Aspects of the career of Alexander Berry, 1781-1873

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Chapter 4

MEMBER OF GENTRY ELITE

New South Wales at the time of Berry's and Wollstonecraft's arrival had fluid social and economic structures. Therein lay its attraction for men from the educated lower middle orders of British society with limited means. Charles Nicholson once remarked that one factor making life in the Colony tolerable was the opportunity given to every individual of quality to affect the course of history.¹ Few immigrants could boast of their lineage but most aspired to be recognised as gentlemen. As a group they accepted unquestioningly the familiar ideology of the British aristocracy and aimed to form the landed elite of a similarly hierarchical society. They could not replicate that aristocracy's antiquity, wealth, or acceptance, to some extent, of its claims by the rest of society. While as the Rev. Ralph Mansfield testified in 1845: 'Nearly all the respectable portion of our community, whatever their legitimate profession ... are in some sense farmers and graziers,'² a few colonists could remember when even the oldest of the 'ancient nobility' were landless. The aspirant gentry were 'go getters' on the make and while some had been imbued with notions of leadership, command and social responsibility during service careers as a group they lacked the British aristocracy's sense of obligation and service. The fact that the under class consisted of convicts to be used only for a time did not aid development of this outlook. At the beginning of the eighteen twenties the great majority of immigrants were still suffering effects of early or later financial embarrassment and living in homes possessing 'little of the comfort or convenience that distinguish the houses of the middle

¹ Cited Michael Roe, Quest for Authority in Eastern Australia 1835-1851, Melbourne 1965, 55.

² Legislative Council, Report from the Select Committee on the Census Bill, 14 October 1845, 2.
classes in England'.

Governor Macquarie's emancipist policy, of which Berry was highly critical, brought to the fore a small group of immigrants: the 'Exclusives', led by John Macarthur, concerned to establish an ordered society in which ex-convicts would be consigned forever to a subservient place. An opposing emancipist-rights movement emerged with arrival of Commissioner Bigge to enquire into all aspects of the Colony and a decision by Judge Field that pardons issued by the Governor which did not come under the Great Seal of the United Kingdom were without legal force.

Early in 1821 Macarthur wrote to Bigge:

If his Majesty's Government propose to retain this Colony, as a dependency of Great Britain, there is no time to be lost, in establishing a body of really respectable Settlers - Men of real Capital - not needy adventurers. They should have Estates of at least 10,000 Acres, with reserves contiguous of equal extent - Such a body of Proprietors would in a few years become wealthy and with the support of Government powerful as an Aristocracy - The democratic multitude would look upon their large possessions with Envy, and upon the Proprietor with hatred - as this democratic feeling has already taken deep root in the Colony, in consequence of the absurd and mischievous policy, pursued by Governor Macquarrie - and as there is already a strong combination amongst that class of persons, it cannot be too soon opposed with vigour - If forty or fifty proprietors, such as I have described, were settled in the Country, they would soon discover that there could be no secure enjoyment of their Estates but from the protection of Government.

Government was conceived as a matter of control of the governed; of balancing interests by protecting property

3 House of Commons, Report of the Commissioner of Inquiry, on the State of Agriculture and Trade in the Colony of New South Wales, 13 March 1823, 82.

4 Berry to Edward Barnard 15/2/1822, draft, BP.

5 Suggestions, encl. in John Macarthur to J.T.Bigge 7/2/1821, Sibella Macarthur Onslow, ed., Some Early Records of the Macarthurs of Camden, 2nd edn Adelaide 1973, 349. Macarthur had written that a man of his 'known principles must be hated and de-cried in self-defence in such a Colony'. John Macarthur to Elizabeth Macarthur 16/10/1812, ibid., 225.
from the predatory poor while meliorating their condition, especially by preventing misuse of the power by the privileged. The aristocracy alone would have education, leisure for reading and participation in public affairs, and substantial permanent stake in the country which fitted them to assist in ruling. This class would uphold the values of family, private property, Established Church, conventional morality, rule of law and loyalty to the monarchy. Australian conservatism derives from the radical Whiggism of Scotland and America rather than from English Toryism. The Macarthurs and the majority of conservatives conceded that with the spread of education there might be steady diffusion of economic and political power. Berry on the other hand was, with some lesser Scottish gentry, one of the few true Tories, exalting stability over all else. Over time a gap widened between him and Exclusive conservative friends as they adapted, not always happily, to changes in which he could see only decadence and destructiveness.6

There were some voices raised in philosophical opposition to the aristocratic ideal. E.S. Hall of the Monitor newspaper campaigned persistently against large estates and privilege.7 The Presbyterian minister John Dunmore Lang wanted yeoman settlement on grounds of equity, efficiency and preservation of morality and family life. In London the Globe condemned

the facility with which large grants of land are obtained, and the temptation which emigrants impregnated with the notions of aristocratic importance attached to the possession of land in old countries feel to obtain them.8


7 For examples Sydney Monitor, 16 Sep. 1831 & 21 Jan. 1832.
The *Morning Chronicle* considered large estates a curse to any nation. Switzerland, which had no large estates, had its population housed in elegant cottages on small holdings whereas a 'more base, jobbing set of men never lived' than Scotland's aristocrats who gave their country 'the bad name it has for political servility and corruption'.

Wealth and ownership of broad acres were not sufficient for entry to the ranks of the gentry. Personal worth: summed up in the key concept of 'respectability' which provided the gentry with much of its cohesion, was also essential. For acceptance as a gentleman one needed a superior education, decent clothes, genteel manners and tastes, and sufficient wealth for freedom from menial tasks and to allow leisure to attend to public business or mix socially, although some accepted as undoubted gentlemen lacked one or more of these characteristics. For 'respectability' one needed in addition freedom from the taints of vice or crime. The 'respectable' man, in short, exemplified and upheld 'civilised standards'. As interpreted by the Exclusive gentry 'respectability' involved refusal to associate socially with tainted individuals. Hannibal Macarthur, one of their leaders, said: 'The branded felon can never be the peer of the unconvicted man'. In taking this line the immigrant gentry had to convince themselves that the ex-convict was incorrigibly corrupt: a proposition condemned by more liberal men as an 'unworthy suspicion' frequently disproved

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9 Reprinted *Sydney Monitor*, 18 May 1833.

10 Roe, *op.cit.*, 40.


by experience, and to refuse to discriminate between 'the hardened rogue proud of his hundred crimes - and the bashful booby blushing for his solitary one'. The doctrine of respectability was the means for excluding ex-convicts, however wealthy, landed or talented, from elite status, reducing the term in the process to a badge for a political clique.

Political conflict between 'Exclusives' and 'Emancipists' was essentially between sectors of the economically better-off classes divided largely, but on the side of Emancipists not entirely, by whether or not an individual had been a convict. On the whole the division was between those who believed that New South Wales remained, as Brisbane termed it, 'a peculiar country', requiring rule by a strong governor aided by a settler aristocracy and those who could see no sufficient reason for withholding the civil institutions and rights of England. While this clash was the most persistent and visible source of contention during the eighteen twenties and thirties there were long periods when it was not 'in the news'.

It was against the interest of Downing street aristocrats to encourage Exclusives in their aspiration to become an hereditary landed elite. This would complicate the problems of governing, reduce attractiveness of the Colony for the kind of person pressing for reform in Britain itself, and encourage emigrants resentful at finding a closed system to look to the Opposition for redress.

13 P. Cunningham, Two Years in New South Wales [etc], London 1827, v II, 142 quoted, 143-144.

14 Australian, 19 Feb. 1836.


Until mid century new arrivals were struck both by discrimination against ex-convicts and, more broadly, extreme sensitivity to social distinctions. Governor Brisbane found 'so much vile intrigue, cabal and malevolence ... that scarcely any three families visit or speak well of each other'. The *Sydney Gazette* commented:

Party feeling runs exceedingly strong, and because it is not connected with truth and honour, it bears away with its rapid current every feeling of kindness, compassion and integrity into the ocean of disquietude and wretchedness.

Similarly Robert Dawson wrote that the 'Society of Sydney is not to be tolerated by any person who wishes to shun party feeling, squabbles and destruction'. Louisa Meredith observed:

Government officers don't know merchants; merchants with 'stores' don't know merchants who keep 'shops'; and shopkeepers, I have no doubt, have a little code of their own, prescribing the proper distances to be kept between drapers and haberdashers, butchers and pastrycooks.

Colonel G.C. Mundy found that for emancipists living 'in equal and even superior style to what might be called the aristocracy' there was 'a line of moral demarcation' which was 'peremptorily impassable'. John Hood, who visited in


18 20 Oct. 1825.


20 Mrs Charles Meredith, *Notes and Sketches of New South Wales During a Residence in the Colony from 1839 to 1844*, Sydney 1973, facsimile of 2nd edn 1861, 52.

1841, thought the caste line as rigid as in India.\textsuperscript{22}

In England direct involvement in trade would have excluded a man from good society and public service. In New South Wales for more than a decade from 1819 divisions in the wealthier levels of immigrant society continued to be blurred by pastoralists and agriculturists trading and merchants operating country estates with convict labour.\textsuperscript{23} Money was still the great discriminator so there were no grounds for excluding those in trade from the company of gentlemen. 'Merchants': wholesalers generally of good education and some capital, with warehouses, large stocks of goods and international connections, were accepted initially amongst the upper strata of colonial society. Gregory Melluish contends that in order to justify acceptance of merchants the Colony's emerging elite adopted arguments of the 'Scottish Enlightenment' that pastoralism, agriculture and commerce marked historical stages in transition from barbarism to civilisation. Commerce by maximising social intercourse between individuals and peoples diffused knowledge and polished manners, thereby promoting social harmony.\textsuperscript{24} By as early as the mid eighteen twenties some emigrant merchants began to mix socially with wealthy emancipists and established landowners began to draw the line against them.\textsuperscript{25} Berry,

\textsuperscript{22} Quoted Cyril Pearl, \textit{Brilliant Dan Deniehy: A forgotten genius}, Melbourne 1972, 4.

\textsuperscript{23} John Dunmore Lang, \textit{Transportation and Colonization [etc]}, London 1837, 129.

\textsuperscript{24} Melluish, \textit{loc.cit.}, 124-125. Melluish uses the term 'Scottish Enlightenment' in a less stringent way than Charles Camic. With the exception of David Hume the 'enlighteners' identified by Camic had grave reservations about the commercial world developing around them.: Charles Camic, \textit{Experience and Enlightenment: Socialization for Cultural Change in Eighteenth - Century Scotland}, Edinburgh 1983, 19. In Camic's terms Melluish is referring to the arguments of 'improvers': men still operating within the Calvinist tradition.

\textsuperscript{25} Cunningham, \textit{op.cit.}, v II, 60.
never comfortable with merchant status, preferred to consider himself a landowner after acquiring his land grant. His move out of wholesale trade had the effect of protecting his social gains. By the eighteen forties merchants were no longer accepted as equals by the landed gentry, regardless of their wealth, respectability and personal virtues.26

On the evidence of his own narratives Berry had not scrupled to mix socially with prosperous or educated convicts such as Simeon Lord and George Crossley during Sydney stopovers of the City of Edinburgh. From his return in 1819 there was not the slightest hint of such conduct. Perhaps from insecurity about his own standing Wollstonecraft always manifested extreme class consciousness and disdain for convicts.

Immigrants normally manifested a concern for acceptance by those who mattered. From their arrival the partners set about establishing themselves among the 'respectables' with cynical amusement at hypocrisies involved and constant assessment of the advantages of associations for themselves.27 Their apparent wealth secured them reception at Government House, the accepted mark of recognition as gentlemen,28 and a welcome by the Exclusives. Berry calmly observed the local scene and made what Macquarie's principal biographer considers shrewd judgements concerning leading figures.29 Wollstonecraft, less experienced in encountering men of importance, at first reacted with exhilaration at his reception by

26 See De Serville, op.cit., generally.
27 Berry-Wollstonecraft correspondence, BP, passim.
29 Berry to Rev. R.Knopwood 29/1/1819 [sic. 1820], Berry to - 10/1/1823, BP; John Ritchie, Lachlan Macquarie: a biography, Melbourne 1986, 125, 178-179.
Macquarie.\textsuperscript{30} From the start Berry and Wollstonecraft angered 'dealers' by their superior attitudes in business relations.\textsuperscript{31} Berry always sent underlings to make his retail purchases, writing in 1870: 'I do not like to have any dealings with nasty beggarly shops'.\textsuperscript{32} During his time in the Colony, innumerable people, a great many of whom never met him, were riled by his airs of superiority and snobbish disinclination to attend any gathering of a cross-section of the people.

Berry and Wollstonecraft established themselves as part of the core of the Exclusive 'Faction' by taking key roles in formation and management of a number of societies kept in Exclusive hands through restricted membership or devices to deprive others of effective say. These institutions drew much criticism from the liberal press which watched failure of most of them with gloating satisfaction.

On 4 July 1821 Wollstonecraft joined six others in forming the Philosophical Society of Australasia for the purpose of collecting information with respect to the natural state, capabilities, productions, and resources of Australasia and the adjacent regions, and for the purpose of publishing, from time to time, such information as may be likely to benefit the world at large.

Governor Brisbane accepted the presidency. Berry was elected to membership on his return from England and is the only member recorded as having delivered two papers. The Philosophical Society held its last recorded meeting on 24 July 1822. If failed essentially because there were not yet a sufficient number of men of education and scientific interests in the Colony to sustain such an organisation but its demise was contributed to by stringent rules for membership, especially exclusion of applicants by a single

\textsuperscript{30} Wollstonecraft to Elizabeth Wollstonecraft 12/1/1820, BP.
\textsuperscript{31} Levey to Berry & Wollstonecraft 7/10/1819, BP.
\textsuperscript{32} Berry to David Berry 10/11/1870, BP.
black ball, an excessive frequency of meetings, attendances as low as three or four and a want of papers.33

Berry and Wollstonecraft were the prime movers for creation of the Agricultural Society of New South Wales,34 maturing their plans at a series of small meetings in their parlour before launching it at a meeting of landowners and gentlemen in Sydney on 5 July 1822.35 Berry was elected joint secretary36 and served in this office until September 1828.37 In the latter year he was elected a vice president38 and was still listed as such when the Society became extinct in 1834.39 Wollstonecraft was initially a member of the committee,40 from July 182341 until he retired on the grounds of ill-health in February 1827 a co-secretary42

Despite active support from Brisbane as patron and a membership of 112 by October 182343 the Agricultural Society seemed always in some difficulty, having a problem even in settling on men to occupy the presidency. Ominously arrears of subscriptions exceeded £700 by early 1827,44

34 From February 1826 the Agricultural and Horticultural Society: SG, 25 Feb. 1826.
36 Ibid., 12 July 1822.
37 Ibid., 26 Sep. 1828.
38 Australian, 20 April 1828.
39 New South Wales Calendar; and General Post Office Directory, 1834, 269.
40 SG, 12 July 1822.
41 Ibid., 10 July 1823.
42 Ibid., 16 Feb. 1827.
43 SG, 9 Oct. 1823.
44 Ibid., 16 Feb. 1827.
membership rose only to 154 in September 1828, and by that time a Farmers Club had been formed in the Hunter valley from a feeling of dissatisfaction with the Society.45 In 1829 W.C. Wentworth, one of the largest land and stock holders in the Colony, was blackballed.46 In consequence many members would not pay their subscriptions for 1830 and were struck off.47 For a brief period there seemed a chance for revival after Sir Richard Bourke assumed the governorship. The Faction was unable to keep out Wentworth on a renewed application and a number of other new members were admitted.48 At a meeting of the Society at Parramatta on 12 April 1832 members candidly acknowledged that the Society had in a great measure failed. Sir John Jamison wanted to retire from the presidency, considering himself too old and infirm to continue usefully. Their enemy E.S.Hall named both Berry and Wollstonecraft amongst seven agriculturists and men of large property as 'fully suitable' to serve as president49 but although they were the Society's originators they were no more willing than others to give the time and effort for its direction50 needed for it to succeed. Berry's papers for the years 1832 to 1834 indicate that he no longer attended meetings, possibly because he was unwilling to mix with Wentworth and others unacceptable to Exclusives. The Agricultural Society expired late in 1834.51

The small educated elite of Sydney made the most of

45 *Australian*, 26 Sep. 1828.

46 *Sydney Monitor*, 1 Aug. 1829.


50 Wollstonecraft to Berry 7/7/1829, BP.

51 The last press mention of the Agricultural Society appears to be in *Sydney Monitor*, 8 Oct. 1834.
books by lending to each other.52 One of the first acts of the Philosophical Society was to compile a union catalogue of members' libraries to facilitate this.53 Berry and Wollstonecraft served jointly as treasurers of a short-lived Sydney Institution formed from respectable immigrants and officials under the patronage of the Governor and presidency of Colonial Secretary Goulburn to procure newspapers and periodicals from Britain.54 They were members of the New South Wales Reading Society, another body formed in 1822,55 which rented an elegant room, hired a librarian at £70 per annum and sent to England for books, but soon collapsed from want of unity.56

During Brisbane's governorship there was an influx of men of capital, retired public servants and 'a class of persons that may be regarded as representing an educated and intelligent gentry',57 thus broadening the social base for support of a library. On 3 February 1826 ten gentlemen resolved to found the Australian Subscription Library and Reading Room. Berry and Wollstonecraft were probably amongst absent gentlemen who had promised support. When a committee was elected they became joint treasurers. Berry remained in this position until 1831, then served one more year on the committee.58 The Subscription Library, a

52 The BP contain much evidence of this. See e.g. Berry to Wollstonecraft 19/1/1830 stating who has which of their books.

53 Minutes, lxix, 27 June 1821.

54 SG, 28 June 1822.

55 Receipts from George Williams for subscriptions 19/9/1822 & 18/12/1822, BP.

56 SG, 1 Mar. 1826.


successful foundation, remained what Hall called 'a narrow and haughty oligarchical Club, overflowing with political bile' and 'a sink for the support of tyranny'.

Exclusion of all applicants blackballed by one fourth of voters was sufficient to keep out everyone unacceptable to a significant minority. As late as 1844 two aldermen of Sydney who were also justices of the peace were blackballed.

By 1825 the affairs of the Bank of New South Wales were caught up in fighting between the Exclusive and Emancipist factions. Feeling reached a heightened level of intensity late in that year and in an election of directors Wollstonecraft and John Oxley were unseated by H.G.Douglass and R.C.Pritchett. Exclusives considered that this marked a takeover by the 'convict party'. In January 1826 the Bank declared a dividend of 53.5 per cent on paid up shares. This result when the demand for capital was increasing virtually invited creation of a competitor. On 21 February 1826 Berry and Wollstonecraft were hosts to a meeting in their house chaired by Oxley and attended by 'several Gentlemen of the first political, agricultural, and commercial importance' and so many others as to give the appearance of a public meeting. This gathering decided to form the Bank of Australia. Several men who had expressed interest were not invited to the meeting and it was found that the Exclusives were not prepared to allow outsiders a single share. The Monitor dubbed the new institution the

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59 Sydney Monitor, 2 July 1834. Archdeacon T.H.Scott, one of the Library's leading promoters, left it a legacy on condition that Hall's newspaper not be received into the reading room: Sydney Monitor, 14 April 1839.

60 V&PLC, 1844, v I, 8 Mar. 1844.


62 Ibid., 26 Jan. 1826.

63 Ibid., 1 Mar. 1826.
'Pure Merino' Bank$^{64}$; popularly it was known as 'Macarthur's Bank'. If Berry and Wollstonecraft were not the originators of the scheme they were at least key participants in a small group who were. Wollstonecraft topped the poll for directors$^{66}$ and continued to hold office until his death.$^{67}$ This was useful for helping to avoid too close a scrutiny of Berry & Wollstonecraft's precarious financial affairs and at a time when refusal was the common response to applications for bank accommodation.$^{68}$ Formation of the Bank of Australia caused problems for the Bank of New South Wales which led to its having to take a Government loan. Wollstonecraft as a shareholder in the 'Old Bank' and chairman of the Chamber of Commerce was influential with shareholders and with the Executive Council in coming to decisions to help the Bank survive.$^{69}$ He told Berry that all his advising and consulting with the 'Big-Wigs' would do them no harm.$^{70}$ Berry was pleased with the effect of his partner's triumph on the Government but warned that 'popular eclat is beneath contempt and to seem to enjoy a triumph impolitic'. $^{71}$ A meeting of the principal merchants of Sydney on 3 June 1826 decided on formation of the New South Wales Chamber of Commerce. It seems likely that this resulted from the initiative of Edward Wollstonecraft who was elected
chairman and became acknowledged leader of the business community. Berry became a member of the committee when it was enlarged at the next meeting.

In October 1826 Wollstonecraft and Richard Jones of the Chamber of Commerce were appointed by the Governor to sit on a committee to consider and report on the various branches of commerce and other matters connected with the prosperity of the Colony. In the course of its first year the Chamber of Commerce made submissions to the Government on a variety of matters - on nearly all receiving satisfactory replies. The Government in turn applied to it for assistance with trade or production statistics. The committee gave much time to the settlement of disputes by arbitration and in conducting numerous surveys in ships' holds and merchants' stores. The Chamber of Commerce appeared to have got off to a good start and to be serving useful purposes. It was not by its rules restrictive in membership and at the end of the first year Berry and Wollstonecraft found themselves on the committee with Daniel Cooper, an ex-convict. Nevertheless Exclusives

Robert Campbell of the Wharf, acknowledged by Wollstonecraft as 'entitled to the honourable and distinguished appellation of the Father of our Mercantile Community', had been approached on the expediency of forming the Chamber and invited to put his name at the head of the list but considered that his position as a Legislative Councillor made it necessary to decline the honour: SG, 8 July 1826.

Australian, 14 June 1826.

SG, 28 Oct. 1826. See Monitor, 17 Nov. 1826 for an attack on Wollstonecraft and Jones in connection with their service on this committee.

Monitor, 30 July 1827, Australian & SG, 1 Aug. 1827.
remained firmly in control and the Chamber subservient to Exclusive interests and the Darling administration's policies.\textsuperscript{77} It ceased to prosper, was heavily in debt by mid 1829\textsuperscript{78} and said to be 'in the last stage of consumption' in 1831\textsuperscript{79} but according to the \textit{Sydney Monitor} it was not until 1840 that it 'departed this life without a groan'.\textsuperscript{80}

Berry and Wollstonecraft were active members of the Agricultural Turf Club formed on 18 March 1825 to advance horse breeding. At a Turf Club dinner on 9 November 1827, to which Governor Darling had declined an invitation, leading 'Emancipists' W.C.Wentworth and Robert Wardell were responsible for incidents interpreted as intentional insults to Darling.\textsuperscript{81} Loyalist gentlemen were asked by Colonial Secretary Macleay to form a rival club: an application which in the circumstances could hardly be refused if one valued the Governor's favour.\textsuperscript{82} Berry and Wollstonecraft were amongst twenty-nine members of the Turf Club who resigned.\textsuperscript{83} The Australian Racing Club under the presidency of Sir John Jamison and patronage of the Governor was formed on 28 April 1828. Berry, who was in attendance, was elected third vice-president and Wollstonecraft, who was absent, to the committee.\textsuperscript{84} By the indomitable spirit of several members the old Turf Club was kept in existence to triumph in 1831 when Darling's rival

\textsuperscript{77} \textit{Sydney Monitor}, 1 & 8 Aug. 1829, 31 Oct. 1829.
\textsuperscript{78} \textit{Ibid.}, 1 Aug. 1829.
\textsuperscript{79} \textit{Ibid.}, 8 Oct. 1831, edl.
\textsuperscript{80} 31 July 1840.
\textsuperscript{82} \textit{Sydney Monitor}, 8 Oct. 1831, edl.
\textsuperscript{83} \textit{SG}, 14 April 1828.
\textsuperscript{84} \textit{Ibid.}, 25 April 1828.
body faded into oblivion, with Berry still listed as third vice-president.

Berry, it seems, had some aspirations to distinction as an author. He had long been a keeper of diaries and narratives of his voyages; materials which ultimately found some outlet in the autobiography begun in the last year of his life. His account of his rescue of survivors of the *Boyd*, written by request, was published in *Constable's Miscellany* in 1827. At the time of his return voyage to England in 1820 Berry was contemplating a book on the present state and future prospects of New South Wales.

While a student Berry acquired a particular interest in geology, then a very controversial subject, and became a disciple of James Hutton (1726-1797), a Scot considered by some 'the founder of modern geology'. Hutton's theory of the origin of rocks conflicted with the prevailing theory of Saxony's Abraham Gottlob Werner. Berry would today be seen as having backed the correct theory in a scientific dispute which long raged with some bitterness.

86 *The New South Wales Calendar and General Post Office Directory* 1832, 37.
87 Published serially *SMH*, 1873 and *St Andrews Citizen*, 1874.
88 'Particulars of the Destruction of a British Vessel on the Coast of New Zealand; with anecdotes of some New Zealand Chiefs', *Constable's Miscellany of Original and Selected Publications in the Various Departments of Literature, Science and the Arts*, v IV *Adventures of British Seamen*, Edinburgh 1827.
89 John Macarthur Sr to John Macarthur Jr 28/2/1820, Macarthur Papers, v 3 (ML A2899), 22.
From his arrival in New South Wales Berry pursued his geological hobby. On 1 January 1820 he was questioned by Commissioner Bigge in some detail on his observations. On his return to Britain he donated to the University of Edinburgh Natural History Museum various Australian curiosities, of which the principal feature was a collection of minerals. In the months following his return to the Colony Berry 'explored the geology of this coast with great ardour, from Port Stephens to Jervis's Bay'. He also examined the geological specimens collected by the Hume and Hovell expedition of 1824-1825, possibly gathered at his suggestion. In 1825 and 1827 Berry published papers which featured geological observations, but thereafter he had too much else on his mind to pursue his interest actively. In 1835 his friend James Busby of Waitangi, New Zealand gave Charles Darwin a letter of introduction to him, telling Berry:

I don't know any person to whom I could introduce him better qualified than yourself to give him an idea of what little is known of the Geology of New Holland.

Berry made no pretension to extensive knowledge of the subject and saw himself realistically as an amateur.

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92 BT Box 5, Bigge Appendix, 2063-2073.
93 Robert Cadell to Berry 4/4/1821, BP. There is no existing record of Berry's donations to this museum: letter from Dr J.T.D.Hall, Keeper of Special Collections, Edinburgh University Library 6/5/1982.
96 'On the Geology of Part of the Coast of New South Wales', in Field, ed, op.cit., reprinted SG, 17 Sep. 1827; 'Sketch of the Coast from Hunter's River to Bateman's Bay', The South-Asian Register, No. 1, October 1827.
97 James Busby to Berry -/12/1835, BP.
enthusiast attempting a small contribution in the absence of more qualified men.98

Berry a devotee of phrenology, was active in his early years in the Colony in acquiring or transmitting to others skulls of mainland Aborigines and Tasmanians.99

Berry's scientific accomplishments were not of the order of the handful of men gathered around Governor Brisbane and his observatory or of the few serious scientists who from 1826 began to assemble under the aegis of Alexander Macleay, but by the mid eighteen twenties he had established himself in the eyes of his peers as one of the small number of colonists of broad information and scholarly bent.

Elevation to the magistracy, the only public office then open to permanent residents, assured recognition of gentleman status, so it was coveted even by those not eager to perform the duties. Commissioner Bigge reported a need to augment the number of magistrates and named Berry amongst five men 'particularly qualified'.100 Both he and Wollstonecraft were included in eight new appointees to the commission of the peace made by Governor Brisbane on 26 February 1822.101 Wollstonecraft was regularly reappointed

98 Sir John Hay, 'An Australian Pioneer. Being Memorials of the Hon. Alexander Berry M.L.C. of Coolangatta, New South Wales [etc] (ML MSS 315/111), 819. This is supported by the implication of scattered remarks in the BP. See the editorial remarks on Berry's paper in the South-Asian Register pointing to deficiencies in his work.

99 Rev. R. Knopwood to Berry 11/8/1819, Berry to Knopwood 29/1/1819 [sic 1820], Berry to Wollstonecraft 19/8/1827, Berry to [Dr Good sir] 20/8/1827, BP.

100 House of Commons, Report of the Commissioner of Inquiry, on the Judicial Establishments of New South Wales, and Van Diemen's Land, 21 Feb. 1823 (facsimile edn Adelaide 1966), 82.

101 Commission 26/2/1822, CSIL, Petitions Received 1821-1822 (NSWA 4/1752), 92; SG, 1 Mar. 1822.
until his death.102 Berry held office until 1842, when the provision that Members of the Legislative Council were magistrates *ex officio* was abolished.103 Both men were active on the Sydney bench and as assessors in the Supreme Court until in 1828 Berry's nomination to the Legislative Council relieved him of participation in routine work of the magistracy. Berry fulfilled his magisterial duties without adverse comment other than inclusion in general attacks on administration of licencing regulations by merchant justices who dealt in spirits.104 Wollstonecraft, on the other hand, was the subject of a series of complaints concerning actions oppressive of convicts, ex-convicts and the Governor's critics. Berry tended to be damned by association.

E.S. Hall of the *Monitor* contended that the magistrates of New South Wales were by comparison with English justices of the peace men of very small property and such inferior endowments and education that they were 'natural and legitimate' subjects for control by press scrutiny and criticism.105 He accused them of acting not in the interest of abstract justice but in pursuit of their own material welfare and according to the views of 'the Faction'.106 Hall also frequently published hostile, accusatory or slighting comment on Berry and Wollstonecraft in their various roles or as alleged beneficiaries of Governor Darling's patronage. Neither target reacted even when the accusations were inaccurate or defamatory. Berry dismissed the likes of Hall and Robert Howe of the *Sydney Gazette* as 'despicable & profligate scribblers who preach that there


103 Berry to Col. Sec. 23/10/1850, Berry Estate (ML A720). No. 93.


106 This was the line regularly argued in Hall's newspaper.
is no other moral wrong than to punish crime unless said crime is committed against themselves'. By stigmatising 'comparatively respectable characters the great object of all of whom, even if they have erred, has clearly been to suppress disorder & crime' they promoted crime and indiscipline. For Berry it was 'humbug' to speak of torture of convicts by masters or magistrates placed in the midst of a bunch of miscreants unfit to live in Britain, many of them unfit to live anywhere save under severe restraint.107

Berry through his expression of opinion and Wollstonecraft through a number of his actions on the bench108 reveal adherence to the Tory view of the administration of justice as preeminently a matter of maintaining social discipline. The idea of equality for all men was rejected as irrational and destructive. Berry and, to a greater extent, Wollstonecraft project a view that impartial adjudication was to be expected only between equals, unless some great abuse was involved. When the Supreme Court judges overturned decisions of Exclusive magistrates Berry and Wollstonecraft saw them not as upholding the rule of law but as giving expression to their own political sympathies and considered Chief Justice Forbes the real head of Colonial 'radicalism'. His decisions were particularly resented because his position and stature precluded dismissal of his censures with disdain.109

Wollstonecraft viewed the judges as acting almost

107 Berry to Wollstonecraft 8/10/1826, BP.

108 Wollstonecraft's actions on the Sydney bench have been followed through press reports for the whole period that he sat. See for complaints about his actions at Shoalhaven by Lt Butler JP of Wollongong: Berry to Wollstonecraft 22/6/1829, 2/11/1829 & 8/12/1829, Wollstonecraft to Berry 7/7/1829, 23/1/1830. The official correspondence on this matter is missing.

109 Wollstonecraft to Col.Sec. 29/9/1830, Governor's Despatches to Secretary of State, v 18 (ML A1207), 705-710.
unnaturally against the interest of the upper class to which they belonged by shielding dissent and insubordination. He was inclined to adopt an openly hostile attitude towards them. Berry could see no advantage in needlessly arousing antagonism and periodically cautioned against display of attitudes best kept private, for 'political friendships are hollow - and political animosities may be the same'.

Prior to reform of the system of government in the early eighteen forties local politics was largely a matter of court intrigue in the hope of exerting influence on decision making.

Berry had the advantage of the voyage out for establishing friendly relations with Sir Thomas Brisbane. These relations soured as a result of Berry and Wollstonecraft opposing his financial reforms but improved again after he had fallen out with Colonial Secretary Goulburn and was asserting his personal authority. Brisbane then asked Berry to serve with officials in conducting two enquiries and appointed him a trustee for a land grant for the London Missionary Society. The Berry-Wollstonecraft correspondence reveals early feelings of detestation for Goulburn and fear that he would not pass up any opportunity to act against their interests.

Berry's relations with Sir Thomas Brisbane were in some respects closer following the latter's return to

110 Berry to Wollstonecraft 28/6/1824 & 28/12/1829, quoted, BP.


112 See e.g. Wollstonecraft to Berry 4/10/1823, BP. Both partners expressed joy at news in 1827 of the political eclipse of Goulburn's brother Henry and his following in Britain: Wollstonecraft to Berry 17/5/1827, Berry to Wollstonecraft 12/8/1827, BP.
Britain. In 1834 Berry enlisted Brisbane's support in pressing the claims to reward of the maritime explorer Captain Phillip Parker King RN.\textsuperscript{113} It was to Berry that Brisbane directed letters of introduction and requests for assistance for protégés and acquaintances emigrating to New South Wales.\textsuperscript{114} In old age Berry looked benignly on the man he had once described as a 'fool' and an 'object of contempt'\textsuperscript{115} as his 'late venerated friend'.\textsuperscript{116}

Governor Ralph Darling and his wife Elizabeth had moved in the higher circles of English society and during their residence in Sydney entertained a great deal.\textsuperscript{117} Their social gatherings helped them to acquire a small group of intimate friends, among whom were Alexander and Elizabeth Berry. Unlike her brother Elizabeth mixed easily and charmed all who met her. One of Eliza Darling's last acts before leaving Sydney was to pen a note to Elizabeth Berry to thank her for 'many acts of kindness'.\textsuperscript{118}

Darling's administration was marked by use of the Governor's powers to advantage relatives and favourites and punish opponents or critics.\textsuperscript{119} The liberal press took to

\textsuperscript{113} Brisbane to Berry 12/9/1834 & 23/3/1835, Berry to King 31/8/1835, BP.

\textsuperscript{114} Brisbane to Berry 12/9/1834, 23/3/1835, 9/4/1835, 22/2/1837, 1/5/1837 & 14/4/1838, BP.

\textsuperscript{115} Berry to Wollstonecraft 7/4/1827, BP.

\textsuperscript{116} Berry to Mr Justice E.Wise 23/11/1864, bound in front of half title page of ML copy of Sir Thomas Brisbane, Reminiscences of General Sir Thomas Makdougall Brisbane, Edinburgh 1860.

\textsuperscript{117} Elizabeth Macarthur to Miss Kingdon -/3/1827, in Onslow, ed., \textit{op.cit.}, 458; Therry, \textit{op.cit.}, 57; Fletcher, \textit{op.cit.}, 209, 216-217.

\textsuperscript{118} E.Darling to E.Berry 1/10/1831, BP.

\textsuperscript{119} \textit{Sydney Monitor}, 4 April 1829, 21 Nov. 1829 & 29 Feb. 1832; John Dunmore Lang, \textit{An Historical and Statistical Account of New South Wales both as a Penal Settlement and as a British Colony}, London 1834, v I, 184-185; D.W.Rawson, 'Factions in New South Wales Politics 1820-1840', MA thesis University of Melbourne 1951,
referring to the Darling-Dumaresq connection as 'The Family', expanding this to the 'Two Families' especially after a daughter of Colonial Secretary Macleay, leader of the Exclusives and a major beneficiary of the Governor's largesse, married Darling's brother-in-law Captain William Dumaresq. Hall of the Sydney Monitor persistently pilloried Berry & Wollstonecraft as Government House favourites in receipt of valuable advantages and in January 1829 called them 'a third faction or family, which we shall by way of distinction call the Shoal-haven Rump, the smoking family, or the Court-Intriguing Club'. Contrary to the impression Hall created the partners neither sought nor received any grant of land from Darling and his decisions on a number of their applications concerning recognition or location of purchases of promises to grants were in accordance with strict impartiality and unfavourable to them. The frequently repeated allegations that a rise in tobacco duty and imposition of a 'rent' on cedar cut on Crown land were designed to advantage them involved in each case a misunderstanding of the Government's long-term purposes and the nature of Berry & Wollstonecraft's operations. Yet in less blatant ways Berry and Wollstonecraft were rewarded for their loyalty. They were permitted to rent thousands of acres of Crown land whereas Hall and other opponents of the administration were refused a grant and not allowed to lease a single acre. Berry & Wollstonecraft did not receive from the

104; Nancy Gray, 'Dumaresq, Henry (1792-1838), and William John (1793-1868), ADB, v I, 333-335.

120 Elizabeth Macarthur to Edward Macarthur 27/12/1830, Onslow, ed., op.cit., 462; Sydney Monitor, 13 Jan. 1829.

121 Ibid., 13 Jan. 1829.

122 Liston, op.cit., 344-345.

123 Sydney Monitor, 2 May 1829: letter Hall to Secretary of State Murray (also in HRA, v XV, 63-64).
Assignment Board created in 1827 convict servants in the numbers they wanted\textsuperscript{124} but, as with other men in favour, they were looked after by being assigned skilled men and allowed to weed their complement of undesirables and replace them\textsuperscript{125}.

On 2 April 1828 Charles Throsby created a vacancy in the small nominated Legislative Council by blowing out his brains. Berry was elevated to the inner elite of colonists by nomination to replace Throsby\textsuperscript{126} being sworn in on 30 June 1828\textsuperscript{127} and taking a seat he was to occupy until 10 May 1861\textsuperscript{128}. He had not been amongst ten men named by Brisbane in 1824 as suitable individuals from whom to choose the first non-official members\textsuperscript{129}. Darling was less than enthusiastic. He named Berry only after his first choice attempted suicide and told Secretary of State Huskisson that it had been difficult to find a suitable person\textsuperscript{130}. Darling wrote:

\begin{quote}
Mr. Berry is a considerable landed Proprietor and the head of a Mercantile House under the Firm of "Berry and Wollstonecraft", which is closing its concerns, the Partners intending to confine themselves to the cultivation of their land and the improvement of their Flocks and Herds. I have only to add that Mr. Berry is a well informed Man of Sound principles and a Most respectable character.\textsuperscript{131}
\end{quote}

\textsuperscript{124} For example, in 1829 Berry applied for fourteen hands from a newly arrived convict transport but did not receive any: Berry to Wollstonecraft 1/9/1829, BP.

\textsuperscript{125} *Sydney Monitor*, 21 Mar. 1834.

\textsuperscript{126} *SG*, 14 April 1828.

\textsuperscript{127} *Minutes NSWLC*, 1824-1837, 45, 30 June 1828.

\textsuperscript{128} Berry was re-appointed 20 Oct. 1837, 17 July 1843, 8 Dec. 1848, 13 Oct. 1851 and 13 May 1856.

\textsuperscript{129} Brisbane to Bathurst 1/11/1824, *HRA*, v XI, 406.

\textsuperscript{130} Darling to Huskisson 5/4/1828, *ibid.*, v XIV, 119; Fletcher, *op.cit.*, 263.

\textsuperscript{131} Darling to Huskisson 14/4/1828, *HRA*, v XIV, 153.
According to the press Berry’s appointment caused astonishment. Probably, as Hall alleged, Berry’s ‘cardinal virtue’ was his ‘quietness’.\textsuperscript{132} He could be depended upon by an administration increasingly under attack.

The opposition press espousing representative government argued that the ‘stupid’ and ‘malicious’ laws of Darling’s administration were possible only because the non-official nominees were dependent oligarchs submissive in the face of the Governor’s power to give or withhold land and convicts.\textsuperscript{133} This legislature was accused of passing a number of laws relating to impounding, fencing, the census, magistracy and press designed to advantage the Faction and especially its large landowner members.\textsuperscript{134} Legislation relating to land, as with other changes for the next decade or more, could be interpreted as intended to keep poor men as landless labourers by putting all sorts of impediments in the way of obtaining a small holding. Berry claimed to have taken ‘a principal part’ in passing the Fencing Act of 1828\textsuperscript{135} which enabled any landholder to require a neighbour to share the cost of fencing their common boundary. If the neighbour failed to comply the applicant could fence and charge interest on any portion of the neighbour’s half left unpaid. This seems unexceptionable but Hall denounced it as a device for allowing a rich settler to drive away or ruin a small settler by forcing on him a mounting debt when he could not afford to fence.\textsuperscript{136} Berry certainly intended the Act to be available for use in this way and he and Wollstonecraft

\begin{itemize}
\item \textsuperscript{132} SG, 21 April 1828; Monitor, 30 April 1828, edl. See also Sydney Monitor, 22 Nov. 1828.
\item \textsuperscript{133} Australian, 16 Sep. 1831; Sydney Monitor, 14 Mar. 1832, edl.
\item \textsuperscript{134} Ibid., passim. & espec. 12 Feb. 1831, edl.
\item \textsuperscript{135} Berry to David Berry 14/2/1853, BP.
\item \textsuperscript{136} Sydney Monitor, 2 May 1829, Hall to Murray (also HRA, v XV, 64-65).
\end{itemize}
were determined to take full advantage. Berry received, along with John Macarthur, credit or blame for the Impounding Act of 1828 designed to deal with small herds intruded on the unfenced runs of large landowners.

On 14 April 1829 W.C. Wentworth sent to Darling for forwarding to the Secretary of State a sixty-eight page letter in which he impeached the Governor for his administration of New South Wales and claimed to establish against him a charge of murdering Private Joseph Sudds. Wentworth had his letter printed as a pamphlet for circulation in Britain and released some copies locally. Berry, Thomas Icely (a young magistrate with very extensive land holdings) and W.J. Browne (merchant, landholder, agent of the Governor's in-laws the Dumaresqs), drafted an address supporting Darling's administration against the impeachment and the aspersions of 'licentious public writers'. Berry and Icely were said to have ridden hundreds of miles between them to collect signatures from respectable individuals in all parts of the Colony. Berry headed the deputation which presented the address. He claimed credit for his address having beneficial effects in causing the judges to take firm action against libellous editors and producing 'an awful revolution in Politics' but the opposition press dismissed it because there had been no attempt to test mass opinion.

137 Wollstonecraft to Berry 30/6/1829, 30/7/1829 & 25/9/1829; Berry to Wollstonecraft 3/12/1829, BP.

138 Sydney Monitor, 2 May 1829.

139 Currey, op. cit., Ch. XXXIII.

140 SG, 7 July 1829, text.


142 SG, 1 July 1830.

143 Berry to Wollstonecraft 22 & 25/6/1829, BP.

Following his organisation of support for the embattled Governor Berry's star rose. In October 1829 it was reported that he was often closeted with Darling and Colonial Secretary Macleay 'as a kind of cabinet minister'.\textsuperscript{145} From this period he was otherwise regularly listed, sometimes with Wollstonecraft, amongst a small group of favoured advisers.\textsuperscript{146}

Even while they were in greatest favour Wollstonecraft was privately highly critical of the administration, seeing its moves in response to a Colonial Office demand for better relations with Chief Justice Forbes as 'nothing less than sheer crouching to the Radicals and their Chief'.\textsuperscript{147} Berry's reply, setting out his view of politics, the current Government and correct policy for the partners, is worth quoting at length:

Although the politics of Botany Bay may be compared to the politics of a County town in England - nevertheless all politics are mere ambition or interest. Violent Democrats are merely Tyrants in disguise, who being disappointed in the attainment of legitimate power wish to Govern by means of the mob. The Chief of the Radicals is a Democrat from Birth & Education, being born in Bermuda & educated in New England. His interest is however opposed to his principles, and he has that stake in the Colony that no doubt he would wish to see it prosper - and upon the whole it is perhaps better to see a man in his situation with his principles, than a man with ultra autocratical ideas - it is I think the least of two evils. In all places there is a struggle between the Government & the people the one want power & the other priviledge[]. We have neither interest ambition nor inclination to be heads of Parties. Our interest is only the preservation of good order & we are not such fools as to allow ourselves to be the tools of any Party or set of men - or even of the Government - of course from the stake we have in the Colony & from the advantages we have received with respect to land - it is only reasonable that we should give fair & moderate support to the Government in all their measures which may appear for the good of the Colony - and any application which we make to them we do for our own

\textsuperscript{145} \textit{Ibid.}, 17 Oct. 1829, edl, addressed to Sir George Murray.

\textsuperscript{146} \textit{Ibid.}, 28 Sep. 1829, 12 Dec. 1829, 30 April 1833.

\textsuperscript{147} Wollstonecraft to Berry 15/12/1829, BP.
advantage .... We have perhaps been too eager to support the present Government - and they on the other hand have done us little good. Still they have done us no harm & I do not think we have wanted for our share of the every day favors with respect to men.

Darling wished well to his friends but from the popular clamour against him was afraid to do them any special favour. Berry was determined 'not to be overheated with politics' and from the ill-faith he had seen in Sydney politics considered it 'necessary to keep our own counsel'.

During Darling's term and until the later eighteen thirties the aristocratic principle experienced its hey-day in New South Wales. An educated class of settler on large estates presided over a subjugated work force predominantly of convicts and ex-convicts. They administered justice at the grass roots as unpaid magistrates, thus combining economic and legal power in the English manner, and a few of them represented local interests in the Legislative Council. For a short period the Church of England was established and given one seventh of the land. Nevertheless there was a large element of the 'plantation' society outlook, deriving from the weakness of the sense of obligation to subordinate classes and lack of regard for their legal rights. The corrupting effect of power over helpless convicts is epitomised in the remark of a settler who described himself as one who 'fed well, clothed well, worked well and flogged well'.

Whig Lord Howick in 1834 compared free settlers and the native born to whites of the West Indies, ex-convicts to free coloreds and convicts to negro slaves.

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148 Berry to Wollstonecraft 28/12/1829, BP.
149 John Lang, Botany Bay, London 1859, 82.
150 Howick to Melbourne 18/12/1834, cited Ward, op.cit., 90.