
<td>Yes</td>
<td>58</td>
</tr>
<tr>
<td>Peter Faucett</td>
<td>Yass Plains</td>
<td>No</td>
<td>M</td>
<td>Immigrant</td>
<td>Barrister (Law)</td>
<td>Unknown</td>
<td>No</td>
<td>48</td>
</tr>
<tr>
<td>Henry Flett</td>
<td>Hastings</td>
<td>Yes</td>
<td>CR</td>
<td>Immigrant</td>
<td>Farmer and Pastoralist (Pastoralist/Grazier)</td>
<td>Unknown</td>
<td>No</td>
<td>51</td>
</tr>
<tr>
<td>Robert Forster</td>
<td>New England</td>
<td>No</td>
<td>CR</td>
<td>Immigrant</td>
<td>Solicitor (Law)</td>
<td>Catholic</td>
<td>Yes</td>
<td>43</td>
</tr>
<tr>
<td>William Forster</td>
<td>East Sydney</td>
<td>No</td>
<td>F</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>43</td>
</tr>
</tbody>
</table>

35 ‘Forster’, *Former Members*; Nairn, ‘Forster’.  

329
<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday's factional allocation¹</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Garrett³⁶</td>
<td>Shoalhaven</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Newspaperman, painter and plumber (Trade)</td>
<td>Unknown</td>
<td>No</td>
<td>56</td>
</tr>
<tr>
<td>Thomas Garrett³⁷</td>
<td>Monaro</td>
<td>Yes</td>
<td>CR</td>
<td>Immigrant</td>
<td>Publisher (Trade)</td>
<td>Church of England</td>
<td>Yes</td>
<td>31</td>
</tr>
<tr>
<td>Hugh Gordon³⁸</td>
<td>Tenterfield</td>
<td>No</td>
<td>F</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Unknown</td>
<td>Yes</td>
<td>44</td>
</tr>
<tr>
<td>Samuel Gray³⁹</td>
<td>Kiama</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Farmer and Gazier (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>38</td>
</tr>
<tr>
<td>James Hannell⁴⁰</td>
<td>Newcastle</td>
<td>Yes</td>
<td>CR?</td>
<td>Emancipist</td>
<td>Policeman and auctioneer (Trade)</td>
<td>Church of England</td>
<td>Yes</td>
<td>48</td>
</tr>
<tr>
<td>Joseph Harpur⁴¹</td>
<td>Patrick's Plains</td>
<td>No</td>
<td>M</td>
<td>Emancipist</td>
<td>Public servant and clerk (Other)</td>
<td>Catholic</td>
<td>Yes</td>
<td>51</td>
</tr>
<tr>
<td>James Hart⁴²</td>
<td>Bathurst</td>
<td>Yes</td>
<td>CR</td>
<td>Immigrant</td>
<td>Solicitor (Law)</td>
<td>Catholic</td>
<td>No</td>
<td>36</td>
</tr>
</tbody>
</table>

⁴² ‘Hart’, *Former Members*. 
<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday’s factional allocation</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Haworth</td>
<td>Illawarra</td>
<td>Yes</td>
<td>CR?</td>
<td>Immigrant</td>
<td>Unknown (Other)</td>
<td>Church of England</td>
<td>Yes</td>
<td>60</td>
</tr>
<tr>
<td>John Hay</td>
<td>Murray</td>
<td>Yes</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Anglican</td>
<td>No</td>
<td>45</td>
</tr>
<tr>
<td>Arthur Holroyd</td>
<td>Parramatta</td>
<td>No</td>
<td>M</td>
<td>Immigrant</td>
<td>Barrister (Law)</td>
<td>Church of England</td>
<td>No</td>
<td>55</td>
</tr>
<tr>
<td>Thomas Holt</td>
<td>Newtown</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Congregationalist</td>
<td>No</td>
<td>50</td>
</tr>
<tr>
<td>James Hoskins</td>
<td>Goldfields North</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Policeman and booking porter (Trade)</td>
<td>Church of England</td>
<td>No</td>
<td>38</td>
</tr>
<tr>
<td>Clark Irving</td>
<td>Clarence</td>
<td>Yes</td>
<td>Independent?</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>53</td>
</tr>
<tr>
<td>John Lackey</td>
<td>Parramatta</td>
<td>Yes</td>
<td>M?</td>
<td>Emancipist</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>Yes</td>
<td>31</td>
</tr>
</tbody>
</table>

44 ‘Hay’, Former Members; Martin, ‘Hay’.
<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday’s factional allocation</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Dunmore Lang</td>
<td>Western Sydney</td>
<td>Yes</td>
<td>CR</td>
<td>Immigrant</td>
<td>Clergyman (Other)</td>
<td>Presbyterian</td>
<td>No</td>
<td>62</td>
</tr>
<tr>
<td>John Laycock</td>
<td>Central Cumberland</td>
<td>Yes</td>
<td>CR</td>
<td>Native Born</td>
<td>Farmer or Grazer (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>43</td>
</tr>
<tr>
<td>Joseph Leary</td>
<td>Narellan</td>
<td>Yes</td>
<td>Independent</td>
<td>Native Born</td>
<td>Solicitor (Law)</td>
<td>Catholic</td>
<td>Yes</td>
<td>30</td>
</tr>
<tr>
<td>William Lesley</td>
<td>Patrick’s Plains</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Chemist (Trade)</td>
<td>Presbyterian</td>
<td>Yes</td>
<td>41</td>
</tr>
<tr>
<td>Thomas Lewis</td>
<td>Northumberland</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Coal Miner (Trade)</td>
<td>Congregationalist</td>
<td>Yes</td>
<td>40</td>
</tr>
<tr>
<td>George Lord</td>
<td>Bogan</td>
<td>Yes</td>
<td>M?</td>
<td>Emancipist</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>43</td>
</tr>
<tr>
<td>William Love</td>
<td>West Sydney</td>
<td>Yes</td>
<td>CR?</td>
<td>Immigrant</td>
<td>Grocer (Trade)</td>
<td>Church of England</td>
<td>Yes</td>
<td>51</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday's factional allocation¹</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Lucas⁵⁷</td>
<td>Canterbury</td>
<td>Yes</td>
<td>Independent</td>
<td></td>
<td>Carpenter, Publican, Builder (Trade)</td>
<td>Church of England</td>
<td>No</td>
<td>43</td>
</tr>
<tr>
<td>William Macleay⁵⁸</td>
<td>Murrumbidgee</td>
<td>Yes</td>
<td>F</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>41</td>
</tr>
<tr>
<td>Allan Macpherson⁵⁹</td>
<td>Central Cumberland</td>
<td>No</td>
<td>F</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Unknown</td>
<td>Yes</td>
<td>43</td>
</tr>
<tr>
<td>George Markham⁶⁰</td>
<td>New England</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Auctioneer (Trade)</td>
<td>Unknown</td>
<td>Yes</td>
<td>39</td>
</tr>
<tr>
<td>James Martin⁶¹</td>
<td>Orange, then Tumut</td>
<td>No</td>
<td>M</td>
<td>Immigrant</td>
<td>Solicitor (Law)</td>
<td>Church of England</td>
<td>No</td>
<td>41</td>
</tr>
<tr>
<td>Thomas Mate⁶²</td>
<td>Hume</td>
<td>Yes</td>
<td>M?</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>Yes</td>
<td>51</td>
</tr>
<tr>
<td>Alexander McArthur⁶³</td>
<td>Newtown</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Merchant</td>
<td>Methodist</td>
<td>No</td>
<td>47</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday's factional allocation(^1)</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Meston(^{64})</td>
<td>Tenterfield</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Unknown</td>
<td>Yes</td>
<td>40</td>
</tr>
<tr>
<td>Henry Milford(^{65})</td>
<td>Braidwood</td>
<td>No</td>
<td>Independent?</td>
<td>Immigrant</td>
<td>Solicitor (Law)</td>
<td>Church of England</td>
<td>Yes</td>
<td>29</td>
</tr>
<tr>
<td>Merion Moriarty(^{66})</td>
<td>Braidwood</td>
<td>No</td>
<td>M</td>
<td>Immigrant</td>
<td>Public Servant (Other)</td>
<td>Church of England</td>
<td>No</td>
<td>67</td>
</tr>
<tr>
<td>John Morrice(^{67})</td>
<td>Camden</td>
<td>Yes</td>
<td>CR</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>Yes</td>
<td>50</td>
</tr>
<tr>
<td>Augustus Morris(^{68})</td>
<td>Balranald</td>
<td>Yes</td>
<td>Independent</td>
<td>Emancipist</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Unknown</td>
<td>No</td>
<td>41</td>
</tr>
<tr>
<td>Terence Murray(^{69})</td>
<td>Argyle</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Catholic</td>
<td>No</td>
<td>51</td>
</tr>
<tr>
<td>Henry O’Brien(^{70})</td>
<td>Yass Plains</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Catholic</td>
<td>Yes</td>
<td>68</td>
</tr>
</tbody>
</table>


\(^{69}\) Wilson, ‘Murray’; ‘Murray’, Former Members.

<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday’s factional allocation</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>Henry Parkes</td>
<td>East Sydney, then Kiama</td>
<td>No</td>
<td>P</td>
<td>Immigrant</td>
<td>Ironmonger and retailer (Trade)</td>
<td>Unknown</td>
<td>No</td>
<td>46</td>
</tr>
<tr>
<td>John Peisley</td>
<td>Orange</td>
<td>No</td>
<td>N/A</td>
<td>Emancipist</td>
<td>Storekeeper (Trade)</td>
<td>Church of England</td>
<td>Yes</td>
<td>56</td>
</tr>
<tr>
<td>William Piddington</td>
<td>Hawkesbury</td>
<td>Yes</td>
<td>M</td>
<td>Immigrant</td>
<td>Bookseller and stationer (Trade)</td>
<td>Unknown</td>
<td>No</td>
<td>46</td>
</tr>
<tr>
<td>Edward Raper</td>
<td>Canterbury</td>
<td>Yes</td>
<td>M</td>
<td>Immigrant</td>
<td>Butcher (Trade)</td>
<td>Catholic</td>
<td>Yes</td>
<td>55</td>
</tr>
<tr>
<td>William Redman</td>
<td>Queanbeyan</td>
<td>Yes</td>
<td>Independent</td>
<td>Native Born</td>
<td>Solicitor (Law)</td>
<td>Unknown</td>
<td>Yes</td>
<td>38</td>
</tr>
<tr>
<td>John Robertson</td>
<td>Upper Hunter, then Shoalhaven</td>
<td>No</td>
<td>CR</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Presbyterian</td>
<td>No</td>
<td>45</td>
</tr>
<tr>
<td>Henry Rotton</td>
<td>Hartley</td>
<td>Yes</td>
<td>Independent?</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Baptist</td>
<td>No</td>
<td>47</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday's factional allocation</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>Francis Rusden⁷⁸</td>
<td>Gwydir</td>
<td>Yes</td>
<td>M</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>50</td>
</tr>
<tr>
<td>James (Toby) Ryan⁷⁹</td>
<td>Nepean</td>
<td>Yes</td>
<td>Independent</td>
<td>Emancipist</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>Yes</td>
<td>43</td>
</tr>
<tr>
<td>John Ryan⁸⁰</td>
<td>Lachlan</td>
<td>Yes</td>
<td>Independent?</td>
<td>Emancipist</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Catholic</td>
<td>No</td>
<td>45</td>
</tr>
<tr>
<td>Richard Sadlier⁸¹</td>
<td>Lower Hunter</td>
<td>No</td>
<td>CR</td>
<td>Immigrant</td>
<td>Schoolmaster (Other)</td>
<td>Church of England</td>
<td>Yes</td>
<td>67</td>
</tr>
<tr>
<td>Saul Samuel⁸²</td>
<td>Wellington</td>
<td>No</td>
<td>CR / Independent</td>
<td>Emancipist</td>
<td>Merchant and Pastoralist (Pastoralist/Grazier)</td>
<td>Jewish</td>
<td>No</td>
<td>41</td>
</tr>
<tr>
<td>Alexander Scott⁸³</td>
<td>Lower Hunter</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Country entrepreneur (Trade)</td>
<td>Church of England</td>
<td>No</td>
<td>61</td>
</tr>
<tr>
<td>Isaac Shepherd⁸⁴</td>
<td>St Leonards</td>
<td>Yes</td>
<td>Independent</td>
<td>Native Born</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>Yes</td>
<td>61</td>
</tr>
</tbody>
</table>


⁸⁰ Barrett, *Galong Castle*; ‘JN Ryan’, *Former Members*.


⁸² Saul Samuel’s emancipist family connection was his uncle. Bergman, ‘Samuel’; ‘Samuel’, *Former Members*.


<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday’s factional allocation</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas Smart⁸⁵</td>
<td>Glebe</td>
<td>Yes</td>
<td>CR</td>
<td>Emancipist</td>
<td>Businessman (Trade)</td>
<td>Church of England</td>
<td>No</td>
<td>51</td>
</tr>
<tr>
<td>Robert Stewart⁸⁶</td>
<td>East Sydney</td>
<td>Yes</td>
<td>M?</td>
<td>Native Born</td>
<td>Cabinet maker and undertaker (Trade)</td>
<td>Presbyterian</td>
<td>Yes</td>
<td>45</td>
</tr>
<tr>
<td>John Sutherland⁸⁷</td>
<td>Paddington</td>
<td>Yes</td>
<td>CR</td>
<td>Immigrant</td>
<td>Builder, grazier and businessman (Grazier/Pastoralist)</td>
<td>Congregationalist</td>
<td>Yes</td>
<td>45</td>
</tr>
<tr>
<td>William Suttor⁸⁸</td>
<td>East Macquarie</td>
<td>No</td>
<td>N/A</td>
<td>Native Born</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>56</td>
</tr>
<tr>
<td>Samuel Terry⁹⁰</td>
<td>Mudgee</td>
<td>Yes</td>
<td>Independent</td>
<td>Emancipist</td>
<td>Landed proprietor (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>28</td>
</tr>
<tr>
<td>Atkinson Tighe⁹⁰</td>
<td>Northumberland</td>
<td>No</td>
<td>M</td>
<td>Immigrant</td>
<td>Slaughterhouse proprietor (Trade)</td>
<td>Church of England</td>
<td>Yes</td>
<td>34</td>
</tr>
</tbody>
</table>


⁸⁹ There is some doubt about who Terry’s grandfather was, but he was certainly raised in an emancipist household. ‘Terry’, Former Members; Walsh, ‘Terry’.

<table>
<thead>
<tr>
<th>Name</th>
<th>Electorate</th>
<th>Served for the whole Parliament?</th>
<th>Loveday's factional allocation(^1)</th>
<th>Family background</th>
<th>Occupation</th>
<th>Religion</th>
<th>First time in parliament?</th>
<th>Age they turned in 1861</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Walker(^91)</td>
<td>Windsor</td>
<td>Yes</td>
<td>M</td>
<td>Immigrant</td>
<td>Solicitor (Law)</td>
<td>Unknown</td>
<td>No</td>
<td>33</td>
</tr>
<tr>
<td>Charles Walsh(^92)</td>
<td>Goulburn</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Solicitor (Law)</td>
<td>Church of England</td>
<td>Yes</td>
<td>41</td>
</tr>
<tr>
<td>William Watt(^93)</td>
<td>Carcoar</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Pastoralist (Pastoralist/Grazier)</td>
<td>Church of England</td>
<td>No</td>
<td>48</td>
</tr>
<tr>
<td>Elias Weekes(^94)</td>
<td>West Maitland</td>
<td>Yes</td>
<td>CR</td>
<td>Immigrant</td>
<td>Ironmonger (Trade)</td>
<td>Unknown</td>
<td>No</td>
<td>52</td>
</tr>
<tr>
<td>John Wilson(^95)</td>
<td>Goldfields South</td>
<td>Yes</td>
<td>M</td>
<td>Immigrant</td>
<td>Hydropath and gold miner (Trade)</td>
<td>Unknown</td>
<td>No</td>
<td>41</td>
</tr>
<tr>
<td>William Windeyer(^96)</td>
<td>West Sydney</td>
<td>No</td>
<td>N/A</td>
<td>Immigrant</td>
<td>Barrister (Law)</td>
<td>Unknown</td>
<td>No</td>
<td>27</td>
</tr>
<tr>
<td>Robert Wisdom(^97)</td>
<td>Goldfields West</td>
<td>Yes</td>
<td>M</td>
<td>Immigrant</td>
<td>Public Servant (other)</td>
<td>Church of England</td>
<td>No</td>
<td>31</td>
</tr>
</tbody>
</table>


\(^3\) 'Watt', Former Members.


Appendix 2: The term ‘faction’ in the New South Wales press, 1861-1864

The following table lists the relevant examples of the term ‘faction’ as it appeared in the New South Wales Press during the sitting period of the Fourth Parliament. While the discussion in chapter 3 refers to these briefly, this more comprehensive list shows how the journalists, editors, and general public writing to the newspapers understood the term. There is no suggestion in these examples of an identifiable faction. Instead, the writers are referring to behaviours that they are warning against.

With a Government in whom the people have confidence, and who are supported in the Legislature by a strength that can defy mere factions and selfish opposition, the people are now masters of the situation, and the result will show that their instincts have guided them aright.

‘The Empire’, *Empire*, 1 January 1861, 4.

From the very first, they [the conservatives] will find themselves arbiters between contending factions, and able to wring useful concessions from either or both.

‘This is the True Beginning of our End’, *SMH*, 3 January 1862, 3.

There is good reason now to believe that, if the ministers of the day will only introduce measures, designed and calculated to promote the general well-being of the people, they will be well supported, and the business of the country will be carried on without the bickering and factious opposition which have hitherto characterised our parliamentary proceedings, and which have so long retarded our political progress.


... and let no one oppose the well considered measures of whatever ministry may be in office, from factious or personal motives, nor without well considering the grounds of his opposition.


It is not the wish of the people of this country that the Press should be the slave of extreme factions, or that the newspapers should be the echo of the hustings.


And the address of the colonists plainly shows that they appreciate the fidelity of the Governor to the duty devolving on him of defending the political rights of the great body of the people, in the face of the censure to which such a course has exposed him from the once powerful faction who sought to destroy those rights. ... early struggles of Responsible Parliamentary Government were secured from the obstructions with which an oligarchic faction sought to neutralise the principles of freedom.

But the faction, while maintaining that they themselves were in the right, insisted that the people at large should not be consulted in the matter ... The Ministry, standing between the people and the faction, said virtually to Sir William Denison “The whole population stands opposed to these men ...”

‘The Empire’, Empire, 23 January 1861, 4.

Land reform and the Upper House Bill were tossed to the winds in a moment, and the cause of the people seemed to be on the eve on receiving another blow, through the devices of faction and the cowardice or treachery of pretended friends.

‘The Empire’, Empire, 2 February 1861, 4.

When your readers reflect that the people who join in those factions and unprincipled divisions against the Government are in reality retarding the Land Bill as well as all other useful legislation, I hope they will be able to deal with them when the time once more arrives.

‘Metropolitan Correspondence’, Bathurst Free Press and Mining Journal, 13 February 1861, 2.

But the truth is that the country is in a state of natural prosperity, and only suffers from the desperate attempts of expiring faction to keep it down at any cost that they may still hope to be borne aloft.

‘The Empire’, Empire, 19 February 1861, 4.

Therefore he considered his honourable colleague had been treated with factiousness.

‘Legislative Assembly’, Empire, 28 February 1861, 3.

Such men as our present Ministry will be looked back on as the conservators of wasted rights; and factions who will openly profess Mr Buchanan’s creed, and of whom he is the type and forerunner, will no doubt hold the reins of Government.


We contend that, at least during the period in the history of a young country when prompt legislation is the first requisite, a second House is a cumbersome nuisance, and with slight exception a mere instrument of obstruction, to subserve the interests not of true Conservatism, but of political factions.


... who have been told by no less an authority than the Prime Minister of the colony, and his Government has been thwarted in its desire to serve the people, and that the measures they propounded, have been prevented from becoming law, by the impracticableness of parties, or the obstructiveness of faction.

But never, we hope, under the influence of fear or faction, will the members of that Chamber, for the sake of obtaining popular applause surrender their convictions.


The most beautiful possession which a country can have is a noble and rich man, who loves virtue and knowledge; who, without being feeble or fanatical, is pious – and who, without being factious, is firm and independent; who, in his political life, is an equitable mediator between king and people ...

‘Wit and Wisdom of Sydney Smith’, *The Sydney Morning Herald*, 1 April 1861, 3.

After ... all the arts and devices of party have been exhausted, the Government would vibrate between the two factions (for such will parties soon become) at each successive election. Neither would be able to be retain power beyond some fixed term; for those seeking office and patronage would become too numerous to be rewarded by the office and patronage at the disposal of the government, and these being the sole objects of pursuit ... would at the next succeeding election throw their weight into the opposite side, in the hope of better success at the next turn of the wheel.

‘Legislative Assembly’, *The Sydney Morning Herald*, 4 April 1861, 3.

These principles he now enunciated were, no doubt, opposed to those of a miserable and old-fashioned faction, but this faction was now fast passing away, and would soon be lost now that all the power of the country was being fast concentrated in the hands of the people, its legitimate owners.


The factious dislike of the old squatting party to the present Ministry ...

‘To the Editor of The Empire’, *Empire*, 18 April 1861, 2.

Mr Dalgleish did not offer factious opposition; his was conscientious opposition.

‘Legislative Assembly’, *Empire*, 7 May 1861, 3.

He might have thought – without some such convincing proof of their unfitness as occurred on Friday, that Sir William Burton and others of the obstructive faction had certain claims to re-appointment.

‘The Empire’, *Empire*, 13 May 1861, 4.

This was pretty good, considering that, with the trifling intervals of a few months, brought about by the desperate struggles of faction, one Prime Minister has been the guiding spirit ever since Responsible Government was introduced.

‘The Empire’, *Empire*, 15 May 1861, 4.
Different factions may successively get possession of the supreme power and yet have left but small traces of their existence behind them.


The colonies are misgoverned, and torn to pieces by factions.

‘The Empire’, *Empire*, 18 May 1861, 4.

... describes Australia as a wretched place, torn by factions, with a new election every year and a half, and a fresh administration every six months.


Social improvement, in like manner, as comprehended in the great questions of Education and Legal Reform, have also been lost sight of in the strife and clamour of faction.

‘Right Reverend Dr. Quinn’, *Freeman’s Journal*, 18 May 1861, 4.

... but mostly unlikely to assume anything of the form and operation of faction. That this was the spirit in which the Land Bill was discussed is a calumny utterly unfounded.


Mr Wentworth’s return (the great democrat of former years) will infuse life and strength into the old faction, and a reaction, which Mr Forster’s victory indicates, and the exulting language of the Herald shadows forth, is near at hand.

‘What Next? To the Editor of the Empire’, *Empire*, 7 June 1861, 3.

If the pro-transportationists once threatened the colony with a perpetuation of the convict system; many of the present race of members no less menace the interests of the country by their factions and determined opposition to the Robertson Land Bills.


Mr Weekes ... who has just arrived a stranger among us, should for the nonce consent to become the mouthpiece of a political faction – and what else was the Governor on this occasion but the spokesman of his Ministers?


... and the wretched faction at Sydney miscalled a Government

‘Saturday, July 6, 1861’, *Armidale Express and New England General Advertiser*, 6 July 1861, 2.
That kind of steady opposition which was and is still known in English parties – not to the principle of government itself, nor commonly to the persons who are in power, but to everything that is thought to be inimical to the public welfare – has not yet characterised colonial factions.


Happily there is no anti-squatter faction that possesses any power to enact the part of the dog in the manger …


But thanks, again and again, to Mr Garrett’s watchfulness, perseverance and tact, the item was restored before the factious opponents of our interests and rights had time to unbottle their opposition to the vote …

‘Original Correspondence. The Shoalhaven River’, *Illawarra Mercury*, 30 August 1861, 2.

The announcement of a new Opposition excited no astonishment. That it has in store all the extreme measures devised by all the factions which have struggled for power, might be expected from its sinister erudition.


The political faction that is taking advantage of this state of things foresees all this.

‘The Clergymen’s Protest’, *Empire*, 10 September 1861, 3.

There never was a Parliamentary opposition more moderate than that which Mr Hay was then leading, nor one that showed less of faction and more honest anxiety to compromise rather than exaggerate differences of opinion.


Mr Harpur … might differ from the Colonial Secretary, but if he could not give him unqualified support he certainly would not give him a factious opposition.

‘Parliament of New South Wales Legislative Assembly’, *Empire*, 20 September 1861, 5.

Who knows but that Mr Cowper, without despotic designs or even despotic inclinations, may be made a despot in spite of himself. The slave of faction may become the tyrant of a people.


The hon. Member in the course of his speech was called to order for imputing a “factious purpose” to Mr Piddington.

‘Legislative Assembly’, *Freeman’s Journal*, 7 December 1861, 4.
But it was not only in regard to the business generally that faction has made its abominable presence visible, for since the estimates were introduced, the virulence of disappointed ambition has become even more prominent.

‘The Empire’, *Empire*, 14 December 1861, 4.

Mr Forster retorted [sic] the charge of faction, and urged that the minority had only used the forms of the House to protect the public purse ...


Some split themselves up into small factions, powerless for anything but mischief ...

‘The Empire’, *Empire*, 13 February 1862, 4.

Faction may raise its head and shew its sting, but Patriotism and Sound Sense will win the day.


But we now see, that there is no length to which the unscrupulous faction now in office, is not prepared to go, to preserve the good will, even of the lowest of their supporters.


But these rather despise constitutional objections than obviate them, and consider everything lawful which will subserve the interest of an ascendant faction.


Of course the measure was condemned by the disjointed faction that attempts the functions of an Opposition in the Assembly.


The Ministry, although contending with all the internal difficulties which belong to a coalition, and opposed bitterly by a defeated faction, have managed to hold their ground, and to carry through an unusual quantity of business.


... they actually carried their factious views so far as to vote against the re-committal ...

And whatever course may be followed both in and out of the Assembly, by a certain section of our politicians, it is right that the people at home should understand that the colony at large is in no way whatever involved in the proceedings of a faction which has no more chance of coming into power than Mr David Buchanan has of being Prime Minister of England.


The cry for the unlocking of the lands, so long uttered in vain, and so pertinaciously denounced as the meaningless outburst of faction, is proved to have been a reasonable and intelligent demand, fully justified by the first response it has met with.

‘The Empire’, *Empire*, 3 September 1862, 5.

He should always do what he could, short of faction, to impede the progress of this bill.

‘Legislative Assembly’, *The Sydney Morning Herald*, 6 November 1862, 3.

And it must be a great satisfaction to the country to have at the head of affairs a man of such comprehensive tastes and of such exalted superiority to all the party questions that divide political factions.


The adoption of Haro’s system, in his opinion, would tend to produce nothing but political misery – social and political disunion. The principle was based on a false idea, and in operation it would cause an amount of ill-will and factionism that was wholly unknown in this colony, where party prejudices had not been imported into political matters.

‘Legislative Assembly’, *The Sydney Morning Herald*, 27 November 1862, 3.

There were tools of bigotry, of faction, or of fear; and to his mind it was much more disreputable to be the tool of a bigoted faction than the tool of a Government which was known to represent the majority of the country.


The Ministry, especially Mr Cowper, may well feel proud of the success of this measure, and can afford to smile at the expiring vituperations of the faction who opposed it.


In reference to Mr Buchanan, I plainly tell you that he is not seeking your suffrages to benefit your interests; he will go into Parliament as a factious oppositionist if he is elected.

‘Nomination for the Northern Goldfields’, *Empire*, 1 April 1863, 2.
Mr W Forster said he did not know if he belonged to the “irresponsible faction” of the House ...


The country should be appealed to on so important a question, but perhaps before this takes place Dalgleish, Wilson and some more of that rabid faction will be billeted on the roads with their compatriot Hoskins.


Mr W Forster defended himself from the charge of factionally opposing the Government. This was proved by his support of the Police Act.


Honourable members who were opposed to the bill had said they would not offer any more factious opposition.


He (Dr Lang) was willing, as a representative of the people, to take good government from whatever quarter it came. He could not act a factious part in opposition.


... and we may venture to disdain the desperate tactics and the contortions and writhings of a defeated faction ...


There was then nothing left for the Cowper Administration than to go out of office; and in this he could not be charged with faction, since the result has been brought about by no act of his ...


Hon. Members on that side of the House – the Opposition side – had been accused of factious conduct, but they were certainly not more amenable to the charge than the hon. Members of the ministerial side ...


We feel no wish to recall in extensor the contests of faction, the artifice of parties, the angry passions, the ungenerous judgments, the official mistakes of the year now gone.

Verily, the expression of public opinion is held very light by the Martin faction.

‘The Constitutional Ministry. To the Editor of the Empire’, *Empire*, 4 January 1864, 5.

Mr Egan … He had been charged with being factious.

‘Legislative Assembly’, *Empire*, 15 January 1864, 3.

The attempts to prevent the passing of resolutions, when supported by large majorities, by the vexatious obstructions which the forms of Parliament admit, has not been made more agreeable by the colonial consciousness that the opposition has been in many instances unprincipled and conducted in the spirit of faction.


It is one of the grievous results of democratical Governments that the meanest minds and most vulgar factions often become the arbiters of interests which they have only regarded at a distance as objects of jealousy, envy, and resentment …


Another political item is the immigration vote; on this Mr Robertson will find he has made a mistake in siding with the [sic] Dr Langs faction against the Irish …

‘Shoalhaven’, *Freeman’s Journal*, 30 April 1864, 3.

Between such worthless factions the colony is something like the sailor described by a veracious traveller. He is pursued by an alligator, within whose jaws he seems about to find a sepulchre, when a tiger, also in pursuit of prey, makes his fatal spring, but leaps into the throat of the monster, and the sailor is saved!


He contended that the point at issue was, not the comparative fitness of leaders of two factions for office, but a trial of the merits of the present Government …

Bibliography

Primary sources

The Armidale Express and New England General Advertiser

The Australian Star

The Bathurst Free Press and Mining Journal

Bell’s Life in Sydney and Sporting Reviewer


Dearmer, Louisa, to Jane Lewin, letter, 1 June 1868, Records - FMCES, AJCP, Part 8, Reel M468, NLA, Letter Book 1, pp 304-309


The Empire

Fetherstonhaugh, C. After Many Days. Sydney: 1918.

The Free Dictionary

The Freeman’s Journal

The Goulburn Chronicle and Southern Advertiser

The Goulburn Herald


The Illawarra Mercury


The Maitland Mercury and Hunter River General Advertiser

The Merriam-Webster Dictionary


The Moreton Bay Courier

The Newcastle Chronicle and Hunter River District News

The Oxford Dictionary


The Queanbeyan Age and General Advertiser.


The Sydney Gazette

The Sydney Mail

The Sydney Monitor

The Sydney Morning Herald


Secondary sources

‘Mr Maurice Alexander’, Former Members of New South Wales Parliament,

‘Mr William Bell Allen’, Former Members of New South Wales Parliament,

‘Mr William Munnings Arnold’, Former Members of New South Wales Parliament,

‘Mr James Henry Atkinson’, Former Members of New South Wales Parliament,

‘Mr David Bell’, Former Members of New South Wales Parliament,


‘Mr Isidore John Blake’, Former Members of New South Wales Parliament,

‘Mr David Buchanan’, Former Members of New South Wales Parliament,

‘Mr James Buchanan’, Former Members of New South Wales Parliament,

‘Mr Marshall Burdekin’, Former Members of New South Wales Parliament,

‘Mr John Fitzgerald Burns’, Former Members of New South Wales Parliament,

‘Mr James Byrnes’, Former Members of New South Wales Parliament,
‘Mr John Caldwell’, Former Members of New South Wales Parliament,

‘Mr William Timothy Cape’, Former Members of New South Wales Parliament,

‘Mr Edward Charles (2) Close’, Former Members of New South Wales Parliament,

‘Comprehensive index to all parliamentary documents available online’, New South Wales Parliament,

‘Sir Charles (1) Cowper’, Former Members of New South Wales Parliament,

‘Mr Charles (2) Cowper’, Former Members of New South Wales Parliament,

‘Mr William Cummings’, Former Members of New South Wales Parliament,

‘Mr James Augustine Cunneen’, Former Members of New South Wales Parliament,

‘Mr Daniel Cameron Dalgleish’, Former Members of New South Wales Parliament,


‘Mr William Bede Dalley’, Former Members of New South Wales Parliament,
‘Mr Thomas Dangar’, Former Members of New South Wales Parliament,

‘Mr Silvanus Brown Daniel’, Former Members of New South Wales Parliament,

‘Sir John Bayley Darvall’, Former Members of New South Wales Parliament,

‘Mr Alexander Dick’, Former Members of New South Wales Parliament,

‘Mr James Dickson’, Former Members of New South Wales Parliament,

‘Mr John Douglas’, Former Members of New South Wales Parliament,

‘Mr Richard Driver’, Former Members of New South Wales Parliament,

‘Mr Geoffrey Eagar’, Former Members of New South Wales Parliament,

‘Mr Joseph Eckford’, Former Members of New South Wales Parliament,

‘Mr Daniel Egan’, Former Members of New South Wales Parliament,

‘Mr Samuel Emmanuel’, Former Members of New South Wales Parliament,

‘Mr Peter Faucett’, Former Members of New South Wales Parliament,
‘Mr Henry Flett’, *Former Members of New South Wales Parliament*,


‘Mr Robert Henry Mariner Forster’, *Former Members of New South Wales Parliament*,


‘Mr William Forster’, *Former Members of New South Wales Parliament*,

‘Mr John Garrett’, *Former Members of New South Wales Parliament*,

‘Mr Thomas Garrett’, *Former Members of New South Wales Parliament*,

‘Mr Hugh Gordon’, *Former Members of New South Wales Parliament*,

‘Mr Samuel William Gray’, *Former Members of New South Wales Parliament*,

‘Mr James Hannell’, *Former Members of New South Wales Parliament*,
‘Mr John Connell Laycock’, Former Members of New South Wales Parliament,  

‘Mr Joseph Leary’, Former Members of New South Wales Parliament,  

‘Mr William Copland Lesley’, Former Members of New South Wales Parliament,  

‘Mr Thomas Lewis’, Former Members of New South Wales Parliament,  

‘Mr George William Lord’, Former Members of New South Wales Parliament,  

‘Mr William Love’, Former Members of New South Wales Parliament,  

‘Mr John Lucas’, Former Members of New South Wales Parliament,  

‘Lucas, John (1796–1875)’, People Australia, National Centre of Biography, Australian National University, accessed 10 February 2018,  

‘Lucas, Olivia (1761–1830)’, People Australia, National Centre of Biography, Australian National University, accessed 10 February 2018,  

‘Percy Charles Lucas’, Sydney’s Aldermen, City of Sydney, accessed 7 April 2018,  

‘Lucas, William (1792–1828)’, People Australia, National Centre of Biography, Australian National University, accessed 10 February 2018,  

‘Sir William John Macleay’, Former Members of New South Wales Parliament,  
‘Mr Henry O’Brien’, Former Members of New South Wales Parliament,

‘Sir Henry Parkes’, Former Members of New South Wales Parliament,

‘Passage of Legislation’, New South Wales Parliament,

‘Mr John Peisley’, Former Members of New South Wales Parliament,

‘Mr William Richman Piddington’, Former Members of New South Wales Parliament,

‘Mr Edward Raper’, Former Members of New South Wales Parliament,

‘Mr William Redman’, Former Members of New South Wales Parliament,

‘Sir John Robertson’, Former Members of New South Wales Parliament,

‘Mr Henry Rotton’, Former Members of New South Wales Parliament,

‘Rowley, Elizabeth (Betsey) (1773–1843)’, People Australia, National Centre of Biography, Australian National University, accessed 10 February 2018,

‘Mr Francis Townsend Rusden’, Former Members of New South Wales Parliament,

‘Mr James Tobias Ryan’, Former Members of New South Wales Parliament,
‘Mr John Nagel Ryan’, Former Members of New South Wales Parliament,

‘Mr Richard Sadlier’, Former Members of New South Wales Parliament,

‘Sir Saul Samuel’, Former Members of New South Wales Parliament,

‘Mr Alexander Walker Scott’, Former Members of New South Wales Parliament,

‘Mr Isaac Shepherd’, Former Members of New South Wales Parliament,

‘Mr Thomas Ware Smart’, Former Members of New South Wales Parliament,

‘Mr Robert Stewart’, Former Members of New South Wales Parliament,

‘Mr John Sutherland’, Former Members of New South Wales Parliament,

‘Mr William Henry (Senior) Suttor’, Former Members of New South Wales Parliament,

‘Mr Edward Terry’, Former Members of New South Wales Parliament,

‘Mr Samuel Henry Terry’, Former Members of New South Wales Parliament,

‘Mr Atkinson Alfred Patrick Tighe’, Former Members of New South Wales Parliament,
‘Mr William (2) Walker’, Former Members of New South Wales Parliament,  

‘Mr Charles Hamilton Walsh’, Former Members of New South Wales Parliament,  

‘Mr William Redfern Watt’, Former Members of New South Wales Parliament,  

‘Mr Elias Carpenter Weekes’, Former Members of New South Wales Parliament,  

‘Mr John Bowie Wilson’, Former Members of New South Wales Parliament,  

‘Sir William Charles Windeyer’, Former Members of New South Wales Parliament,  


‘Sir Robert Wisdom’, Former Members of New South Wales Parliament,  


Binney, Keith Robert. *The Horsemen of the First Frontier (1788 to 1900) and the Serpent’s Legacy*. Volanic Productions, undated.


*Former Members of New South Wales Parliament*,


Persse, Michael. 'Wentworth, William Charles (1790–1872)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, published first in hardcopy 1967,


Sherington, Geoffrey and Craig Campbell. ‘Australian Liberalism, the middle class and public education from Henry Parkes to John Howard’, *Education Research and Perspectives* 31, no. 2 (December 2004): 59-77.


