

MACQUARIE UNIVERSITY

RACE AND ETHNICITY:

A Study of the Response of British Colonists
to Aborigines, Chinese and non-British
Europeans in New South Wales, 1856-1881.

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SUMMARY

There were four principal aspirations or beliefs - ethnocentrism, racism, liberalism, and the desire to maintain the British character of the community - underlying the response of British to non-British people in the colony. Depending on differences between the three major non-British groups in physical appearance, conformity to British social norms, numbers, and economic role, different responses to each resulted. Disagreement over the proper response to a particular group occurred either because one or more of these aspirations or beliefs was not held, or because the character of the non-British group in question was variously judged.

The responses to Aborigines after dispossession was complete were primarily of contempt and indifference. Aborigines were a poverty-stricken, socially outcast, and politically powerless minority, believed to be racially inferior and "doomed to extinction". From the 1870's greater efforts were made to isolate and materially assist them, and to impart to them some of the habits of the British way of life.

Chinese were similarly regarded as racially inferior, but, because of their increasing numbers and economic

competition with Europeans, were usually hated and feared. Twice, in 1861 and 1881, Acts were passed to limit their immigration. Between 1862 and 1877, when their numbers were decreasing and they were engaged in occupations where they did not compete with Europeans, relations were fairly harmonious, but in the preceding and following years, when the opposite conditions prevailed, they were opposed as an economic, social, political, moral, and racial threat to the colony.

Non-British Europeans, because of their social conformity and low numbers, and because they were seen to be racially similar to the British themselves, were accepted. Some maintained a sense of a distinct identity, and there was some residential and occupational clusterings, especially in German farming communities, but on the whole they were assimilated into British colonial society.

DECLARATION

I hereby declare that this thesis has not been submitted in whole or in part for a higher degree to any other university or institution.

Ann Corliss

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The first part of the title of this thesis is taken from the title of Pierre L. van den Berghe's Race and Ethnicity: Essays in Comparative Sociology (New York, 1970), and reflects a general intellectual debt to his work.

ABBREVIATIONS

A.I.A.S.	Australian Institute of Aboriginal Studies, Canberra
A.N.U.	Australian National University
A.O.	Archives Office of New South Wales
<u>B.F.P.</u>	<u>Bathurst Free Press and Mining Journal</u>
C.C.C.L.	Chief Commissioner of Crown Lands
C.C.L.	Commissioner of Crown Lands
C.O.	Colonial Office
C.S.I.L.	Colonial Secretary, In Letters
C.S.S.B.	Colonial Secretary, Special Bundle
Col. Sec.	Colonial Secretary
G.C.	Gold Commissioner
G.D.	Governor's Despatches
<u>H.R.A.</u>	<u>Historical Records of Australia</u>
<u>H.S.</u>	<u>Historical Studies, Australian and New Zealand</u>
J.	Journal
L.A.	Legislative Assembly
L.C.	Legislative Council
Lands I.L.	Lands Department, In Letters
M.L.	Mitchell Library, Sydney

Melb. U.	University of Melbourne
P.D.	Parliamentary Debates
P.P.	Parliamentary Papers
Q.U.	University of Queensland
<u>R.A.H.S.J. & P.</u>	<u>Royal Australian Historical Society, Journal and Proceedings</u>
<u>S.M.H.</u>	<u>Sydney Morning Herald</u>
U.N.E.	University of New England
<u>V. & P.</u>	<u>Votes and Proceedings</u>

INTRODUCTION

As a study of the British colonial response to non-British peoples in the colony of New South Wales over a twenty-five year period, this thesis is a study of both beliefs and relations. The beliefs and relations with which it is particularly concerned are those of racism and race relations, but for an understanding of these it has been considered necessary to place them within the wider context of other British colonial beliefs about ethnic groups, and of ethnic relations.

Ethnic groups are here defined as groups in contact with one another, differing in place of origin, and maintaining a distinctive identity through close primary relationships. Such groups usually maintain distinct cultural habits (though not necessarily the same habits as before contact), or are at least thought by other groups to do so. The major ethnic groups in New South Wales with which this thesis is concerned are the British, Aborigines, Chinese, and non-British Europeans. These were not the only ethnic divisions present in the colony. There are good grounds, for example, for considering colonists of Irish origin and Roman Catholic religion as constituting an ethnic group distinct from other British colonists, but the relations between Irish, English, and Scots have been

set outside the scope of this thesis. All three groups will be referred to simply as "British", and considered to form one large ethnic group. This somewhat arbitrary approach can be justified on the grounds that, when relations with Aborigines, Chinese, and non-British Europeans were at the time considered, English, Irish, and Scots alike nearly always referred to themselves as "British", and saw themselves as one distinct people.

Not all the groups discussed considered themselves as constituting one distinct group. Aborigines, for example, while distinguishing themselves from all other groups, did not consider themselves as one people. They were, however, regarded as such by British colonists, as being, whatever their differing tribal origins, all "Aborigines", and thus can be considered as one ethnic group. Chinese in New South Wales, too, were divided amongst themselves according to their region of origin, but had a greater sense of their unity than did Aborigines, and were certainly seen as one people by British colonists. The greatest difficulties for group classification, however, are presented by the non-British Europeans in the colony, since they did not see themselves as a group, and were not often referred to as such by the British colonists. Yet demographers and historians have found it useful to consider them as a group, and for the purpose of this study, because of their similar relation to British

colonial society, they can be considered as such. It should nevertheless be made clear that only some of them retained distinct cultural characteristics, and a strong sense of ethnic identity.

Ethnic groups need not necessarily differ from one another in physical appearance. Group differences in physical appearance, such as in skin colour, facial features, and cranial shape, may be described as "racial" differences, if the term "race" is carefully defined.¹ "Races" here are defined as various sub-species of homo sapiens. Many different racial classifications have been used, a common one being the classification of all people as either Mongoloid, Caucasoid, or Negroid. But such divisions have been found to be rather arbitrary, and do not easily include all peoples. While such classifications may be useful for discovering the origin and migration of various peoples, they are not of particular concern to this thesis. What matters here is that the differences in physical appearance between ethnic groups in the colony were regarded as socially important.

The behavioural differences between ethnic groups in the colony may be accounted for in several ways - in terms of the

1. For a good discussion of the problems involved in defining "race" and "racism", a discussion from which the present definitions are largely drawn, see Pierre L. van den Berghe, Race and Racism: A Comparative Perspective (New York, 1967), pp. 9-11.

separate history of each group before contact, and in terms of the conditions of contact itself. Chinese, Aborigines, and some non-British Europeans can be seen to have maintained habits and an identity distinct from those of the British majority after contact for reasons of, for example, ethnic pride, the need for cohesion, and the maintenance of identity in the face of hostile actions from British colonists. The reasons for the maintenance of identity after contact will form one of the major concerns of this thesis. An explanation that will not be used here, however, is that such differences were maintained because of differences between ethnic groups in mental and moral attributes and capacities.

Such an explanation may be termed "racism". In this mode of thinking "race" is not used simply to classify human groups according to physical appearance, but to suggest that a "race" is a human group differing from others in both non-physical capacity and innate (usually observable) physical characteristics, the two differences being seen as intrinsically related.² To racists, physical appearance will often be seen as a guide to non-physical capacities and propensities. Racism is usually invoked to explain not only the differences in behaviour between ethnic groups when not in contact, but

2. Ibid., p.11.

also the persistence of differences (if in a changed form) after contact.

The distinction between "racism" and "racialism" preferred by some historians and sociologists has not been adopted here. The distinction has been made variously, with "racism" being used to refer to an ideology and "racialism" to a less coherent attitude, or alternatively, "racism" to refer to beliefs, and "racialism" to actions.³ Such a distinction has not been found to be useful. "Racism" is here used to describe a particular belief, which may be expressed either at the level of coherent ideology or at the social everyday level. Actions involving this belief have not been especially designated, though one may speak of "racial antagonism" or "racial" or "race hostility".

As distinct from racism, "ethnocentrism" is here defined as the belief that the way of life, or culture, of one's own ethnic group is superior. A group may, of course, be ethnocentric without necessarily resorting to a racist

3. For an example of the first see W.E.H. Stanner, "Australia and Racialism", in F.S. Stevens (ed), Racism: The Australian Experience, a Study of Race Prejudice in Australia (Sydney 1971), vol. 1, p. 8 (This is a slightly revised version of an article of the same title which first appeared in St. Mark's Review, no. 43 (February 1966), pp. 1-11); for an example of the second see Michael Banton, Race Relations (London 1967), pp. 7-8.

mode of explaining its own assumed superiority. When it does (or some of its members do), it sees its cultural superiority to be the product of the superior moral and mental capacities of its members, which are in turn usually seen to be related to and signified by its particular physical appearance.

If the relations between ethnic groups may be termed "ethnic relations", "race relations" can be considered as a special case of ethnic relations. Race relations are those ethnic relations in which one or each group employs racist belief in reference to the other, and acts accordingly. Thus the relations between Aborigines and British colonists, and between Chinese and British colonists, can usually be described as race relations, while the relations between British and non-British Europeans can only marginally be described as such, for each group in this case only marginally employed race-thinking in reference to the other.

After the first contact of distinct ethnic groups a number of possible adjustments or maladjustments can be made between these groups. These include "assimilation", "fusion", "ethnic pluralism", "ethnic stratification", "ethnic conflict", and "race conflict". "Assimilation" occurs through the loss by minority ethnic groups of their cultural difference and distinctive identity, their

"ethnicity", so that they conform to, and become part of, the dominant ethnic group. It involves a high degree of dispersion of the minority group, and intermarriage. "Fusion" by contrast, occurs when there is an interchange of cultural habits between peoples, and there emerges a common ethnic identity formed from an amalgam of all the elements, and different from any one of those elements.⁴ It has, in fact, little relevance, in terms either of aspiration or reality, for the place, period, and people under study.

"Ethnic pluralism" occurs when each group maintains distinct cultural habits and or sense of ethnic identity within the context of one society. When the relations between ethnic groups are on a basis of inequality, a system of "ethnic stratification" exists. "Ethnic conflict" occurs when ethnic groups neither assimilate nor establish fixed places in an ethnically plural or stratified society, but are engaged in a struggle for dominance over or exclusion of other ethnic groups. Such conflict becomes "race conflict" when racism is involved. To describe a social conflict, however, as "race conflict" does not imply that the conflict

4. See A. Joan Metge, "Alternative Policy Patterns in Multi-racial Societies", in R.H. Brookes, and I.H. Kawharu (eds), Administration in New Zealand's Multi-racial Society (Wellington 1967), p. 55.

can be interpreted purely as a function of the employment by at least one group of racist thinking, but rather that, while conflict may occur for many reasons, racism is one component of that conflict.

Colonial society was, of course, divided not only along ethnic lines, but also in other ways - by sex, religion, social status, and economic position. No attempt has been made, in reference to the last two of these, to offer a thoroughgoing class analysis of colonial society in this period, for this is an immense task beyond the scope of this thesis. In the absence of such an analysis, or of a suitable analysis by others, certain decisions concerning terminology have had to be made. Groups have been defined both according to specific economic position - for example, "pastoralists", "miners", "artisans", "manufacturers" - and according to more general categories based on those positions - "employers" (denoting pastoralists, manufacturers, merchants), "middle class" (denoting self-employed and professional people), and "working class" (denoting, usually, wage earners).⁵ Such a classification

5. For an argument opposing such a use of "working class" for colonial society in this period, see T.H. Irving's untitled contribution to "Symposium: What is Labour History?", in Labour History, no. 12 (May 1967) pp. 77-81.

is far from definitive; it does, on the other hand, generally meet the necessities of the situations under study.

The methodological departure of this thesis for Australian historiography is the attempt to consider and compare three major situations of contact between British and non-British peoples in the colony of New South Wales. Although there is now a quite substantial body of work dealing with the history of British colonial attitudes to Aborigines and to Chinese, and with the history of relations between British colonists and Aborigines, British colonists and Chinese immigrants, and British colonists and non-British European immigrants, little attempt has been made to see the connections between them.

The reasons for (and value of) considering these situations in relation to one another are manifold. Firstly, there is the need to find out whether British colonists brought to, and developed from, each situation common assumptions and beliefs about non-British peoples and their possible relation to British colonial society. Secondly, there is the question of the degree to which each contact experience affected the British colonial approach to the other contact experiences. Thirdly, and possibly most importantly, there is the probability that, in comparing various contact situations and the beliefs and relations

arising from them, the conditions or reasons for the emergence of these beliefs and relations can be better defined than if only one situation were studied.

Historians, until recently, were not interested in the first two of these concerns, and did not see the comparative approach used here as useful to the third. Thus the various elements of colonial racism and ethnic and race relations were studied in isolation. This isolation hampered understanding not only of the parallels and continuities in colonial experiences of ethnic contact, but also of the meaning and significance of any one experience. The hostility towards, and eventual exclusion of, Chinese, for example, will be interpreted differently according to whether it is seen as an isolated response to an unusual or unique situation, or as one part of the process of establishing a British community in a "new" area. Those historians who were reluctant to grant racism any importance in the opposition to the Chinese did so partly because they believed racism to be generally of little importance in colonial, and later, Australian thinking.

Such a view was based on, among other things, an almost complete lack of awareness by historians concerned with the origins of the White Australia policy of the ideological and attitudinal components of colonial treatment of Aborigines.

(Sometimes it was based on a lack of awareness of Aborigines. Myra Willard, for example, in her History of the White Australia Policy, referred to Australia before British settlement as "the empty land to the south".)⁶ The most outstanding example of this, as has already been pointed out,⁷ was Russell Ward's assertion that "racial intolerance" first appeared in the colonies with the goldrushes of the 1850's, and was probably introduced by "middle-class", and especially American, miners.⁸ Unable to see that the treatment of Aborigines, which he mentioned and described as "brutal", had already involved "racial intolerance" and certain beliefs about the possible role of "coloured races" in colonial society, Ward felt forced to look to sinister external influences to explain the anti-Chinese hostilities expressed on the goldfields.

Yet Ward's inability to see any similarity in the approach to Aborigines and to Chinese was not an exception. It was, in fact, the rule. Historians generally, when

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- 6. Myra Willard, History of the White Australia Policy to 1920 (Melbourne 1967), p. xi.
 - 7. M.C. Hartwig, "Aborigines and Racism: An Historical Perspective", in Stevens (ed), op.cit., vol. 2, p. 9.
 - 8. Russel Ward, "An Australian Legend", R.A.H.S.J. & P., vol. 47, pt. 6 (December 1961), pp. 335-51.

concerned with the problem of how far objections to the Chinese in the second half of the nineteenth century were based on racism, did not consider the attitude towards, and treatment of, Aborigines as relevant to their problem. One of the more recently published works on attitudes towards Chinese did not reveal a departure from the established approach. A.T. Yarwood, in his introduction to a collection of documents entitled Attitudes to Non-European Immigration published in 1968, discussed the growth of race consciousness in the 1880's and 1890's and mentioned Australian experience as one where "freedom from racial divisions, in which differences of language, religion and custom were identified with skin colour, made for a relatively harmonious evolution of social and political institutions", without in either case recognising the bearing of the attitudes towards, and presence of, Aborigines on his concerns.⁹

Conversely, historians of Aboriginal-European relations made, until recently, little reference to the opposition to the Chinese. The omission was not damaging to the study of frontier conflict, at least in New South Wales, but did tend to limit the ability to explain the approach towards

9. A.T. Yarwood, Attitudes to Non-European Immigration (Melbourne 1968), p. 2.

Aborigines after conflict had ceased. Because Chinese were seen as a threat to certain colonial ideals, and Aborigines, after frontier conflict was over, were not, British colonists elucidated far more clearly in relation to Chinese than to Aborigines those ideals. These ideals included a desire to maintain British nationality, an opposition to ethnic divisions in society and to "cheap labour", and a desire for political equality. These ideals, rarely expressed in relation to Aborigines, were nevertheless important in determining the British colonial approach to them. Aborigines, by their presence, distinctness, and disenfranchisement, and by being employed as very cheap labour indeed, contradicted such ideals. It was, in fact, because they remained in contradiction to, but could not because of their decreasing numbers and employment in non-competitive areas of the economy be seen to threaten, colonial society, that they could be so thoroughly ignored. This very indifference itself makes it difficult to discover the assumptions behind the British colonial post-conflict attitudes to Aborigines, and it is only by going beyond the immediate situation to other relevant situations that these assumptions become clear.

The enquiry into the origins of the White Australia Policy and that into the history of Aboriginal-European relations thus remained for a long time quite distinct. Yet

the beginnings of contact between the two areas of study are now being made. Since the mid-'sixties, it has been suggested, both in public political debate and in scholarly work, that certain common attitudes, especially that of racial superiority, were evident in situations of contact of British colonists with both Aborigines and Chinese. An anthropologist, W.E.H. Stanner, was one of the first to suggest a connection, in 1966, though he exhibited the same inability to see the importance of racism in the earlier conflict with Aborigines as Ward had done.¹⁰ In an article, "Australia and Racism", he suggested that racism, or, as he prefers, racialism, first appeared in response to proposals to introduce Indian and Chinese indentured labourers in the 1830's and 1840's, and was consolidated in response to Chinese goldseeking immigrants. This experience, he suggested, together with the influence in the second half of the nineteenth century of European race-thinking based on "some bad history, nonsensical anthropology, and reactionary politics", led, for the first time, to the expression of racism in reference to Aborigines.

Peter Biskup, in 1968, and R.H.W. Reece, in 1969, both suggested a causal and sequential connection between

10. Stanner, loc.cit.

the British colonial treatment of Aborigines and Chinese.¹¹ As Reece put it, "There can be little doubt that contact with the Aborigines helped mould an attitude to non-Europeans which was later expressed in violent attacks on the Chinese and the immigration restrictions of 'White Australia'". Common in each case, Reece suggested, was the definition by British colonists of themselves as "civilised", and the contacted non-European peoples as "uncivilised". In the following year, Humphrey McQueen, in A New Britannia, suggested but did not then fully draw out, a close connection between thinking about Aborigines and about non-European immigrants, especially the Chinese.¹² "Racism", he suggested, was inherent in three major Australian situations: "the destruction of the aborigines; the dominance of the Pacific; the fear of an Asiatic invasion". Racism as it was expressed in reference to Aborigines, however, was, as McQueen himself remarked, scarcely discussed in the book, and the opportunity for the moment, not taken up. Another lost opportunity

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11. Peter Biskup, "White-Aboriginal Relations in Western Australia: An Overview", Comparative Studies in Society and History, vol. X (1967-8), p. 453; R.H.W. Reece, The Aborigines and Colonial Society in New South Wales before 1850, with Special Reference to the Period of the Gipps Administration 1838-1846 (M.A. thesis, Q.U., 1969), p. 235.
 12. Humphrey McQueen, A New Britannia (Melbourne 1970), p. 42.

occurred when C.D. Rowley, in The Destruction of Aboriginal Society, noted that the desire for a "white Australia" affected twentieth century policy and attitudes towards Aborigines, but did not go on to suggest how similar desires in the colonial period may have had a similar effect.¹³

The most recent and far-reaching attempt to see a relation between the various situations of contact between British and non-British peoples in Australia was in the three volume project under the editorship of F.S. Stevens, entitled Racism: The Australian Experience.¹⁴ Stevens was concerned with racism in Australia in its various manifestations, and his three volumes dealt with racism in reference to immigrant groups and immigration policy, to Aborigines, and to foreign and imperial policy. Stevens's project indicated how racism must be understood not only as evident in contact situations occurring within the country itself, but as evident also in Australian approaches to the world at large. While recognising the truth of this, this thesis will deal only with internal situations of contact

13. C.D. Rowley, The Destruction of Aboriginal Society (Melbourne, 1972), pp. 232, 285, 321.

14. F.S. Stevens (ed), Racism: The Australian Experience A Study of Race Prejudice in Australia, Vol. 1, Prejudice and Xenophobia (Sydney 1971), vo. 2, Black Versus White (Sydney, 1972), vol. 3, Colonialism (Sydney, 1972).

between British and non-British peoples. The interesting and relevant question of how British colonists in New South Wales in this period saw their relations with their non-British neighbours, and with the world at large, has been reluctantly set outside the scope of the study.

Stevens's project reflected both the fragmentation of Australian race studies, and the increased awareness of the possibility of synthesising, through the concept of "racism", the findings of those studies. Most of the contributors to the project dealt with one of the contact situations only, and few attempted to see the relations between them. Exceptions include McQueen's discussion of racism as evident in, or presented by, literature dealing with both Aborigines and Chinese, and R.V. Hall's similar discussion of racism in the Australian nineteenth and twentieth century press.¹⁵ Sol Encel, in his chapter "The Nature of Race Prejudice in Australia", suggested a relationship between, as he put it, "the two traditional manifestations of racialism in this country" - "the maintenance of white Australia and the repression of Aboriginal Australians".¹⁶

15. H.O. McQueen, "Racism and Australian Literature", in Stevens (ed), op.cit., vol. 1, pp. 115-22; R.V. Hall "Racism and the Press", in Stevens, op.cit., vol. 1, pp. 123-35.

16. Sol Encel, "The Nature of Race Prejudice in Australia", in Stevens, op.cit., vol. 1, p.36.

Donald G. Baker made a similar point; not only in Australia, he suggested, but also in comparable "Anglo" societies such as the United States, Canada, New Zealand, and South Africa, racism was manifested in actions and attitudes towards both indigenous peoples and Asian immigrants.¹⁷

If one sees that racism was evident in the response to non-Europeans generally, one is led also to ask why racism in its various manifestations occurred. This is a question which can be more easily answered on a macro-historical and inter-regional comparative basis than within the confines of a detailed study of one region during a short period. Certain generalisations have already been advanced, especially by several of Stevens's contributors - Encel, Baker, and M.C. Hartwig - and by McQueen in A New Britannia. Both Encel and McQueen cite, in an attempt to define the foundations of Australian racism, Australia's geographical position and identification with Britain. Where McQueen, however, sees these as having resulted in a situation of aggression - "Australia's economic and geographical position as the advance guard of European conquest" - Encel sees them as leading to a defensive one, where white Australians feared military attack or peaceful

17. Donald C. Baker, "Australia and Anglo-Racism", in Stevens, op.cit., vol. 3, pp. 19-38.

invasion by non-Europeans, and felt it necessary to defend the British character of the country.¹⁸

While both geographical/economic position and identification with Britain were undoubtedly important, there are further fundamental elements in the Australian situation which must be defined if the reasons for the expression of racism are to be understood. Both Hartwig and Baker make use of comparative perspectives to suggest some further elements. Hartwig defines these as, firstly, the character of western colonial culture which, in being ethnocentric, saw non-Europeans (referring specifically to Aborigines) as behaving in an inferior manner, and, in being egalitarian, saw them as being necessarily excluded from society since, as inferiors, they could not be treated as equals.¹⁹ Australians were racist, secondly, because of the influence of biological evolutionism based on Darwinist theory, and thirdly, because of the need to rationalise the dispossession and/or exploitation of non-European peoples. Baker's suggestions for the foundations of racism are rather similar, for, in describing racism as the product of the Anglo-colonial "somatic and cultural predispositions interacting

18. McQueen, A New Britannia, p. 42; Encel, loc.cit., p. 34.

19. Hartwig, loc.cit., pp. 9-24.

with the desire for power and privilege", he, too, stresses the character of western culture, especially in its ethnocentricity, and the need to rationalise dispossession and exploitation.

Such generalisations are tested, as far as is possible, in this study. The approach adopted here is one which, like that of the above historians and sociologists, sees racism and racial antagonism not as mystical or instinctual forces but as the products of experience. At the most general level the experience in which British colonists were engaged was the establishment and consolidation of a British community in occupied territory, an enterprise which brought them into contact with a number of non-British peoples. An analysis of racism, and of the treatment of the non-British groups contacted, must thus rest firstly on an understanding of the character of British colonial aspirations, and of how and why non-British groups might be seen to conflict with the achievement of those aspirations. Next, there must be a recognition that British colonists had the power to achieve dominance over the groups contacted, to ensure that these groups did not, in one way or another, interfere with the essential task of establishing and consolidating a British community. Equally necessary is an understanding of the economic and political structure of colonial society: the change from a chiefly pastoral to a more diversified

economy, for example, had profound effects on the possible roles of non-British peoples in the colonial economy, while the institution of self-government and of predominantly "liberal" politics greatly affected the policies and practices arising from racist assumptions. Finally, of crucial importance to an explanation of why different non-British peoples were treated differently is a knowledge of the size (and rate of increase or decrease in size), power, social behaviour, and economic role of each non-British group.

If explanatory theories of Australian racism have been advanced by a number of historians and sociologists, it is also true that the statements that there have been common features in the various situations of ethnic contact within the colony have so far remained at the purely suggestive level. This thesis attempts to examine these suggestions, and to determine more specifically, and in greater detail, the nature of what was common. More importantly, however, it attempts to discover, through looking at the various contact situations, why particular systems of ethnic or race relations emerged. There is, that is to say, an attempt to discover those conditions under which conflict occurred, and those conditions under which some kind of adjustment, equal or unequal, was made. The approach has been to look, with these two major tasks in

mind, at each situation separately. This approach was necessitated by the fact that, for this period and region, none of the situations had so far been adequately researched. Until a detailed examination of each situation was made, and an understanding of each achieved, no real comparison was possible.

Thus the thesis begins with a chapter outlining the historical background to the two major contact situations - those with Aborigines and Chinese. The period of Aboriginal-European contact before 1856 in New South Wales has now been well researched and discussed, in most detail by Barry Bridges, R.H.W. Reece, and C.D. Rowley.²⁰ Bridges provides a mass of useful detail on most aspects of the period, but much of it is undigested, and not directed towards providing answers to those questions most necessarily asked by the historian of the later period. Reece provides a detailed discussion of the political conflict over Aboriginal policy in the 1830's and 1840's, and a greater emphasis on the ideological battles within colonial society on the character of, and necessary approach to, Aborigines. Rowley's work integrates the earlier research of many historians , and

20. Barry Bridges, *Aboriginal and White Relations in New South Wales, 1788-1855* (M.A. thesis, S.U. 1966); Reece, op.cit.; Rowley, op.cit.

through its broad analysis of the entire continent and history of relations since 1788, offers new insights into the period. Useful work has also been done on limited aspects of the period by a number of others, including Campbell, Foxcroft, Harrison, Patterson, and Walker.²¹

Despite all this work, it was felt necessary to discuss the period briefly yet again, because certain of the issues important for the post-1856 period had either not been dealt with, or required a restatement in terms most applicable to the period after 1856.

The indentured labour debate of the 1830's and 1840's is briefly discussed here for similar reasons. The major discussions of the debate, by Willard, R. Lockwood, and Stephen Roberts, were not felt to yield the answers to the questions the historian of the later period of relations

21. I.C. Campbell, *The Relation Between Settlers and Aborigines in the Pastoral District of New England, 1842-1860* (B.A. Hons. thesis, U.N.E. 1969); E.J.B. Foxcroft, *Australian Native Policy: Its History, Especially in Victoria* (Melbourne, 1941); B.W. Harrison, *The Myall Creek Massacre and its Significance in the Controversy over the Aborigines during Australia's Early Squatting Period*, (B.A. Hons. thesis, U.N.E., 1966); Gordon A. Patterson, *The Native Policy of Sir George Gipps* (M.A. thesis, S.U., 1934); R.B. Walker, "The Relations Between Aborigines and Settlers in New England, 1818-1900", *Armidale and District Historical Society Journal and Proceedings*, no. 4, (October 1962), pp. 1-18.

between British colonists and Chinese must ask.²² In particular, it was felt necessary to outline the political and economic sources of opposition to proposals for Indian and Chinese indentured labour, the degree to which opposition had been based on arguments of "race purity", "inability to assimilate", and "cheap labour", and the ideological basis of the squatter approach to the issue.

Discussion of the relations between Aborigines and Europeans in New South Wales in the period 1856 to 1883, has been, in contrast with the earlier period, very scanty. The works of Bell, Barwick, Johnston, and Walker were found to be useful, but most information had to be gathered from primary sources.²³ More work has been done on relations between British colonists and Chinese in New South Wales in

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22. Willard, op.cit., Ch. 1; R. Lockwood, "British Imperial Influences in the Foundation of the White Australia Policy", Labour History, no. 7 (November 1964), pp. 23-33; Stephen Roberts, The Squatting Age in Australia 1835-1847 (Melbourne 1970), pp. 337-44.
 23. J.H. Bell, "Official Policies Towards the Aborigines of New South Wales", Mankind, vol. 5, no. 8 (November 1959), pp. 345-55; J.H. Bell, The La Perouse Aborigines: A Study of their Group Life and Assimilation into Modern Australian Society (Ph.D. thesis, S.U. 1959); Diane E. Barwick, A Little More than Kin: Regional Affiliation and Group Identity Among Aboriginal Migrants in Melbourne (Ph.D. thesis, A.N.U. 1963), Susan L. Johnston, The New South Wales Government Policy Towards Aborigines, 1880-1909 (M.A. thesis, S.U. 1970); R.B. Walker, loc.cit.

this period, especially on the Lambing Flat riots of 1861 and the Seamen's Strike of 1878, and Willard provides a general coverage of the period.²⁴ The chief concern of historians in this area has been to decide how important were various "factors", including racism, the defence of economic "standards", and the importance of the desire to remain British, in producing hostility to the Chinese. This debate has necessarily been entered here, and an attempt made to resolve it through an examination of the relationship between such "factors", and to distinguish between the two tasks of, on the one hand, uncovering the degree and nature of racist thinking involved, and on the other, attempting to explain why racism led to violence and exclusion in some situations but not in others. On the whole, it was found necessary to research the whole period in greater depth. The wealth of material discovered accounts for the large proportion of the thesis devoted to this discussion.

A rather less detailed approach has been taken to the study of relations between British and non-British Europeans in the colony in this period. This is partly the result of the fact that non-British Europeans were not a matter for

24. See chapters 4, 5 and 7 for lists and discussions of these works.

serious political or social concern to British colonists at this time, and partly because the discussion was intended essentially as a control, a means of testing propositions arising from the first two situations. Because non-British Europeans looked and behaved very like the British colonists themselves, the issue of "difference" could be investigated. In general the concerns and much of the material for this chapter arose from the study of relations between British colonists and Chinese, the British colonists under study making the task a little easier by themselves drawing out a comparison between Chinese and non-British Europeans. Further information was gained from the work of W.D. Borrie and others, and from primary sources.²⁵

The period under study has a certain unity, beginning as it does with the year of the establishment of responsible self-government, which was also the year in which Chinese first entered the colony as free immigrants, and ending with the second attempt to exclude Chinese, and the establishment of an Aboriginal policy of increased welfare and institutionalisation. Yet many of the beliefs and relations occurring at this time had been present long before 1856

25. W.D. Borrie, Italians and Germans in Australia: A Study of Assimilation (Melbourne 1954).

and continued to be present long after 1881. And if a full understanding of the character of these beliefs and relations can only ultimately be achieved within the context of a longer time span, so it can only be achieved within the context of a larger region. The colony of New South Wales, while a distinct political unit, was very much a part of the Australian continent, and the beliefs and relations described here were very similar to, and influenced by, those in other Australian colonies. This thesis, then, is a study of one segment of the much larger history of Australian ethnic and race relations.

PART I

ANTECEDENTS

CHAPTER I

RACE RELATIONS IN NEW SOUTH WALES BEFORE 1856: ABORIGINAL DISPOSSESSION AND THE COLOURED LABOUR DEBATE

When responsible government was instituted in New South Wales in 1856, both Britain and the colonists felt confident that New South Wales had been firmly established as a British community, governed by institutions on the British model, and with a predominantly British population. In the absence of European military threat, the major threat to British power in New South Wales had been posed by the Aboriginal occupants of the country. By 1856 Aborigines, however, had been successfully dispossessed, and become a powerless and numerically decreasing people, set apart from the rest of the community. To some colonists, and to the Colonial Office, it seemed that a second threat to the British character of New South Wales had been posed in the years 1837-1854, when squatters had sought to introduce Indians and Chinese as cheap pastoral labour. This threat, however, had passed as the result of a Colonial Office prohibition on the importation of Indian labour, and of the cessation of the Chinese "coolie" trade to New South Wales

in 1852 after the diversion of Chinese emigration to the goldfields of California and Victoria. The source of labour for the colony, henceforth, all assumed, would come from Britain herself, and to a lesser extent from other parts of Europe.

By 1856 a unity of response, a consensus, had been reached within the colony in terms of policy, practice, ideology, and attitudes towards Aborigines. The dispossession of Aborigines was a process on which the whole British population of New South Wales had depended. While it had been carried out in practice by those on the frontiers of settlement, all had agreed that it was necessary. It had been a process in which British settlers had seen their interests as one, and in which belief in the necessity for dispossession had not been divided along economic or political lines. Response to Indians and Chinese, by contrast, had been divided. In debates over the use of, and proposals to use, Indians and Chinese as cheap indentured labour, it had become clear that there was sharp disagreement over whether they could be useful to, or tolerated in, the colony as cheap labour, or indeed, whether they could be tolerated at all. By 1856 no real resolution or consensus on this question had been achieved, since squatters had been forced to abandon their plans through external circumstances. The issue of

non-European immigration was to reappear in a different form after 1856.

If the responses had differed, a common element in them had been the belief that non-European peoples were racially inferior to Europeans, and especially to the British themselves. This belief was to be expressed in different ways and with varying intensity after 1856, but long before that year it had become clear that racist belief was widely held and was applied to all non-European peoples. Racism was a particular extension of the ethnocentrism of British culture. Whenever the British had contacted non-European peoples, they had assumed their own way of life, or "civilisation", to be superior to the different ways of life they now observed. Thus their actions in entering territories occupied by non-Europeans for purposes of trade, economic exploitation, or settlement, had been justified in terms of the greater rights of "civilised" over "uncivilised" peoples, of the spread of civilisation to new areas of the world, and of the opening up of those areas to the benefits of British enterprise and technological advance.

This ethnocentrism had been expressed within the terms of a world view in which all peoples were ranked on a scale. The idea of a "human scale" had arisen in Europe as an

extension of the view of the world as a "great chain of being".¹ This was a view, generated in Greek philosophy, and popular in Europe in the eighteenth and early nineteenth centuries, in which the world was understood as a chain, commencing with inanimate things and ranging upwards through lowly forms of life, animals, man himself, and continued up through the heavenly beings, finally reaching its pinnacle in God. The gradations between the ranks were slight so that the hierarchy remained a harmonious whole. When Europeans had been confronted with new and confusing knowledge of the enormous variety in the ways men lived, this knowledge had been ordered by applying the notion of a hierarchical chain, or scale, to it. There was now not simply "man" but a "scale of humanity", where each group was placed on the scale according to the quality of its "civilisation" or way of life, judged according to its approximation to the standard of British civilisation. Thus the British themselves were always at the top of the scale, closely followed by other European groups. There could be disagreement over the precise order of non-European peoples on the rest of the scale; Aborigines,

1. See Arthur O. Lovejoy, The Great Chain of Being: A Study of the History of an Idea (New York, 1960); Winthrop D. Jordan, White Over Black: American Attitudes Toward the Negro, 1550-1812 (Baltimore, 1969), pp. 219-20.

certainly, were "very low", and some thought them "lowest", their only serious challengers for this position being the Hottentots. Pacific Islanders were similarly "very low", and Chinese and Indians somewhat higher.

But it had not been simply a matter of ordering civilisations, or ways of life. The British had concluded that the differences observed between themselves and the non-European peoples they contacted in the course of their overseas expansion could be explained only in terms of the innate mental and moral superiority of European to non-European peoples. Non-European peoples, they had found, had not only been without the benefits of civilisation, but had resisted the British advance. This resistance, whether to dispossession itself, to adopting the habits of British civilisation, or to the benefits of British trading enterprise, had led the British to see such resistance, such inability to see the superiority of, or to welcome, British civilisation, as resulting not only from ignorance, but also from some deeper mental and moral incapacity.

The notion that peoples differed in innate capacities had been conceptually linked with the observation that peoples differed from one another in physical appearance. Biologists in Europe in the eighteenth and nineteenth centuries had been interested in classifying all known peoples into "races",

the classification depending on physical characteristics such as cranial shape and skin colour.² Various systems of racial classification had been devised, some classifying all peoples into three races (Caucasoid, Mongoloid, Negroid), others into four, and others into five or more.³ Aborigines had been found difficult to classify, being classed variously as "Ethiopian", "Malayan", or as a separate race on their own.⁴ Just as the smaller territorially-defined groups had been believed to differ in mental and moral capacity, so the larger racial groups had been believed similarly to differ. Thus they, too, had been placed on a "scale of humanity", where Caucasoids were highest and Negroids or Malaysians lowest. The notion that a particular physical appearance denoted certain mental and moral capacities had been given credence by the fact that the degree of physical difference from the British did seem to correlate with the degree of cultural difference from them, and therefore, it was assumed, with the degree of difference in mental and moral capacity.

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2. See Philip Curtin, The Image of Africa: British Ideas and Actions, 1780-1850 (London, 1965), pp. 34-7.
 3. Ibid., p. 38.
 4. Barron Field, Geographical Memoirs of New South Wales (London, 1825), p. 194; George Stocking, Race, Culture, and Evolution: Essays in the History of Anthropology (New York, 1965), p. 55.

In the early nineteenth century a peculiarly explicit causal relationship between appearance and innate capacity had been posited by phrenologists, who had argued that mental and moral faculties were related to certain areas of the brain, the size of the area indicating the amount of the faculty.⁵ This theory had gained a certain vogue in New South Wales, and had been used to suggest that the shape of the skulls of Aborigines proved that they were morally and mentally deficient.⁶ In any case, whether or not phrenology had been particularly appealed to, the belief that physical appearance was a guide to mental and moral capacity had become firmly entrenched.

Racism in the colony had thus derived from the general experience of European expansion, from the European intellectual movements attempting to order the new knowledge resulting from that expansion, and from the particular experiences within the colony itself. It had been expressed in New South Wales with most force and intensity in relation to Aborigines, but had also been expressed with conviction in relation to Indians, Chinese, and Pacific Islanders. The

5. Jacques Barzun, Race: A Study in Superstition (New York, 1965), pp. 37-8.

6. Reece, op.cit., pp. 93-4.

differences in the intensity of racist belief expressed in the colony had followed from the fact that racism had arisen in this, as in other colonial situations, not only as an explanation for great cultural difference, but also in response to the fact that non-European peoples had threatened the interests of the British overseas to different degrees. The more a group threatened those interests, the more likely it was to be seen as of an inferior race.

This can be seen from the way in which, within the colony itself, leadership of racist policies and thinking fell to that group which felt its interests to be most threatened. Thus squatters, whose attempts to use the land were threatened by Aborigines, had been foremost in advocating violent action against them, and in developing a racist explanation of Aboriginal behaviour. The Colonial Office, and most non-squatter elements in colonial society, had felt similarly that their hopes for the future of colonial society, as a democratic British community founded on a system of free labour, were severely threatened by the introduction of cheap coloured indentured labour. These non- or anti-squatter groups, then, had been outspoken in denouncing the Indians and Chinese as inferior and demoralising peoples.

The experience of dispossession of the Aborigines, and the debates over Indian and Chinese indentured labour, laid

solid foundations for the character of British colonial racism in the post-1856 period. Policies and attitudes to Aborigines, and to the thousands of Chinese immigrants who arrived in the colony from 1856 onwards, were heavily conditioned by the historical "lessons" of the earlier period.

I

By 1856 Aborigines in New South Wales were a totally dispossessed people, considered by Europeans to have no rights to the land by prior occupation. Not only had New South Wales been claimed as a British territory by the right of "discovery", but it had also been regarded in British law as a "settled" rather than a "conquered" colony, whereby no legal indigenous claims to the land were recognised.⁷ This position had been reaffirmed within the colony in 1836 in the court case of R. v. Jack Congo Murrell, when Judge J. Burton ruled that Aboriginal tribes had had no sovereignty at the time of the British taking possession.⁸ Settlement had thus involved a total disregard for the choices and desires of Aborigines in relation to it, and the absence of

7. J. Blackburn, *Milirrpum v. Nabalco Pty. Ltd.*, N.T. Sup. Ct. 1971, Federal Law Reports (Sydney, 1971), pp. 200-1, 242-3.

8. Rowley, op.cit., p.16.

any notion that negotiation with, or compensation of, Aborigines was necessary. When John Batman in 1835 had privately, and for his own gain, recognised the land rights of certain Port Phillip tribes with gifts of trifles, and a treaty, the Colonial Office had repudiated the treaty on the grounds that the land belonged to Britain.⁹

After 1837, however, the Colonial Office had for a short time held that Aborigines were entitled to some compensation, not in the form of gifts or treaties, but in the form of the opportunity to learn the benefits of British civilisation. Since "civilisation" was thus in part a compensation for the loss of land, civilising projects such as missions and protectorates should be, the Colonial Office had argued, financed from the land rents paid by the settlers.¹⁰ In the colony itself this argument had been generally opposed, except by a few men (such as J.D. Lang) interested in missionary work,¹¹ and by 1856 the idea had been

9. Ibid., p.55.

10. See Select Committee on Aborigines (British Settlements), P.P. (House of Commons), 1837, no. 425; Russell to Gipps, 25 August 1840, H.R.A., I, xx, p. 776; Rowley, op.cit., p.61.

11. See evidence of J.D. Lang to Select Committee on Aborigines (British Settlements), 1837, loc.cit.; Rev. Saunders, Handwritten notes of the minutes of the first meeting of the Australian Aborigines Protection Society, 16 October 1838, Saunders Papers, uncat. MSS., set 214, item 1.

generally rejected and forgotten. Not only had there been seen to be no moral obligation to compensate Aborigines for their loss of land in this or in any other way, but also the attempt to civilise Aborigines had been generally believed, as will be seen, to be hopeless.

Colonists had, by 1856, developed an ideological justification for depriving Aborigines of their land.¹² They had argued, firstly, as colonists had argued elsewhere, that the British were justified in taking the land because they would make better use of it. Since Aborigines had failed to cultivate or in any way make good use of the land, they had abdicated any proper claim to it. Possession of land, colonists had held, must, according to British notions of property and ownership, depend on continuous occupation and cultivation of a fixed area of land. Secondly, it had been argued that civilised peoples had a greater right than did uncivilised peoples to the land. These arguments, developed most fully in the 1830's in the context of a political battle between the squatters, on the one hand, and Governor Gipps and the Colonial Office on the other, had by 1856, become common and unchallenged assumptions.

12. Barry Bridges, "The Aborigines and the Land Question in New South Wales", R.A.H.S. J. & P., vol. 56, pt. 2 (June 1970), pp. 93-4.

In 1856 there were very few, and only tiny, areas reserved for the use of Aborigines. This had not always been the case. The idea of reserving land for Aborigines had first been taken seriously by Governor Macquarie.¹³ Macquarie's allocation of small plots of land to Aborigines, however, had been conditional on Aboriginal cultivation of them, and when this did not occur, the land had reverted to the Crown. Larger areas of land had been set aside for Aborigines in the 'twenties, 'thirties, and 'forties, but again the grants had been made not for Aboriginal use as they pleased, but for the purpose of their civilisation and protection.¹⁴ When the missions failed, and when the Port Phillip Protectorate was virtually abandoned, the reserved land had again reverted to the Crown. The idea of small reservations of land for Aborigines in frontier districts had been again taken up by Earl Grey, Secretary for the Colonies, in 1848.¹⁵ The reserves in this case were to be the sites of schools, hospitals, and gaols for the use of Aborigines and Europeans alike. The Executive Council had rejected this proposal, seeing it as expensive and unnecessary, but had agreed that

13. Ibid., pp. 97-100.

14. Ibid., pp. 102-5.

15. Ibid., p. 105.

small areas of undeveloped land could be reserved for Aboriginal use.¹⁶ Most of these areas had not been particularly resorted to by Aborigines, and gradually, like all previous reserves, reverted to the Crown.¹⁷ In essence, the colonial attitude had been consistently that land which might be of value to the settlers could not be set aside for Aboriginal use.

The British control of the land, however, had been made the reality it was in 1856 only by the use of force. Violent conflict over the land had raged over the whole colony in earlier years, and was still in 1856 evident sporadically in a few isolated areas and especially and fiercely in the Northern Districts which were in 1859 to become the independent colony of Queensland. This period of conflict had had profound effects on both Aborigines and British colonists, and an understanding of these effects, so important for the post-conflict period under study, necessitates first some understanding of the character of that conflict itself.

Everywhere the settlers had gone they had, for a period of some years, encountered Aboriginal attacks on their persons

16. Ibid.

17. Barry Bridges, *Aboriginal and White Relations*, p. 682; Walker, loc.cit., pp. 10-11.

and property.¹⁸ These attacks had been motivated both by an attempt to gain the goods of the Europeans, and by a defence of Aboriginal tribal lands. Aborigines had everywhere shown a desire for European goods, such as meat, tea, flour, tobacco, and alcohol.¹⁹ Settlers had refused to freely hand over such goods, and this refusal had come at a time when Aboriginal resources, such as game and roots, were decreasing because of the ecological disruption consequent upon the clearing and cultivation of the land.²⁰ A common form of attack was the spearing of sheep, a fact which, together with the fact that attacks occurred more frequently in winter, emphasised the role economic necessity played in retaliation.²¹ Aborigines had had nothing to trade for the goods, except the sexual services of the women. As C.D. Rowley points out "the aboriginal tradition of using sexual relationships to cement social ties rendered them especially vulnerable in the face of a predominantly male settler group".²² Although

18. Rowley, op.cit., pp. 28-30; Reece, op.cit., p. 11.

19. See David Collins, An Account of the English Colony in New South Wales (London, 1788), vol. 1, pp. 173, 197, 213, 328, 340, 459; Rowley, op.cit., p. 32.

20. Reece, op.cit., pp. 30-68; Bridges, Aboriginal and White Relations, p. 302; Campbell, op.cit., p. 28.

21. See Report of the Select Committee on Aborigines, V. & P.N.S.W.L.C., 1845, p. 952.

22. Rowley, op.cit., p. 30; Reece, op.cit., p. 53.

interracial sexual relationships had been facilitated by both the need of the European males, and the Aboriginal male willingness to offer women in return for goods, the system had often been strained by the European misinterpretation of, or disregard for, the Aboriginal gesture. Many Europeans had taken it that Aboriginal men had no respect for Aboriginal women, and so had taken their access to Aboriginal women for granted, assuming that it implied no act of reciprocity. When Europeans had failed to return the gesture with gifts, the men had seized the women back and attacked the Europeans. Further, Aborigines had attacked because they were not prepared to abandon their ritual, spiritual, and social dependence on the land. Aboriginal religion was one which saw the land as part of a totality of life in which men, society, and nature were united.²³ Defence of the land had involved a defence of the whole of traditional Aboriginal society.

Aboriginal resistance, while at times sufficient to make the settlement of new areas hazardous, and occasionally leading to the abandonment of a new property, had not resulted in a substantial loss of European life or substantially impeded the spread of European settlement. Aboriginal attacks

23. Rowley, op.cit., p. 207; W.E.H. Stanner, After the Dreaming, Black and White Australians - An Anthropologist's View (Sydney 1968), pp. 44-5.

had been sporadic, never amounting to full scale warfare on the settlers, a fact resulting from the dispersed and decentralised character of Aboriginal social and political organisation, and from, as Rowley puts it, the Aboriginal lack of multi-purposed leadership.²⁴ Settlers had been able to answer Aboriginal attacks quite effectively through the sub-military institution of the "punitive expedition".²⁵ This was the gathering of a group of settlers or soldiers, or both, which answered Aboriginal attack by a bloody reprisal, a counter attack on the Aboriginal offenders, or more frequently, especially when the particular offenders were not known or could not be found, to counter by killing or wounding all Aborigines who could be found. Expeditions had been formed both privately and officially; by the 1830's every Governor had emphasised the necessity for settlers to counter Aboriginal resistance through private expeditions, and most had authorised soldier expeditions to assist the progress

24. Rowley, op.cit., p. 14.

25. Reece, op.cit., p. 39.

of settlement.²⁶

In the 1830's and 1840's this method of effecting settlement had come under attack from the Colonial Office. Influenced by evangelical humanitarianism, the Colonial Office had become increasingly uneasy about the wholesale slaughter of Aborigines; while it had not questioned the British right to the land, it had been eager to curb the squatter land hunger, and had believed that the land, under central control, could be taken without the substantial loss of Aboriginal life of hitherto.²⁷ Governors Darling and Bourke, influenced by such concern, had hoped to curb

26. Collins, op.cit., vol. I, pp. 44, 390, 415, 417, vol. II, pp. 27, 204; Phillip to Grenville, 7 November 1791; H.R.A., I, i, p. 293; Paterson to Dundas, 15 June 1795, H.R.A., I, i, p. 499; Hunter to Portland, 12 November 1796; H.R.A., I, i, p. 688; King to John King, 21 August 1801; H.R.A., I,iii, p.250; Macquarie to Goulburn, 7 May 1814; H.R.A., I, vi, p. 250; Macquarie to Bathurst, 8 June 1816; H.R.A., I,ix, pp.139, 142; Brisbane to Bathurst, 3 November 1824; H.R.A., I, xi, p. 409; Darling to Bathurst 6 May 1826; H.R.A., I,xii, p. 269; Darling to Hay, 11 September 1826; H.R.A., I,xii, p. 574; Darling to Bathurst, 6 October 1826; H.R.A., I,xiix, p.610; re Governor Bourke see Bridges, Aboriginal and White Relations, pp. 413-15.

27. Bridges, Aboriginal and White Relations, pp. 382-6.

indiscriminatory killing, but neither had done much to prevent the formation of private punitive expeditions, and both had been forced to yield to squatter demands for officially organised expeditions.²⁸

In 1838 the Colonial Office had charged the new Governor Gipps with reducing violence and protecting Aborigines on the frontier through the institution of "the rule of law", whereby both black and white must be apprehended and punished for violent attacks on, and killing of, the other.²⁹ Gipps had attempted to do this firstly by indicating that the killing of Aborigines on the frontier was to be construed as murder, and punishable by law. Within months of his arrival he had ordered the trial of 11 Europeans for the massacre of 28 Aborigines at Myall Creek, as the result of which 7 of the 11 men had been hanged for murder.³⁰

Convictions of the men had in this case, however, depended on European evidence, and since evidence was rarely given by Europeans against Europeans, consistent conviction

28. Hazel King, "Some Aspects of Police Administration in New South Wales, 1825-1852", R.A.H.S.J. & P., vol. 42, pt. 5 (1956), pp. 223, 225; Bridges, Aboriginal and White Relations, pp. 329-50, 413-15.

29. Glenelg to Gipps, 16 November 1838, H.R.A., I, xix, p. 678.

30. For a full discussion of this event and its consequences, see Harrison, op.cit.

of Europeans for killing Aborigines necessarily depended on the hearing of Aboriginal evidence. Such evidence had been inadmissible in court, on the grounds that Aborigines were incapable of swearing on oath, since 1802.³¹ The British Enabling Act for such evidence to be admitted had been passed only in 1843,³² and Gipps, seeing the necessity for such evidence if the rule of law were to be established, attempted in 1844 to persuade the Legislative Council (whose powers had been enlarged in 1843) to pass a local act admitting it. The squatter-dominated Council, however, also seeing the function of Aboriginal evidence, had refused.³³

Gipps had been unable to have European offenders against Aborigines consistently tried for a second and more important reason. In the heated anti-Aboriginal climate of the colony in the early 1840's, exacerbated by the increase of frontier conflict as British settlement, now based on an expanding wool industry, continued to proceed more quickly than ever before, he had been unable to establish an impartial police force which would prevent the formation of punitive expeditions

31. C.M.H. Clark, A History of Australia (Melbourne 1968) vol. I, pp. 167-8.

32. Papers on Aboriginal Evidence, V. & P.N.S.W.L.C., 1849, p. 990.

33. Ibid., Rowley, op.cit., p. 128.

and replace them with the bringing of Aboriginal offenders to legal justice. Although he had charged both Commissioners of Crown Lands, and a new force, the Border Police, with these tasks,³⁴ both had failed to carry them out, and had tended, in fact, to assist in, or themselves carry out, those very expeditionary attacks on Aborigines they had been charged with preventing.³⁵ Thus, despite the Myall Creek trials, the killing on the frontier went on. No further trials of importance occurred,³⁶ and the only significant change was that for some years the killing of Aborigines was done a little more furtively. The giving of poisoned flour to Aborigines became a common practice, for poisoning was a less detectable offence.³⁷

Not only had Gipps failed in his objects, but also during his governorship a new, cheap, and effective method of putting down Aboriginal resistance had been evolved. This was the institution of the Native Police Force, composed of

34. Government Gazette, 21 and 22 May 1839; Reece, op.cit., p. 173; Barry Bridges, "The Mounted Police 1826-1850", R.A.H.S. Newsletter, no. 83 (August 1969), p.6.

35. Reece, op.cit., pp. 181-3; Harrison, op.cit., p. 103.

36. Bridges, Aboriginal and White Relations, p. 842.

37. R.J. Flanagan, The Aborigines of Australia (Sydney, 1888) p.141; Rowley, op.cit., pp. 112, 157.

Aboriginal men and European officers.³⁸ Re-formed in Port Phillip in 1842, after the failure of a similar scheme in 1837, this Force used Aboriginal police, who could be gained cheaply and were better than Europeans in hunting down Aboriginal groups, to attack and kill Aborigines in tribes which were alien and unknown to them. This Force had been authorised by Gipps at a time when its true function as an anti-Aboriginal frontier agent had not become apparent, and had been seen at first by Gipps and the Colonial Office as a means of "civilising" Aborigines through the benefits of discipline.³⁹ Thus unchecked, it had, during the 'forties and early 'fifties, become an increasingly important adjunct to the expansion of British settlement.⁴⁰

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38. Barry Bridges, "The Native Police Corps, Port Phillip District and Victoria, 1837-1853", R.A.H.S. J. & P., vol. 57, pt. 2 (June 1971), pp. 113-144.
39. Ibid., pp. 124, 131-2; Gipps to Stanley, 21 March 1844, H.R.A., I, xxiii, p. 498.
40. Bridges, "Native Police Corps", p. 124; Select Committee on Aborigines, V. & P. N.S.W.L.C., 1849, p. 423; Frederick Walker, Commandant Native Police, to Col. Sec. 10 March 1851, enclosed with Fitzroy to Grey, 6 August 1851, no. 146, C.O. 201/442. Expenditure on the Native Police Force rose from £3,713.4.0. in 1852 (General Revue - Account of Receipts and Disbursements in the Year 1852, p. 3. in V. & P.N.S.W.L.C., 1853, vol. 1) to £8,622.0.1. in 1854 (General Revenue - Account of Receipts and Disbursements in the Year 1854, p. 5, in V. & P.N.S.W.L.C. 1855, vol. 2)

The battle over Aboriginal policy between Gipps and the squatters had been resolved resoundingly in favour of the latter. In the process of this political battle, the squatters had been able to carry the whole of colonial society with them, for radicals and liberals who had attacked squatter dominance on other matters had rarely attacked their policy of protection of British settlers, and not Aborigines, on the frontier.⁴¹ One of the legacies of this political battle, and of frontier conflict generally, was the readiness henceforth of local colonial Governments and society to accept the necessity for European protection from, and not of, Aborigines, wherever European interests were endangered. Never again was the primacy of European safety to be questioned. Another legacy was the colonists' enduring hatred of and contempt for Aborigines. Although the hatred lessened with time, as Aborigines ceased to threaten colonial society, the contempt lasted much longer, now reinforced by the continuing example of an Aboriginal life style which contradicted British colonial ideals and values.

The most important legacies of frontier conflict,

41. For exceptions, see Reece, op.cit., pp. 7, 225, 233; Patterson, op.cit., p.6.

and of British settlement itself, were the great destruction of Aboriginal life, and the severe dislocation of Aboriginal society. The process of Aboriginal depopulation had been evident from the first days of the colony, and was still very evident in 1856.⁴² Everywhere once populous tribes had been, and were still being, reduced by such loss of life to small scattered groups. Their decline in numbers was greatest where settlement was most intense, varying from the extermination of the Sydney tribes by 1853,⁴³ to the much less severe loss of life in certain areas - especially along the major rivers, in the western part of the colony, and along the north and south coasts. The cause of this depopulation, apart from direct killing on the frontier, was the high rate of infant mortality and, primarily, disease.⁴⁴ In the first fifty years of settlement smallpox had been the biggest single killer,⁴⁵ but many Aborigines

42. Bridges, *Aboriginal and White Relations*, pp. 743-71; see also C.C.L. Reports enclosed in Fitzroy to Grey, 18 July 1850, no. 135, C.O. 201/430, and Fitzroy to Grey, 30 August 1851, no. 158, C.O. 201/430.

43. Bridges, *Aboriginal and White Relations*, p. 745.

44. *Ibid.*, pp. 743-71.

45. A.A. Abbie, "Physical Changes in Australian Aborigines Consequent upon European Contact", *Oceania*, vol. XXXI (1960), pp. 140-4.

had died from such diseases as measles, chickenpox, scarlet fever, tuberculosis, gonorrhea, syphilis, and, especially influenza.⁴⁶ The last was extremely common and often fatal, exacerbated by general ill health, and inadequate protection from the cold and rain. Difficulties with hygiene, as living gradually became more static and moves less frequent, had led frequently to the spread of diseases such as gastro-enteritis.⁴⁷

Those Aborigines who remained had had to adjust their methods of economic survival to the new situation. With their opportunities for traditional food-getting vastly reduced, they had, once conflict had ceased in their particular area, supplemented or wholly replaced such food-getting by gaining rations from Europeans in return for labouring on the pastoral stations. They had become pastoral, and only pastoral, labourers partly because this was the only kind of work offered to them, and partly because it was the form of labour, being seasonal and casual, which best enabled them to maintain mobility, group identity, and certain traditional food-getting practices. Aborigines had rejected attempts, made mainly by Governor Macquarie,

46. Ibid.; Bridges, *Aboriginal and White Relations*, pp. 743-59.

47. Abbie, loc.cit., p. 143; Rowley, op.cit., p. 19.

to induce them to become tradesmen or small farmers, and such attempts had in any case been short-lived.⁴⁸

Their value as pastoral labour had been only gradually recognised. In the 1830's and 1840's, when such labour had been very scarce, they had not been widely employed, for labour needs were greatest in just those areas where Aborigines had not yet been "pacified" and begun to offer their services to Europeans. Some, such as Richard Sadleir, Sir George Grey, and Gipps, had suggested that Aborigines could have been employed as pastoral labourers to a greater extent than they were, had squatters more assiduously endeavoured to employ them, but it had not been until conflict ceased that squatters had seriously looked to Aboriginal labour.⁴⁹ In the early 1850's, however, when the greater part of the colony had been effectively settled,

48. Bridges, "Aborigines and the Land Question", pp. 97-99; see also Macquarie to Bathurst, 7 October 1814, H.R.A. I, vii, p. 313; Macquarie to Bathurst, 8 October 1814, H.R.A., I, vii, pp. 367-70; Macquarie to Bathurst, 24 March 1815, H.R.A., I, vii, p. 467.

49. Scott to Darling, 1 August 1827, enclosed with Darling to Huskisson, 27 March 1828, H.R.A., I, xiv, p. 57; Gipps to Russell, 7 April 1841, H.R.A., I, xxi, pp. 312-5; Russell to Gipps, 11 March 1841, H.R.A., I, xxi, p. 33; Evidence of Richard Sadleir to Committee on Aborigines, V. & P.N.S.W.L.C., 1838; Report from the Committee on Immigration, with the Appendix, Minutes of Evidence, and Replies to Circular Letter on the Aborigines, 13 August 1841, p. 13ff, in V. & P.N.S.W.L.C., 1841.

and when pastoralists were suddenly without labour after the rush to the goldfields, many Aborigines were employed as pastoral labour for the first time.⁵⁰

Aborigines, despite their loss of land, their substantial loss of life, and of much of their traditional society, had thus maintained themselves in groups distinct from the European population, with a distinctive identity. British colonial society had become to them all-powerful, and they were now to a large extent economically dependent on it, but it could offer no replacement for what had been lost. The fact of dispossession was a most enduring and bitter element in Aboriginal consciousness, and in Aboriginal orientation to the future and to white society. They had not accepted the values and life style of their dispossessors.⁵¹

This distinctness had survived not only the dislocation of traditional culture, but also the attempts of some British officials and missionaries to eradicate it through persuading Aborigines to adopt British beliefs and standards

50. Fitzroy to Grey, 17 June 1852, no. 89, C.O. 201/452; C.C.L. Reports enclosed in Fitzroy to Newcastle, 23 December 1853, no. 163, C.O. 201/467; C.C.L. Reports, C.S.I.L., no. 56/800, A.O. 4/3309; Bridges, *Aboriginal and White Relations*, pp. 689-90.

51. Rowley, *op.cit.*, pp. 25-6.

of behaviour. "Improvement" attempts had been made at various times from first settlement until the mid-'forties, directed at different times at both "settled" and "wild" Aborigines, but all such attempts had failed. Their persistent refusals to be "improved" according to British standards of behaviour meant that by 1856 it had become an orthodoxy in colonial thought that they were racially incapable of "improvement", and that they were best left well alone. The failure of "improvement" had served to prove to the settlers its futility, and to confirm the realism and logic of the now universal attitude of indifference.

Improvement attempts had been essentially of two kinds - that of improvement through assimilation, and that of improvement through isolation, seen as a prelude to eventual assimilation.⁵² The first kind had been expressed as desirable initially by Governor Phillip, who had hoped that they could induce the Aborigines to "live amongst us" and to cultivate the land.⁵³ Little had been done to pursue these aims beyond the kidnapping of three Aborigines, and the seal to any assimilationist attempts had been set when

52. Reece, op.cit., pp. 69-73.

53. Phillip to Sydney, 10 July 1788, H.R.A., I, i, p. 65.

Phillip realised that his primary task of defence of the settlement necessitated his driving Aborigines away.⁵⁴ Few attempts had been made in the next twenty-four years, other than isolated attempts by settlers to raise in their own home, as Christians, Aboriginal children orphaned by punitive expeditions.⁵⁵

Macquarie had been the first to give serious consideration to improvement schemes. With his agreement, William Shelley, a lay missionary, had established in 1815 at Parramatta a boarding school for Aboriginal children, designed to teach them the skills necessary for "civilised" life.⁵⁶ Some success had been achieved at this school in teaching the children to read and write, but none had become tradesmen or farmers on leaving the school as Shelley and Macquarie had hoped. The children had been frequently taken away from the school by their parents, and on puberty had joined their own people and adopted their non-European life style. Some observers had felt that the school had failed because of its proximity to European settlement, and that the civilisation of Aborigines could succeed only in isolation from white

54.Collins, op.cit., vol. I, pp. 145-7.

55.Ibid., p. 415; Clark, op.cit., vol. I, pp. 145, 346-7; Sydney Gazette, 14 July 1810.

56.Bridges, Aboriginal and White Relations, pp. 223-50.

society, which constantly demoralised Aborigines through alcohol and prostitution of the women.⁵⁷ No further Government or private attempts had been made to civilise through assimilation. When Secretary of State Grey had suggested in 1850 a scheme aimed at educating Aborigines with Europeans and encouraging them to work for settlers, "directed not to their improvement as a distinct race, but to their amalgamation as soon as possible with the settlers", he had met with a total lack of enthusiasm from the Executive Council.⁵⁸ Such schemes depended not only on Government support but also on a community acceptance and desire for Aboriginal "amalgamation". Such a desire had been, and continued to be, totally lacking.

"Civilisation" through isolation had also been tried between 1825 and 1850. Several missions had been established in what had initially been remote areas, on private missionary initiative and with Government assistance. The first two had been established in the mid-1820's, one

57. Rev. Robert Cartwright to Macquarie, 18 January 1820, enclosed in Macquarie to Bathurst, 24 February 1820, H.R.A., I, x, p. 266.

58. Bridges, *Aboriginal and White Relations*, pp. 687-8, 693-8; see also Grey to Fitzroy, 5 November 1850, *N.S.W.G.D.*, no. 163, A.O. 4/1334 and Fitzroy to Grey, 6 August 1851, no. 146, C.O. 201/442.

at Lake Macquarie and the other at Wellington Valley.⁵⁹

In the late 1830's additional missions had been established in the Port Phillip and Moreton Bay districts.⁶⁰ Settler

interest in the missions had been practically non-existent.

The missionaries had been entirely at odds with European society, and, they had soon found, with Aboriginal society, except in so far as they were prepared to give rations.⁶¹

All missionaries by the late 1830's had become despondent about the chances of success in converting Aborigines to Christianity. Initial success had usually been experienced with teaching the young children to read and write, and this seems to have maintained missionary hopes for some years.

But as it became apparent that the thus educated children rejoined their local groups on reaching puberty, and that none could be permanently converted to Christian belief, missionaries had gradually despaired.⁶²

59. B.W. Champion, "Lancelot Edward Threlkeld, 1788-1859", R.A.H.S. J. & P., vol. XXV, pt. iv (1939), pp. 303-85; Rowley, op.cit., pp. 93-4.

60. Rowley, op.cit., pp. 97-99.

61. See, for example, evidence of Rev. William Schmidt to Select Committee on Aborigines, V. & P.N.S.W.L.C., 1845, pp. 957-61.

62. Rowley, op.cit., p. 100; Reece, op.cit., pp. 80, 202; see also J. Gunther, "Annual Report for 1841 of Wellington Valley Mission", 7 January 1842, N.S.W.G.D., 1844, vol. 44, pp. 1464-6 (M.L. A1233).

Depressing reports from all missions had led the Colonial Office to agree in 1842 that Government support for the missions should cease.⁶³ During the early 1840's most of the missions had been closed,⁶⁴ although Reverend William Watson had continued to run a private mission at Wellington, receiving after 1847 some slight Government support.⁶⁵ The most ambitious of the improvement programmes, the Port Phillip Protectorate, had been virtually abandoned in 1849. The Protectorate had been established under Government auspices, as a product of the new Colonial Office policy, in 1839, and had consisted of four reserves each of 100 square miles of good land, set up as ration depots with schools attached for the children.⁶⁶ It had met with extreme hostility from the settlers, on the grounds of expense, its use of good land, its practice of handing out rations, and its payment of high salaries to men who were attempting the impossible task of civilising an "uncivilisable" people.⁶⁷

63. Stanley to Gipps, 20 December 1842, H.R.A., I, xx, pp. 437-8; Rowley, op.cit., p. 100.

64. Rowley, op.cit., p. 100.

65. Bridges, Aboriginal and White Relations, p. 699.

66. E.J.B. Foxcroft, "The New South Wales Aborigines Protectorate, Port Phillip District, 1838-50 [Part One]" H.S., vol. 1, no. 2 (October 1940), pp. 76-84, "Aborigines and the Land Question", pp. 102-3.

67. Bridges, "Aborigines and the Land Question", pp. 103-4; Patterson, op.cit., pp. 168-9.

With the virtual abandonment of the Protectorate, the settler opposition to improvement schemes of any kind had won the day.⁶⁸ Private disillusionment and public withdrawal of funds meant the end of such schemes. It was to be over twenty years before "improvement" was tried again.

By 1856 Governments had come to have little to do with Aborigines. There were few instances of special, whether discriminatory or paternalistic, legislation for them. Legal means, colonists considered, were not now necessary to deal with Aborigines, since they now presented no problem. Legally, Aborigines were bound by European law, which meant that they could, theoretically, be forced to abandon their own laws and customs.⁶⁹ In 1836 Judge Burton had ruled that Aborigines could be punished for offences, as defined by British law, against other Aborigines,⁷⁰ and in 1841 Gipps had said that British law was applied to Aborigines in the case of major offences, but that the Government was lenient with "the Savage who does not understand the law".⁷¹ There were by 1856 only three legal distinctions between Aborigines

68. Rowley, op.cit., 62-3.

69. Ibid., p. 133.

70. Ibid.

71. Gipps to Russell, 7 April 1841, H.R.A., I, xxi, p. 312.

and Europeans - Aboriginal evidence could not be received in court, Aborigines could not legally buy alcohol after 1838, and Europeans were excluded from Aboriginal society under the Vagrancy Act of 1835, whereby it became an offence for Europeans to live with Aborigines in their camps.⁷²

Positive Government action in reference to Aborigines had been reduced to the maintenance of a Native Police Force in the remaining frontier areas, to an annual blanket distribution, and to other, minor, forms of assistance. The Government practice of distributing blankets at the beginning of each winter to Aborigines was one of the most persistent elements of Government policy throughout the century. It had originated in Macquarie's attempts to minimise conflict and spread the benefits of civilisation by expressing goodwill at an annual Government-sponsored "feast" at Parramatta for Aborigines, at which they were given food, pipes, tobacco, alcohol, clothing, and blankets.⁷³ Such feasts had been held first in December 1814, and then annually from 1816, Governors

72. 2 Vic. No. 188, 26 September 1838, reaffirmed 13 Vic. No. 29, 2 October 1849; 6 Wm. IV No. 6, 25 August 1835.

73. R.H.W. Reece, "Feasts and Blankets: The History of Some Early Attempts to Establish Relations with the Aborigines of New South Wales, 1814-1846", Archeology and Physical Anthropology in Oceania, vol. 2, no. 13, (October 1967), pp. 190-206.

Brisbane, Darling and Bourke continuing the tradition until Bourke abolished it in 1835.⁷⁴

As time went on, blankets had become one of the most important items given away at the feast. They had been found by Aborigines to be very necessary, and not easily obtainable from the settlers. Aborigines had been still highly mobile, without European forms of shelter, and no longer had the opossum skins they had formerly used in winter. This, together with their changing and deteriorating diet, their extreme poverty, and their susceptibility to European diseases, had meant that they had become generally less healthy and less hardy against the cold and rain. Aboriginal need and interest had then suggested a new method of exerting some influence and control over them. In 1830, while Darling was Governor, a distribution of blankets additional to that at the annual feast had been inaugurated.⁷⁵ Each local magistrate had been ordered to distribute blankets as rewards to those Aborigines in his area who had distinguished themselves by service and "good behaviour". Governor Bourke in 1833 had preferred this system to the giving of blankets

74. Ibid., pp. 194-6; Bridges, Aboriginal and White Relations, pp. 256-62, 311, 371-3.

75. Johnston, op.cit., p. 13.

at the annual feast, since it kept Aborigines in their own areas, and enabled magistrates to exert a greater influence over them.⁷⁶ Under Bourke, local blanket distribution, now carried out by Commissioners of Crown Lands, missionaries, and settlers, as well as by magistrates, had been increased each year. The notion of reward had been gradually dropped, and blankets given to any Aborigines who appeared at the appointed time, usually early in May, to claim them.⁷⁷

Governor Gipps, however, had disapproved of the extensive blanket distribution. On the one hand, it was becoming increasingly expensive, expenditure having risen from £14 in 1831 to £1330.7.6. in 1839, and Gipps, faced with mounting opposition to the expensive Protectorate, had been anxious to cut costs where he could.⁷⁸ On the other hand, Gipps saw the blanket issue as encouraging habits of "indolence" as discouraging Aborigines from working for the settlers, and as providing little means of exerting influence now that it was no longer given on the basis of reward for service or good behaviour.⁷⁹ Accordingly, he had reintroduced the

76. Reece, "Feasts and Blankets", p. 196.

77. Ibid ., pp. 196-7.

78. Papers on Aborigines, encl. in Gipps to Stanley, 21 March 1844, N.S.W.G.D., 1844, vol. 44, p. 1457 (M.L. A1233).

79. Reece, "Feasts and Blankets", p. 200.

reward system, by which means the number of blankets distributed had been drastically reduced. Expenditure on blankets had been progressively cut back from its 1839 level to £23.15.6. in 1845.⁸⁰

The squatters had opposed this policy, as they had opposed all other aspects of Gipps's Aboriginal policy. Blankets had increasingly become a necessity for Aborigines, and their distribution by the Government had both assisted good relations and relieved squatters of any obligation in the matter. Squatters had moved in the Legislative Council to defeat Gipps on the blankets question. In 1845 a Select Committee had sent a circular letter to the Benchers of Magistrates, Commissioners of Crown Lands, and squatters, asking for, among other things, their view of the desirability of continuing an annual blanket issue. The replies had agreed that the blanket issue was desirable, stressing both Aboriginal need, and the value of the blanket issue in ensuring good relations.⁸¹ Similar opinions had been offered in 1849 in response to enquiries from another Select Committee

80. Return of Expenses, attached to Report of Select Committee on Aborigines, 1845, p. 942.

81. Report of Select Committee on Aborigines, 1845, pp. 964-82; Reece, Aborigines and Colonial Society, pp. 207-10.

of the Legislative Council.⁸² As a result, the issue had been re-established, with the idea of "reward" again removed. By 1851 the expenditure on blankets had risen to £1000, and by 1853 to £1500.⁸³ In January 1854 Colonial Secretary Deas Thomson had announced that the blanket distribution would be extended,⁸⁴ and in 1855 the Legislative Council voted £2300 for this purpose.⁸⁵

In an atmosphere where "assistance" of a minor kind had come thoroughly to replace "improvement" and "protection", there had also been inaugurated in the early 1850's a scheme for some medical assistance to Aborigines. Grey had suggested in November 1850 that a scheme of medical aid to Aborigines, in the form of hospitals and dispensaries, be established in the frontier districts.⁸⁶ The Executive Council had on 30 July 1851 rejected the proposal as

82. Select Committee Report on Aborigines, V. & P.N.S.W.L.C. 1849, p. 419ff.

83. Receipt and Appropriation of the Crown Revenue, p. 17, in V. & P.N.S.W.L.C., 1852, vol. 1; Fitzroy to Newcastle, 6 August 1853, no. 106, C.O.201/465.

84. Walker, op.cit., p. 10.

85. Estimates, 1856 - Territorial Revenue, p. 5, in V. & P.N.S.W.L.C., 1855, vol. 2.

86. Bridges, Aboriginal and White Relations, p. 687.

expensive and impracticable,⁸⁷ but in the preceding weeks had appointed six medical attendants to be responsible for caring for the health of Aborigines in the New England, Lachlan, Liverpool Plains, Maneroo, Burnett, and Wide Bay districts.⁸⁸ These men had not been appointed to deal with Aborigines exclusively, but rather to add the giving of medical help to Aborigines to their normal duties. They had been paid £20 annually for their services to Aborigines.⁸⁹ Further attendants had been appointed to the Clarence in 1853, and to New England and Port Curtis in 1854, so that at the end of 1855 there had been eight such medical attendants.⁹⁰ Other doctors, from 1853 onwards, had been able to claim from the Government if they gave free services to Aborigines, and by 1855 Government expenditure on medical services to Aborigines had risen to £510.0.0.⁹¹ The only

87. Fitzroy to Grey, 6 August 1851, no. 146, C.O. 201/442; Fitzroy to Newcastle, 22 December 1853, no. 162, C.O. 201/467.

88. N.S.W. Col.Sec., Returns of the Colony, 1852, pp. 428-9 (M.L. 4/285).

89. Ibid.

90. N.S.W. Col.Sec., Returns of the Colony, 1853-5, pp. 464-5 (1853), pp. 536-7 (1854), pp. 604-5 (1855) (M.L. 4/286-8).

91. V. & P.N.S.W.L.A., 1856-7, vol.2, p. 863.

other form of assistance to Aborigines by 1856 was the provision of legal counsel in certain cases. In 1841 Gipps had announced his decision to appoint a standing counsel for Aborigines,⁹² and although this idea does not appear to have been put into practice, small sums had been paid by the Government for legal assistance to Aborigines.⁹³

Two important beliefs which underlay Government and community thought and practice by 1856 were the belief that Aborigines were racially inferior, unable ever to be "improved", and the belief that they would soon disappear as a race, were "doomed to extinction". Such beliefs made it possible to observe extreme Aboriginal poverty, disease, and death, with equanimity, and lay at the foundation of attitudes of social exclusion and contempt. Europeans had admired neither traditional Aboriginal culture, nor Aboriginal adaptation, or as they saw it, lack of adaptation, to European society.

European colonists did however grant Aborigines, if

92. Gipps to Russell, 7 April 1841, as quoted by Patterson, op.cit., p. 148.

93. See Statement of the Expenditure on account of the Aborigines of New South Wales in the Year 1850 in V. & P.N.S.W.L.C., 1851; V. & P.N.S.W.L.A., 1856-7, vol. 2, p. 833.

grudgingly, the status of "human beings". A serious challenge to the view that indigenous peoples were human beings had been made in England and America in the debates over slavery in the late eighteenth and early nineteenth centuries. Pro-slavery arguments had been based on the notion that Africans had been created separately by God as a lower and different order of being, especially suited to slavery. The anti-slavery argument had, in response, been based not on the claim that Africans were in any sense equal to Europeans, but that they were, at least, human beings, created of one blood by the Creator with Europeans. By the mid-thirties, the anti-slavery proposition had held sway.⁹⁴

In New South Wales slavery had never been attempted in reference to Aborigines, and the arguments surrounding it thus rarely aired. The proposition that Aborigines were not truly men, however, had been heatedly expressed in justification of dispossession by force.⁹⁵ Denial of Aboriginal humanity had been most frequently expressed in New South Wales in the late 'thirties and early 'forties, when frontier violence was at its height and while Governor Gipps was attempting, in the humanitarian tradition, to

94. Curtin, op.cit., pp. 52-3.

95. Hartwig, loc.cit., p. 12.

defend their humanity, their right to protection, their entitlement to compensation for their loss of land, and their essential "civilisability".⁹⁶ For all this, the notion that Aborigines were not men had not ultimately become a basic principle of colonial thought. The notion of the "enemy" as inhuman is common to all frontiers and all wars, and once the frontier had passed and the battle been won, the stimulus for such a notion had declined. Nevertheless the denial of Aboriginal humanity had been at one time a strong element in colonial thought, and the doubt, once expressed, was never eradicated.

The general acceptance that Aborigines were in some sense men, however, was scarcely a mark of respect. Everyone thought they lived in an inferior way, and a common formulation of their traditional way of life was that it was simply a "state of nature".⁹⁷ The notion that they lived in a state of nature, that is, without society and without laws, was based on the observation that they did not cultivate the

96. Bell, *La Perouse Aborigines*, p. 49; Harrison, *op.cit.*, pp. 35-62; Patterson, *op.cit.*, pp. 6-25; Reece, *Aborigines and Colonial Society*, p. 99.

97. See *S.M.H.*, 5 December 1838; R. Windeyer, *On the Rights of the Aborigines of Australia*, c. 1838 (MS. A1400).

land, seen as a pre-condition for civilised life.⁹⁸ Allied with this idea was the frequently expressed view that they were "without restraint", and governed by passions and impulse rather than reason.⁹⁹ Society was defined in Hobbesian terms, as a system of restraint and authority through which reason could gain ascendancy over passion.

At times, however, Aborigines had been seen to be bound by "vicious" laws, rather than no laws at all. This had been the view especially of the "improvers". Macquarie had tried to prevent assemblies and ceremonies, and Captain Grey had argued that Aboriginal codes and beliefs must be eradicated, for they were not in fact signs of "civilisation" but were the means whereby Aborigines were bound down "in a hopeless state of barbarism".¹⁰⁰ Missionaries, in their despair of ever converting Aborigines to Christianity, had blamed the hold of the older people over the younger people through the medium of these barbarous codes and beliefs.¹⁰¹

98. Windeyer, loc.cit., ; K.G. Allars, "Sir William Westbrook Burton", R.A.H.S. J.& P., vol. XXXVII, pt. v, (1951), pp. 257-94; Bridges "Aborigines and the Land Question", pp. 93-4.

99. See, for example, Barron Field, op.cit., pp. 193-229.

100. Macquarie to Bathurst, 18 March 1816, H.R.A. I, ix, pp. 141-5; D.J. Mulvaney, "The Australian Aborigines 1606-1929: Opinion and Fieldwork", in J.J. Eastwood and F.B. Smith (eds), Historical Studies: Selected Articles (Melbourne 1964), p.24; George Grey to Russell, 4 June 1840, enclosed in Russell to Gipps, 11 March 1841, H.R.A., I. xxi, p. 33.

101. See, for example, J. Gunther, loc.cit.

But whether the Aboriginal way of life was considered a "state of nature" or one perpetuated by vicious social laws, it was always considered inferior. Yet for all the confident judgments of the inferiority of traditional Aboriginal ways of life, very little indeed by 1856 had been observed or become known of them. Europeans had observed certain externals - the size of groups, manner of food-getting, and ceremonies. But they had had little access to knowledge of Aboriginal social organisation or religion, and moreover their own presence had quickly so dislocated these that they were no longer present to be observed. Knowledge of traditional life in New South Wales was thus, and still is, scanty.

At the time of first settlement, interest in "habits and customs" had been relatively strong. Officers had known something of Aborigines before they left England from the works of William Dampier, James Cook and Joseph Banks.¹⁰² They had known that Aborigines had no permanent dwellings, moved about considerably, did not cultivate the land, and had few of the comforts associated with "civilised" life. Officers such as Governor Phillip, Captain Tench and Lieutenant Collins had all been careful to note down what they could of how

102. Mulvaney, loc.cit., pp. 7-11.

Aborigines traditionally lived, but as the novelty wore off, and relations with Aborigines came to be dominated by conflict and contempt, scientific interest in them in the colony had subsided.¹⁰³ The work by David Collins had remained the only readily available account of Aboriginal life for over forty years. In the 1830's and 1840's, the degree of general knowledge had grown through the writings of missionaries, Protectors, and explorers, and from various Select Committees of the Legislative Council.¹⁰⁴ The information thus collected had been still mainly confined to matters such as appearance, general demeanour, food-getting methods, tools and weapons, the "Bora" ceremony, and their diversity of language. They had contained little information about Aboriginal social, political, religious, or economic organisation. An important exception to the superficiality of these accounts had been the work of George Grey, who had understood tribal cohesion and tradition as few observers had at the time.¹⁰⁵

103. Phillip to Sydney, 10 July 1788, H.R.A., I, i, p. 65; Captain Watkin Tench, Sydney's First Four Years, (Sydney 1962); Collins, op.cit.

104. Mulvaney, loc.cit., pp. 18-21.

105. George Grey to Russell, 4 June 1840, enclosed in Russell to Gipps, 11 March 1841, H.R.A., I, xxi, p.33; Rowley, op.cit., p. 23; Mulvaney, loc.cit., pp. 23-4.

In 1846 much of this information had been collected into a substantial work by William Westgarth, entitled A Report on the Condition, Capabilities and Prospects of the Australian Aborigines.¹⁰⁶ In the same year, a rather similar kind of account of Aboriginal life had been given by J.D. Lang in a chapter in his Cooksland in North Eastern Australia.¹⁰⁷ These works, again, were not followed by anything comparable in scope or detail for many years. Once dispossession was complete, and traditional Aboriginal society severely dislocated, interest in that society had subsided to a low level. In the early 1850's numerous books had been printed about New South Wales in England, to inform aspiring emigrants and to satisfy curiosity aroused by news of the gold discoveries.¹⁰⁸ Most of these "emigrant's guides" had contained a chapter on Aborigines, culled from the works of Westgarth and others. Like the works from which they were

106. William Westgarth, A Report on the Condition, Capabilities and Prospects of the Australian Aborigines (Melbourne, 1846).

107. J.D. Lang, Cooksland in North Eastern Australia, (London, 1847).

108. See, for example, F. Eldershaw, Australia as it Really Is (London, 1854); W. Hughes, The Australian Colonies; their Origin and Present Condition (London, 1852); F. Lancelott, Australia as it Is (London, 1852); W. Shaw, The Land of Promise; or, My Impressions of Australia (London, 1854).

drawn, they described certain elements of Aboriginal life in a superficial way. They had invariably stated that Aborigines were "low in the scale of humanity", physically ugly, and without religion, or social and political organisation.

If the knowledge of traditional Aboriginal life was superficial, so was the knowledge of the changes in Aboriginal society in response to dispossession, conflict, and European settlement. Settlers observed their decline in numbers, drunkenness, and their work as pastoral labourers, but changes in social and political organisation were not known or understood. The general view was that European civilisation had "demoralised" Aborigines and robbed them of any of the virtues they may have had in their natural state.¹⁰⁹

Both their initial lack of civilisation and their failure to become civilised after contact had had to be explained. All but a few "improvers" had assumed that both were the result of the essential inferiority of Aborigines, of their low moral and intellectual capacity. Such a belief had been expressed by Barron Field in the 1820's; in 1836 Judge Therry had remarked on their "sad and pitiful

109. See, for example, annual report for 1855 by Lockhardt, C.C.L. for Murrumbidgee, C.S.I.L., no. 56/800, A.O. 4/3309.

inferiority to the European mind"; and in 1838 the belief had been very freely expressed in response to Gipps's policy of protection and improvement.¹¹⁰

There had been some exceptions. Some had thought the problem was not the incapacity of individuals, but the perverse desire of Aborigines as a group not to become civilised, and thus civilisation was possible if children were taken from their parents at an early age.¹¹¹ Others had thought that civilisation to the point of becoming "useful", though not equal, was possible.¹¹² A very few had attributed their inferior way of life to "circumstance". Westgarth in 1845 had done so, speaking of "their destitute and obscure situation". To him, environments, but not men, differed, and "untaught unaccommodated man is the same in Pall Mall as in the wilderness of New South Wales".¹¹³

The Aboriginal people, it was generally agreed in 1856, were not only inferior, but were also "doomed to extinction".

110. Barron Field, op.cit., p. 225; re Therry see Harrison, op.cit., p. 73; Reece, Aborigines and Colonial Society, pp. 86-9.

111. Evidence of Robert Scott to Committee on Aborigines, 1838; Fitzroy to Grey, 23 March 1850, no. 63, C.O. 201/426.

112. Reece, Aborigines and Colonial Society, p. 87.

113. Westgarth, op.cit., p. 293.

This belief was based on the observation of their rapid decrease in numbers in the wake of British settlement, so that it seemed clear that when the whole colony had been intensively settled, Aborigines must disappear altogether. It was based also on the knowledge that such decreases in population were evident not only in Australia, but also in the indigenous populations of British colonies everywhere. The belief that Aborigines were "doomed to extinction" had been strong in New South Wales at least as early as the 1820's,¹¹⁴ but had gained full strength only when the frontier had passed, for the fear and hatred generated there had tended to make the complacency of "doom" somewhat difficult. By the late 1840's the phrase had become a commonplace, not only in the colony itself, but also in England.¹¹⁵

Discussions in England and New South Wales of the causes of Aboriginal depopulation had emphasised, and continued to emphasise, disease, alcohol, loss of sustenance, change of diet, and frontier hostilities. Settlement, it

114. Scott to Darling, 1 August 1827, enclosed in Darling to Huskisson, 27 March 1828, H.R.A., I, xiv, p. 56.

115. Saxe Bannister, British Colonisation and Coloured Tribes (London, 1838); James Cowles Prichard, "The Extinction of Native Races", Annual Report of the British Association for the Advancement of Science, 1839 (London, 1839), p. 89; Fitzroy to Frey, 18 July 1850, no. 135, C.O. 201/430; Fitzroy to Grey, 30 August 1851, no. 158, C.O. 201/442.

seemed, necessarily brought these things with it, making the process of Aboriginal depopulation inevitable. Settlers rarely expressed guilt that their actions had wrought such consequences. As they saw it, Aborigines were an inferior, weak, and unprogressive race; progressive and civilised races would in the course of settlement always wipe out the unprogressive and uncivilised.¹¹⁶ It seemed to be the wish of Providence, the means whereby civilised peoples displaced the uncivilised, and the means whereby progress occurred.¹¹⁷ If the inferiority of Aborigines had needed final proof, or the European attitude of rejection and indifference any final justification, rapid Aboriginal depopulation appeared to provide it.

II

Where the "inferiority" of Aborigines had seemed finally to guarantee their harmlessness, Indian, Chinese and Pacific Islander inferiority had guaranteed different things to different people. Squatters in the 30's and 40's had sought cheap controllable labour, and to them Indians,

116. Reece, *Aborigines and Colonial Society*, p. 92.

117. For a contemporary attack on this position, see evidence of Sadleir to Committee on Aborigines, 1838.

Chinese, and, occasionally, Pacific Islanders, because of their availability, defencelessness, and inferiority, had seemed a valuable source of such labour. To their opponents - colonists who were not squatters (usually, in political terms, "radical" or "liberal"), the Colonial Office, and local officials, - the conditions and wages proposed for these people by the squatters had approximated to slavery, a system which they abhorred. More notably, the introduction of such "inferior races" had been thought to bring with it great social, moral, and political evils.

The squatters in the 'thirties and 'forties had continually sought labour to man their expanding wool industry. Aborigines, as we have seen, had been found to be too few in the settled districts, and not to be "trusted" in the frontier districts. Since the early 'twenties, convicts had provided the staple labour force of the industry, and had had the advantage of being cheap and unfree. In the 'thirties, however, it had become clear that the supply of convict labour was inadequate for the needs of the industry, and in 1838 that the supply would cease altogether.¹¹⁸ Squatters had fought hard for the retention of convict labour, but had finally been forced to look elsewhere.

118. Roberts, op.cit., pp. 318-20.

They had wanted not only a greater supply of labour, but also labour with the advantages of convict labour - a low price, and legal control. Although the supply of free British immigrants had increased after 1831 under assisted schemes initiated by the Colonial Office, this supply had not answered the needs, as perceived by the squatters, of the wool industry.¹¹⁹ The immigrants had been town-dwellers, with a distinct and active dislike of pastoral work, and those who had entered such work had been free to command higher wages than the squatters wished to pay. The search of cheap, unfree, and plentiful labour had led squatters to consider the labour markets of India and China.

Since the abolition of slavery in British colonies in 1833, a "Coolie trade" had developed to replace it.¹²⁰ "Coolies" were indentured labourers taken from India to British colonies - principally the West Indies and the Mauritius - which had previously used slave labour. Unlike slaves, these indentured labourers could be hired only for a limited period, usually five years, had to be paid wages, which were always low, and, theoretically at least, could

119. Ibid., pp. 326-9.

120. I.M. Cumpston, Indians Overseas in British Territories, 1834-1854 (London 1953), p. 7.

be shipped to the new colony only with their own consent. Squatters in New South Wales had hoped that some of this trade could be diverted to New South Wales. They had been assured by John Mackay, a man with 28 years experience with Indian "Hill Coolies" as a planter in India, who had arrived in New South Wales in 1836, that Indians would be useful as pastoral labourers in New South Wales.¹²¹ Mackay had set out to import Indian Coolies at pastoralists' request. By June 1838 he had made arrangements to introduce 800, and by October 1838 a total of 1203 had been requested.¹²² In the latter months of 1838 89 Indians had been introduced and sent into service on pastoral stations.¹²³

Mackay and other pastoralists had worked in the previous two years to gain a Government subsidy for the scheme. In October 1836 and May 1837 Mackay had applied to the Governor for bounty assistance.¹²⁴ On 24 May 1837 a

121. Evidence of John Mackay, in Minutes of Evidence taken before the Committee on Immigration, Indian and British, into New South Wales, 1837, pp. 7-11, in V. & P.N.S.W. L.C., 1837.

122. S.M.H., 7 June, 1 October 1838; Willard, op.cit., p. 7.

123. Cumpston, op.cit., pp. 15-16; Willard, op.cit., p. 7.

124. Memorandum for the Consideration of His Excellency the Governor of New South Wales and its dependencies, October 1836, from John Mackay, and Additional Memoranda, 22 May 1837, both in V. & P.N.S.W.L.C., 1837.

number of flockholders had presented a letter to Governor Bourke begging his consideration of "the urgent necessity which exists of sending to Bengal for Shepherds, Cowherds, Labourers, and Household Servants, where they may be had in numbers, willing to emigrate and of sober, honest and industrious habits".¹²⁵ In August 1837 a Committee on Immigration, with a predominantly pastoralist composition, had recommended a grant of £6 Bounty for every Hill Coolie labourer imported.¹²⁶ Governor Bourke, however, when forwarding the Report to the Colonial Office, had objected to this recommendation on the grounds of expense and inconvenience, and of the "sacrifice of permanent advantage for temporary expiendence".¹²⁷ The Colonial Office had opposed the requests, and bounties had been refused.¹²⁸

Mackay's scheme had then suffered a greater setback. Since 1837 attempts had been made in both London and Calcutta to ban the Indian emigration trade, and in May 1839

125. S.M.H., 19 June 1837.

126. Final Report of the Committee on Immigration, Indian and British, into New South Wales, 25 August 1837, pp. 6-7, in V. & P.N.S.W.L.C., 1837.

127. Bourke to Glenelg, 8 September 1837, no. 85, Trans. Miss. Desp. Gov. N.S.W. 1833-1838, p. 866 (M.L. A1267⁻⁵).

128. Normanby to Gipps, 13 March 1839, no. 25, N.S.W.G.D., 1839, vol. 31, p. 453 (M.L. A1279).

it had been prohibited.¹²⁹ Squatters had unsuccessfully sought a repeal of the Act. In 1840 a Legislative Council Committee on Immigration had urged its repeal,¹³⁰ and in July 1841, 206 landholders and employers had petitioned for serious consideration by the new Committee on Immigration of that year of the necessity to re-open the Coolie trade.¹³¹ The Committee, however, with a minority of pastoralists represented, had reported on 13 August 1841 in opposition to the trade as detrimental to the future of the colony.¹³² Furthermore, it had suggested, a change in British Government policy towards the Indian Coolie trade would take time to achieve, with the result that Coolies could not be looked to as a solution to the colony's immediate labour problems.

Squatters had renewed their efforts to gain Indian labour after the lifting of the ban on the trade to Mauritius in January 1842.¹³³ In September 1842 a

129. Cumpston, op.cit., p. 33.

130. Report of Committee on Immigration, V. & P.N.S.W.L.C. 1840, p. 327.

131. Entry for 20 July 1841, V. & P.N.S.W.L.C., 1841.

132. Report from the Committee on Immigration, 1841, pp.4-5.

133. Cumpston, op.cit., pp. 63-4.

pastoralists' Coolie Association had been formed, under the leadership of W.C. Wentworth, which agreed to petition that the ban on the trade to New South Wales be similarly lifted.¹³⁴ Accordingly, a petition signed by 686 flock-holders had been presented to Gipps on 5 May 1843, arguing that parity with Mauritius would prove the Government's impartiality. Gipps had forwarded the petition, expressing his own disagreement with it.¹³⁵ Secretary for the Colonies, Stanley, had refused the petition, and the ban on the trade to New South Wales had continued.¹³⁶ In 1844 there had been a small revival of Indian Coolie immigration into New South Wales when a loophole in the law was discovered. Indians could be introduced under the guise of domestic servants, 61 being introduced by Towns and Campbell and 25 by Friell in this way.¹³⁷ This, however, had hardly been a solution to the squatters labour problems, and the battle for Indian labour had, in fact, been lost.

134. Indian Labour, N.S.W. 1842, MS. A2029; Colonial Observer, 28 September 1842.

135. Gipps to Stanley, 5 May 1843, N.S.W.G.D., 1843, vol. 42, p. 847 (M.L. A1231).

136. Stanley to Gipps, 29 September 1843, H.R.A., I, xxiii, p. 166.

137. Report from the Select Committee on Asiatic Labour, 1854, p. 1, in V. & P.N.S.W.L.C., 1854, vol. 2; P. Friell, The Conditions of Indian Labour in the Australian Colonies (Sydney, 1846).

The issue of cheap coloured labour had been briefly revived in 1847 when Benjamin Boyd, pastoralist, shipowner, and owner of a whaling base at Twofold Bay, brought 192 Pacific Islanders (from Tanna, Lafou, and Anatam) to the colony.¹³⁸ Most had been taken to Boyd Town, and distributed on stations in the Maneroo and Murray districts. The Islanders had been signed on five year contracts, which stipulated no specific wage. There had been a strong suspicion that kidnapping had been involved, and the trade had not been supervised by any British official.¹³⁹ Benjamin Boyd, however, had not received united squatter support for his scheme. Squatter half-heartedness, or even objection to a trade so closely approximating to slavery, and consisting of a race so utterly "savage" and therefore unreliable like the Aborigines, had been reflected in the attitude of the Legislative Council. When Cowper moved for a new Select Committee on Immigration on 18 May 1847, John Foster had moved an amendment that the Committee consider the advantages of both Asiatic and Pacific Islands indentured

138. J.H. Watson, "Benjamin Boyd, Merchant", R.A.H.S. J. & P., vol. II, pt. vi (1907), p. 137; H.P. Wellings, "Ben Boyd's Labour Supplies", R.A.H.S. J. & P., vol. XIX, pt. vi (1933), p. 376 .

139. J.M. Ward, British Policy in the South Pacific (Sydney 1948), pp. 218-19.

labour. The majority in the Council had strongly disagreed, their objections centring around the Pacific Islands trade. Foster's amendment had been lost.¹⁴⁰

Pastoralists at this time had become seriously interested in the possibilities of importing Chinese as cheap indentured labourers. They had been interested in Chinese labour at least since 1837, when they had eagerly subscribed to a plan set out by Gilbert F. Davidson, a merchant and shipping agent with connections in China.¹⁴¹ But Davidson's arrangements had failed, and there were no agents able to establish the trade.¹⁴² The Sydney Morning Herald had remarked at the time that the Chinese trade appeared to be fraught with too many difficulties.¹⁴³ By 1848, however, all difficulties had been removed. Shipping connections between New South Wales and China had improved, a contract system of emigration had begun to develop since the mid-1840's to various parts of the world,¹⁴⁴ and Britain had

140. S.M.H., 19 May 1847.

141. S.M.H., 19 June, 1837.

142. S.M.H., 3 May 1839.

143. S.M.H., 27 July 1838.

144. Persia Crawford Campbell, Chinese Coolie Emigration to Countries within the British Empire (London, 1923) p. 94.

shown no signs of interfering with the importation of Chinese to British settlements.¹⁴⁵ The British Government seemed content to supervise the trade, to prevent its worst abuses.¹⁴⁶ The Legislative Council, probably anticipating the introduction of the trade to New South Wales, had, in July 1847, amended the Masters' and Servants' Act, to make its provisions applicable to labourers whose contracts had been signed in India and China. The contracts signed by Pacific Islanders, on the other hand, were not to be recognised.¹⁴⁷

Agents for the squatters had investigated the possibilities for establishing a trade in Chinese contract labour to New South Wales. In 1848 G.W. Rusden had reported from Canton to Charles Nicholson, a wealthy pastoralist, that a profitable emigration could be established from the Chinese emigration port of Amoy, to New South Wales.¹⁴⁸ Nicholson and others had welcomed this information, and had

145. Ibid., pp. 90-97.

146. Ibid., pp. 97-100.

147. V. & P.N.S.W.L.C., 1847, vol. 1, p. 137; 11 Vic. No. 9, assented to 16 August 1847, Government Gazette, 20 August, 1847, pp. 21-23.

148. G.W. Rusden to C. Nicholson, 17 February 1848, in W.S. Macleay, Miscellaneous Letters, 1815-1863, in Macarthur Papers, pt. V, pp. 403-8 (MS. A4304, Restricted use).

arranged for emigration of Chinese contract labour to New South Wales from Amoy. The Chinese had seemed to answer all their hopes - they were able to be legally imported, their contracts were binding in the colony, and they were willing and able to come. From everything one heard, they were not a degraded race like the Islanders or the Aborigines, but were industrious and hardworking.

The first shipload of Chinese arrived in Sydney on 2 October 1848, with 120 Chinese on board.¹⁴⁹ The Colonial Office expressed some anxiety about the trade, but had been reassured by Governor Fitzroy that the trade was not likely to continue, since the revival of large scale immigration from Britain at that time would lead to its natural cessation.¹⁵⁰ The Sydney Morning Herald had expressed a similar view.¹⁵¹ Yet the trade had continued, now organised by Robert Towns, who brought out seven or eight ships with several hundred Chinese on each.¹⁵² Yet the British Government had not interfered. Most of the Chinese had been

149. S.M.H., 3 October 1848.

150. Willard, op.cit., pp. 9-10; Fitzroy to Grey, 3 October 1849, no. 203, N.S.W.G.D., 1849, vol. 63, pp. 303-8 (M.L. A1252).

151. S.M.H., 3 October 1848.

152. Report on Asiatic Labour, 1854, p.1.

taken to work in the Moreton Bay area, where they had been eagerly received. As one Brisbane resident had put it:

Many of the settlers are bringing Chinese from Hong Kong (sic) to prevent absolute ruin ... We can import the Celestials for about ten pounds per head at six pounds per year, and they will be engaged for five years, so that we shall be able to grow wool at a very low rate... Those Chinese who have been brought into the colony are found to be most excellent shepherds.... We are going to get a lot of them as soon as possible, now that we know their value. 153

The Chinese contract trade had lasted from 1848 until 1852. In that year, after riots and demonstration in Amoy against the Coolie trade, British officers in Amoy had been ordered by the British Government not to assist the emigration of Chinese contract labourers.¹⁵⁴ News of gold discoveries in California and Victoria had led to the replacement of the contract system of emigration from Amoy by a "credit ticket" system operating from Hong Kong.¹⁵⁵ Under the new system, Chinese emigrated to the gold areas, indebted not to European employers, but to Chinese merchants.

Squatters had not been as disappointed as one might expect by the loss of their source of contract Chinese

153. C. Lawless to Mrs Pyne, 15 March 1849, MS. A199.

154. Campbell, op.cit., p. 103.

155. Ibid ., p. 58.

labourers. In general, despite the Masters' and Servants' Act, extreme difficulty had been experienced in keeping the Chinese to their contracts, and most employers had found it necessary to draw up new agreements which guaranteed the payment of a higher wage.¹⁵⁶ Although some pastoralists had found them to be useful, Sandeman considering them "well disposed", and Fitzgerald regarding them as "the salvation of his flocks", most had considered that they were not worth the trouble.¹⁵⁷ Even Towns himself in 1854 had admitted that "generally speaking the reports are not satisfactory."¹⁵⁸ The Immigration Agent in Brisbane had also pronounced them to be unsatisfactory because of their frequent absconding from service.¹⁵⁹

The squatter search for cheap coloured labour had turned full circle when, once again, with the end of Chinese coolie immigration, some looked to India. On 14 December 1852 Wentworth had made one last attempt to gain permission from the British Government for the

156. Willard, op.cit., p. 11.

157. Report on Asiatic Labour, 1854, pp. 6, 12.

158. Ibid., p. 12.

159. Immigration Agent, Brisbane, to Fitzroy, 27 October 1853, enclosed in Fitzroy to Newcastle, 30 December 1853, no. 167, C. O. 201/467.

importation of Indians.¹⁶⁰ In moving in the Legislative Council that an address be presented to the Governor General, praying that he would represent to the Governor General in India that New South Wales should be placed on a footing with Mauritius and the West Indies with respect to Indian labour, he had argued that necessity again demanded their introduction. Indians had become even more desirable when contrasted with Chinese, as they "were not anxious to escape from low wages to a higher state of remuneration; or at all events they were not likely to abscond from their employment, being by nature obedient and submissive - contented with their humble lot, and satisfied with a moderate rate of wages". The motion had been carried without debate, but the British Government ignored the address.¹⁶¹

One last attempt to gain Indian or Chinese labour had been made by Robert Towns in 1854. He had no longer been able to obtain Chinese from Amoy, and had said later that "having been disappointed in repeated applications I made for these people, I have turned my attention to Coolie immigration from British India".¹⁶² Four ships had been sent to India

160. S.M.H., 15 December 1852.

161. Report on Asiatic Labour, 1854, p.11.

162. Ibid.

and one to China, in a desperate search for Coolie labour, but Towns had discovered that he could obtain neither Chinese nor Indian Coolies. Indians could now not even be obtained under the guise of domestic servants, because of the stricter regulations of a new Indian Act in 1852.¹⁶³

Opposition to squatter plans for Coolie labour had come first from the Colonial Office and Governors Bourke and Gipps, then from Colonial radicals, consisting largely of city artisans and labourers in the early 'forties, and later from liberal, usually middle class, politicians. The liberal stance, ultimately the most important for post-1856 thinking on Chinese immigration, was directly derived from the Colonial Office and radical positions.

Colonial Office policy had been based on a determination that New South Wales should be maintained as a British settlement. It was to be an extension of Britain overseas, and a useful receptacle for Britain's surplus emigrant population. While the demand for labour in other British colonies - Mauritius, West Indies, Natal - could be met by coolie labour, that in New South Wales would have to be met by British immigration. The Colonial Office had a profound distrust of white settler treatment of non-European

163. Ibid.

races. Bitter experience had shown that settlers in Australia, like their counterparts in North America, were not interested in protecting the interests of, or civilising, the "inferior" peoples whom they contacted. Coolies, therefore, would be forced into a servile position, and established as a "low caste", as Africans had been in North America. Such a low caste would lead to a deterioration of the character of the whole colony. Further, should racial intermixture occur, the British race in New South Wales would be "contaminated" and "degraded".

Glenelg had been the first Secretary for the Colonies to argue the case against cheap coloured labour for New South Wales. The formation of a class different in origin and habits from the majority of colonists, he had said in December 1837, "subject to restrictions not generally imposed", "regarded as an inferior and servile description", would have a detrimental effect on the colony.¹⁶⁴ Just why this was so had not been fully elaborated, but Sir James Stephen, permanent Under Secretary for the Colonial Office, had put the case a little more clearly on 7 May 1841:¹⁶⁵

164. Glenelg to Gipps, 14 December 1837, H.R.A., I, xix, pp. 202-3.

165. Quoted in Paul Knaplund, "Sir James Stephen on a White Australia", The Victorian Historical Magazine, vol. XII, no. 4 (June 1928), p. 241.

To expedite augmentation of wealth in New South Wales by introducing the black race there from India would, in my mind, be one of the most unreasonable preferences of the present to the future which it would be possible to make. There is not on the globe a social interest more momentous, if we look forward for five or six generations, than that of reserving the continent of New Holland as a place where the English race shall be spread from sea to sea unmixed with any lower caste. As we now regret the folly of our ancestors in colonising North America from Africa, so should our posterity have to censure us if we should colonise Australia from India.

In the colony Governor Gipps had forcefully argued the Colonial Office position. In the Legislative Council he had argued that Coolies could not be seen as a temporary labour force, but were likely, once introduced, to remain in the colony, and that their permanent residence would create a slave caste.¹⁶⁶ He stressed the idea that their presence would erode feelings of humanity in the "higher orders of the population", and that, even once released from their contracts, Coolies would remain in the colony as a degraded class of free citizens. Indians, the implication was, would inevitably be in this position as the result both of their own nature, and of settler treatment of them.

The Legislative Council Committee on Immigration in 1841 had agreed that it was inevitable that a race of

166. S.M.H., 21 July 1841.

different origin and habits be assigned to a status of inferiority.¹⁶⁷ Worse, their inferior status would be further assured by the fact that they came as unfree lowly paid labourers. The real solution to the colony's problems lay in extended British immigration, since colonial society was "at present so unmixed in its composition as to promise to supply materials for the fabrication of a social and political state corresponding with that of the country from which it derives its origin".

Opposition to the Coolie Association of 1842 had been expressed by sources outside the Legislative Council. J.D. Lang had led with an editorial in the Colonial Observer in September 1842, which repeated the earlier arguments.¹⁶⁸ Massive Coolie migration, he suggested, would inhibit British immigration (with which Lang was particularly concerned). "There would", he said, "be rising up everywhere around us a numerous and permanently degraded race in the land". Indians, even if they were given equal rights and treated equally under British law, would never attain a position of equality with British colonists. Equality was impossible, firstly because the Indians were a degraded people.

167. Report from the Committee on Immigration, 1841, pp. 4-5; Willard, op.cit., p.4.

168. Colonial Observer, 28 September 1842.

The descendants of convicts, Lang said, might eventually become judges, but no coolie or his descendant could ever become a judge. Secondly, the squatters, the members of the Coolie Association, would see to it that they were kept degraded. The colonists, he added, were fighting for liberty, against the development of a colonial aristocracy, and to this end had to import a free British and not an Indian population. The Indian Coolies, he said, would form an undesirable weapon for "Colonial Toryism and oppression".

Strong objection the Coolie Association and its proposals had come also from the artisans and labourers in Sydney. Sydney at that time had been suffering from a depression; there was unemployment in the city even while there was a shortage of pastoral labour.¹⁶⁹ Artisans and labourers had been fearful of the economic effects of further immigration of any kind, and had been particularly opposed to Coolie labour as a threat to the freedom and wages of labourers generally. A petition drawn up in March 1843, signed by 4129 persons, "principally of the working classes", had been distinct from earlier criticisms of Coolie labour in that the generalised fears of earlier critics had

169. Roberts, op.cit., p. 193.

been given a specific economic and moral form.¹⁷⁰ The petition had argued that there was no need for more labour, and especially not for cheap labour, which would lower wages. The Coolie system, further, would be akin to slavery. Convictism had shown how slavery degraded the slave-owner, and all knew that in such sparsely settled territory Government protection of the Coolies from the avarice of the squatters would be impossible. Morally, the Indians, with their "peculiar vices", would be a "hindrance to the growth of virtue and morality amongst us".

Opposition in the early 1850's to the importation of Chinese indentured labour had been led by the emergent colonial liberals. In the years since the debate of 1842-3 over Indian Coolies, a distinctive colonial liberalism had gained in political strength. The liberal view for the future of colonial society was that it must be founded on a basis of social and political equality, with no group set apart, either above or below, by virtue of birth. Labour was to be based on freedom of contract, and the "squatter monopoly" of the 'forties to be replaced by a diversified economy in which different economic interests would be held in balance,

170. Gipps to Stanley, 27 March 1843, N.S.W.G.D., 1843 vol. 42, p. 531 (M.L. A1231).

and in which small scale agriculture and production were to be highly valued. It was a view which owed much to that of the radicals of the mid-1840's, differing from it largely in its slighter emphasis on "independence" and the rights of the working man, and in its greater emphasis on a "balance" between capital and labour.¹⁷¹ The liberal attitude to the introduction of the Chinese was an amalgam of the arguments used by the Colonial Office and by the working class petition of 1843 in opposition to Indian labour. Like the former, it opposed slavery, the introduction of a "lower caste", and an intermixture of races, and stressed the necessity for a British population. Like the latter, it stressed the danger to labour, both in lowering wages and in bringing it into contact with people of low morality. The opponents of coloured labour made little distinction between Indians and Chinese.

The Empire, edited by Henry Parkes, and the chief organ of liberal opinion, had said on 20 November 1851: "We have ever regarded the reckless importation of coloured races as an act of treason to society". The Chinese trade was objectionable both because the Chinese were an inferior race,

171. T.H. Irving, *The Development of Liberal Politics in New South Wales, 1843-1855* (Ph.D. thesis, S.U., 1967), pp. 5-13.

and because the trade was "a species of slave trade". In the Legislative Council the liberal attack on the Chinese trade had been led by Henry Douglass, elected member for Northumberland and the Hunter, and later to become a premier of Queensland. On 23 November 1851 he had moved for leave to introduce the Bill to fix a limit to Chinese immigration.¹⁷² In the ensuing debate he had argued that the Chinese were being introduced as slaves, that they were, as a race, known to be given to every abomination and the practice of the most infamous vices, and, finally, that they would inhibit British immigration. He had been defended both by the Colonial Secretary and the Attorney General in principle, especially by the latter who exclaimed: "Let us not have a piebald breed in this splendid colony !" Both, however, had pointed out that the Council had no power to pass restrictive legislation of the proposed kind. The squatter had had a majority in the Council, and Douglass had finally to withdraw his motion for lack of support.

Liberals had responded to Towns's renewed attempts in 1854 to introduce Indian labour. Henry Parkes moved on 7 July 1854 that the Council express its opposition to the

172. Empire, 22 November 1851.

introduction of Coolie labour.¹⁷³ The motion embodied all of the major arguments of the previous seventeen years. It noted that the demand for labour could only be "fully and effectually met by a constant influx of population from Europe, such as shall subside into and vitalise the common elements of colonising enterprise, and that the present necessities of the country in this respect cannot be safely considered without reference to its future and permanent interests". He mentioned the evil consequences of the "introduction of a coloured or an inferior race", and the danger of the "irremediable evil of degrading labour itself". In contradiction to his reference to "a coloured or an inferior race", he went on to say that "what he complained of was not that these men should come to the colony, but that they should be introduced by special means". He concluded that he was not trying to prevent the trade, as this was impossible given the limited powers of the Council, but that it was simply attempting to gain from the Council a statement of its view of the moral merits of the case. In debate, Cowper had agreed that the primary need was to gain "a large, virtuous and intelligent population" from Britain,

173. S.M.H., 8 July 1854; see entry for 27 June 1854, V. & P.N.S.W.L.C., 1854, vol. 1.

Germany, and enlightened parts of continental Europe, and Darvall had stressed that the Chinese would become "serious competitors with the lower orders".

But Parkes, like Douglass before him, had been unable to gain majority support in the squatter-dominated Council. Having lost his motion by seven votes to eighteen, Parkes had tried another tack. He had moved on 15 August 1854 for a Select Committee to be set up to enquire into the details of the trade, and to recommend protective measures.¹⁷⁴ Since no real attack on the system had thereby been mounted, he had been supported both by the supporters and opponents of Coolie labour. Douglass, the strongest opponent in the Council to Coolie labour, had actually objected to the motion on the grounds that it tended to facilitate rather than prevent the undesirable trade. The Committee had been duly appointed, but had been rendered irrelevant by the fact that Towns had discovered before the report could be drawn up that he could obtain neither Chinese nor Indian Coolies. The report had nevertheless been completed on 27 November 1854, and had concluded that since Coolie labour seemed quite unobtainable, the Committee did not need to recommend measures to control the trade. Should the trade by any

174. S.M.H., 16 August 1854.

circumstances be revived, it recommended a Colonial Protectorate to control it should be established.¹⁷⁵

The report had provided a detailed picture of Parkes' objections to Coolie labour. In particular, in the hearing of evidence he had disagreed with Marsh, another member of the Committee, on the issue of the separate employment of English and Coolie labour on pastoral stations. One witness, Gordon Sandeman, had described how he employed them separately, and Marsh had considered this a good thing, as Europeans would thereby be raised to higher levels of occupation. But Parkes had argued that to create a degraded class of people who occupied all the worst employments was utterly un-English and against the interests of the colony.¹⁷⁶

Parkes had made the same point when questioning a witness to the Select Committee on Immigration in the same year.¹⁷⁷ The witness, J.N. Beit, had suggested the immigration of "free people of colour" from the Southern states of the U.S.A. into New South Wales to the extent of several

175. Report on Asiatic Labour 1854, p.5.

176. Ibid., pp. 6-9.

177. Report of Select Committee on Immigration, 1854, pp. 44-5, in V. & P.N.S.W.L.C., 1854, vol. 2.

thousands annually. He thought they would be desirable immigrants as they spoke English, and could be useful as mechanics and domestic servants. In their defence he had remarked that "they are almost white; the people I am speaking of approach nearer to whites than they do negroes".¹⁷⁸ Finally, and somewhat in contradiction to the previous statement, he had argued that as long as immigrants entered as free agents and were treated equilly, their colour or race was irrelevant. On this occasion Parkes had repudiated his earlier statement that it was the mode of introduction and not the race of the Coolies that had concerned him. Now he proposed to Beit with considerable force, just as J.D. Lang had argued twelve years before, that coloured people would inevitably find themselves in the lowest occupations whether they entered as free agents or not. Occupations which Europeans disliked would be relegated to the coloured groups, who would then become "a socially degraded class in general estimation".¹⁷⁹

When liberals achieved political dominance after 1856 an essential element in their ideology was to be an opposition to a separate and inferior class of people in the colony.

178. Ibid., p. 44.

179. Ibid., p. 45.

For liberals, immigrants had to become part of society, to enter into its social relations. Since coloured races were thought, by virtue of racial inferiority and white prejudice against them, to be unable to do this, they could not be welcomed. Like the Colonial Office before them, liberals saw New South Wales as a "new Britannia", and actively sought a British population as the basis for progress and democracy.

Squatters, while able to introduce Chinese labour and while politically powerful, had, during the seventeen year debate, been forced onto the defensive. In their advocacy of Coolie labour they had been forced to come to terms with the social and racial arguments of their opponents, and their defensiveness had arisen from an inability satisfactorily to answer, even to themselves, those arguments. They commonly argued that they preferred British to Indian labourers, but were forced to seek Indian labour out of dire economic necessity. As one of their number, Robert Scott, had put it in 1837, "I prefer a purely British population to every other, and I believe this to be the universal opinion."¹⁸⁰ R. Windeyer, in 1842, had reiterated this

180. Evidence of Robert Scott to Committee of Immigration, 1837, p. 19.

position: "We would rather have our own countrymen, men speaking the same language, and worshipping the same deity as ourselves, if we could get them".¹⁸¹

Squatters had attempted to use the social and racial fears of Coolie importation held by Gipps and the Colonial Office as a weapon in their attempts to gain more extensive British immigration, and in their opposition to the end of the convict system. At a meeting on 25 May 1838 they had threatened that unless these two demands were met, squatters would be forced into "the anti-national introduction of Indian labourers, strangers alike to our religious and moral habits, still further increasing the disproportion of sexes in the colony, and presenting no hope of a desirable increase in our population"¹⁸² This dual function which squatters proposed for Coolies, both as valuable in themselves and as a rather undesirable last resort forced upon them by the negligence of the Government, had left them unable to argue for either effectively. The Sydney Morning Herald on 20 July 1838 had seen the danger of this approach, and had warned pastoralists not to present the matter as they had in May. To appear to accept the British argument, or to accept

181. Colonial Observer, 28 September 1842.

182. S.M.H., 28 May 1838.

it waveringly, would undercut their own necessary position, which was in fact a just one. Indian labour, said the Herald, was not a last resort detrimental to the colony, but a valuable acquisition which would benefit the wool industry, and ultimately the colony as a whole, for "there is no class whose prosperity is not mixed up with that of the landed proprietors and woolgrowers".

To the squatters there had been two kinds of inferior races - those who were so inferior and "savage" as to be useless as labourers, and those who, though inferior to the British, were sufficiently civilised and well-behaved to perform useful labour. The Indians quite clearly fell into the second category, the pastoralist petition of 1843 describing them as good workers, exhibiting characteristics of "honesty, sobriety, and thrift". Pacific Islanders, along with Aborigines, quite clearly fell into the first category. In a Legislative Council debate, Windeyer, who had favoured Indian labour, had described the Pacific Islands trade as one which was designed "to tax the people - to take the money of the white, the Christian, the civilised man, in order to bring amongst them hordes of black and savage cannibals". They should not "contaminate their blood by a connection so degrading".¹⁸³ In a second debate on the issue, Robert Lowe

183. S.M.H., 19 May 1847.

had referred to the Islanders as "sunk in a state of worse than childish imbecility".¹⁸⁴ Slave trades of this kind, Lowe had argued, were carried on by superior nations against inferior ones: "the one who enslaved was always further advanced in civilisation than the enslaved". Robertson and Wentworth had in the Council attempted to argue that Pacific Islanders were not as racially inferior as most assumed, Robertson describing them as "the most intelligent blacks he had met", but had received little support.¹⁸⁵

Defence of Chinese labour had also necessarily involved a defence of their racial character - not that they were equal to the British, but that they were not "savage" and "degrading". In a debate in the Council on 21 November 1851, Wentworth and Lamb, for example, had said the Chinese were not immoral and degrading, and were good workers.¹⁸⁶ In 1854 the character of the Indians and the Chinese had again been defended. William Christie, Postmaster General, had remarked that he "was not so illiberal as to dislike a man on account of his complexion, and he knew of no more affecting sight or incident in the annals of the colony than

184. S.M.H., 2 October 1847.

185. S.M.H., 19 May, 2 October 1847.

186. Empire , 22 November 1851.

that of the aboriginal Jackey Jackey kneeling over his dying master".¹⁸⁷ Both sides in the debate had thus assumed that coloured labour would inevitably be in a subordinate position: the point at issue had been the meaning, in moral and social terms, of such a situation. The divergence had been one of basic social and political philosophies. Where liberals had abhorred the creation of a separate and lower "caste" without rights or respect, squatters, with their hierarchical and aristocratic political perspectives, had not. The question of the desirability of a lower caste, and the question of the degree of racial inferiority of the Chinese, was to appear in debates between liberals and conservative pastoralists in the legislature after 1856 in response to free gold-seeking Chinese immigration.

By 1856, then, in very different ways, the colonial belief in the inferiority of both Aborigines and Chinese had become clearly apparent. In reference to Aborigines, racism had become a justification for economic and sexually exploitative practices, and for a prevailing attitude of indifference. In reference to Chinese, it had been associated with two opposed policies, the one welcoming cheap labour, the other fearing the effects of the introduction of

187. S.M.H., 8 July 1854.

"inferior" peoples. In each case it had been assumed that neither Aborigines nor Chinese could adopt the habits of "civilisation", and thus assimilate into British colonial society. An important difference between the two cases, to become more important when Chinese came later as free rather than contract immigrants, was that where in the case of Aborigines the inability to assimilate was seen to have been "proven" by experience, in the case of Chinese it had been assumed, rather than proven to be the case. How such beliefs and assumptions interacted after 1856 with other colonial concerns and aspirations, and with changes within colonial society itself and in the role played by both Aborigines and Chinese, must now be examined.

PART II

ABORIGINES AND COLONIAL SOCIETY

CHAPTER TWO

COLONIAL INDIFFERENCE TO ABORIGINES, 1856 - 1874

During the first eighteen years of responsible government in the colony of New South Wales the British colonial and Aboriginal societies functioned separately, linked together only through Aboriginal employment, chiefly as pastoral workers, sexual contact between European men and Aboriginal women, and very marginal social contact between the two groups. Aborigines maintained a distinctive, though not unified or "national" identity. British colonists, for their part, now felt free to ignore Aborigines. Except in the very first years of responsible government there was no frontier, no violent conflict, and no need for Europeans to protect themselves or demand Government protection against Aboriginal attack. There were no attempts to "improve" Aborigines, very few attempts to assist them materially or "protect" them from the deleterious effects of European society, few legal discriminations, and no administrative attempts such as institutionalisation adopted to exclude them physically. Community attitudes and Government policy are best described as attitudes and policies of "indifference".

Changes in British colonial society after 1856

profoundly affected Aboriginal life in all parts of the colony . These changes included a rapid increase in the size and density of the British population, and a diversification of the colonial economy. The non-Aboriginal population in New South Wales more than doubled throughout the period, rising from approximately 350,000 in 1861 to 500,000 in 1871, and 750,000 in 1881.¹ While large parts of the colony remained primarily pastoral, there were now many more, and larger, towns; there was also the growth of more intensive farming, especially after the Land Acts of 1861. Aborigines were profoundly affected by the increased density of settlement. They were able to survive in greater numbers in areas where they could obtain pastoral employment or where some traditional food-getting was still possible. In densely settled areas, where neither of these conditions prevailed, their numbers continued to decline with extreme rapidity. Even in pastoral areas continued population decline was evident.²

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1. Census of 1881, V. & P.N.S.W.L.A., 1882, vol. 3, p. 229.
 2. Murrumbidgee C.C.L. Report for 1855, C.S.I.L., encl. with no. 56/800 (A.O. 4/3309); Maneroo C.C.L. Report for 1856, encl. in Denison to Labouchere, 14 March 1857, no. 55, C.O. 201/498; Maneroo and Clarence C.C.L. Reports for 1858, C.S.I.L., both encl. with 59/1210 (A.O.4/3401); E. Strickland, The Australian Pastor: A Record of the Remarkable Changes in Mind and Outward Estate of Henry Elliot (London 1862), p. 75.

In the pastoral areas of the far north east, far west, central north, central west, and along the Murray and Murrumbidgee rivers, Aborigines during the late 'fifties entered work in increasing numbers.³ They worked at shepherding, sheep washing, shearing, stockriding, and other tasks. Employment was possibly highest in the far west of the colony, where Aborigines throughout the 'fifties provided the staple labouring force in shearing, and where they were therefore paid comparatively well.⁴ On the Liverpool Plains, too, and around Wee Waa and Walgett, the employment of Aborigines was considerable.⁵ On the Gwydir employment was very high, and employers in the mid-fifties were forced to pay in cash.⁶ Other occupations worked by Aborigines

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3. Murrumbidgee, Wellington, and New England and Macleay C.C.L. Reports for 1855, C.S.I.L., all encl. with 56/800 (A.O. 4/3309); New England and Gwydir, Macleay, and Albert and Lower Darling C.C.L. Reports for 1858, C.S.I.L., all encl. with no. 59/1210 (A.O. 4/3401); Murrumbidgee C.C.L. to C.C.C.L., 15 January 1861, Lands I.L., no. 61/264 (A.O. 3621); Memoirs of H.M. Eastman, p.5 (MS. B1341).
 4. Albert C.C.L. Report for 1855, C.S.I.L., encl. with no. 56/800 (A.O. 4/3309); Albert and Lower Darling C.C.L. Report for 1858, loc.cit.
 5. Liverpool Plains C.C.L. Reports - for 1855, C.S.I.L., encl. with no. 56/800 (A.O. 4/3309); for 1856, encl. in Denison to Labouchere, 14 March 1857, no. 55, C.O. 201/498; for 1858, C.S.I.L., encl. with no. 59/1210 (A.O. 4/3401).
 6. Gwydir C.C.L. Report for 1855, C.S.I.L., encl. with no. 56/800 (A.O. 4/3309).

included cedar getting and whaling on the South Coast,⁷ and the collecting and selling of wild honey from the bush at Port Stephens.⁸ The development, however, of agriculture on the Manning and Macleay rivers and of dairy farms on the South Coast led in the 'sixties to a lessening of demand for Aboriginal labour in those areas, and a consequent acceleration of the process of poverty, alcoholism, and depopulation.⁹

In many areas traditional food-getting methods, especially fishing, were still necessary for survival. Aborigines at Brewarrina had one of the most extensive fish traps in the colony, and the area of the trap had been reserved for them in the late 1840's.¹⁰ On the Lachlan, Aborigines were highly mobile, resorting in winter to European establishments where they worked and were paid in rations, and in the spring living near the lagoons and backwaters in the interior of the district where they fished

7. Bell, La Perouse Aborigines, pp. 83-5.

8. W. Scott, Notes on Aborigines, pp. 27, 39 (MS. B756).

9. Bell, La Perouse Aborigines, pp. 83-5; J.S. Ryan, The Land of Ulitarra: Early Records of the Aborigines of the Mid-North Coast of New South Wales (U.N.E., 1964), p. 181.

10. Meeting of the Exec. Council, 18 July 1848, Exec. Council Minute Book, Minute no. 23B (A.O. 4/1524).

and procured water fowl and eggs.¹¹ Fishing was especially common on the South Coast, becoming often the staple diet, and the source of some income.¹² Aborigines were also very dependent on fish on the Manning, lower Murrumbidgee and Murray rivers.¹³ Near Hay extensive fish traps were still used in the 1870's, and Hay was a centre for assemblies, where the use of the traps was discussed and competitive games held.¹⁴ Fish conservation was skilfully practised on these rivers, and it was a common saying by Europeans that "when the blacks went the fish went".¹⁵ Aborigines still practised game conservation where possible, and Mary Gilmore tells of how Aborigines complained to her father of the European destruction of wild life.¹⁶

Mobility remained high, as a product of the fact that subsistence was gained from a combination of labouring for

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11. Lachlan, C.C.L. Report for 1855, C.S.I.L., encl. with no. 56/800 (A.O. 4/3309).
 12. Bell, La Perouse Aborigines, pp. 83-5.
 13. F.A. Fitzpatrick, Peeps into the Past: Pioneering Days on the Manning (Parramatta 1941), pp. 35, 40; Strickland, op.cit., p. 76.
 14. Mary Gilmore, Old Days: Old Ways (Sydney 1934), pp. 168-95.
 15. Ibid., p. 168.
 16. Ibid., p. 219.

Europeans and traditional food-getting. Aborigines moved constantly from station to station, and between the stations and the lakes, lagoons, rivers, and towns. Furthermore, depopulation, economic changes, and the breakdown of tradition made it easier to move into what was formerly hostile territory.

Aboriginal social organisation continued to undergo severe and important changes. As J.H. Bell points out, the "camp" emerged as the major social unit.¹⁷ Camps were larger than the earlier local groups, because their members were not so dependent on natural resources. They were often composed of clan remnants, and were of unstable composition; recruitment to a camp was not automatic, as before, but voluntary, and camps were not necessarily virilocal as earlier groups had been, since girls did not always leave their parents' group as before. Changes in authority patterns occurred concurrently with the loss of much traditional culture. Initiation became uncommon, and the authority of the old people generally weakened. Yet this authority was not entirely lost, as indicated in the description by Daniel Matthews of his difficulties in establishing a mission

17. Bell, *La Perouse Aborigines*, pp. 88-93.

on the Murray in the mid-1870's.¹⁸

Sex roles in Aboriginal society had been severely dislocated as a result of European settlement, especially as a result of the new forms of economic survival now available. Men transferred from hunting to working as stockmen, shepherds, and casual pastoral labourers of all kinds. Their new role contained some of the features of the old, as they worked seasonally, and only until a subsistence level was obtained. In traditional Aboriginal society, women had been the gatherers, the providers of the staple everyday diet which was supplemented by the more substantial food caught by the men. As roots and small game disappeared, the women lost their function as gatherers, and there was nothing to replace it. Their employment by Europeans was minimal, and the only economic resource left to them was prostitution. A correspondent in the Riverine Herald reported in 1876 that it was common for Aborigines, when European shearers were paid, to pitch their camp nearby, and obtain alcohol from the shearers in return for prostitution.¹⁹ Family life persisted, but in an altered

18. Daniel Matthews, First Report of the Maloga Aboriginal Mission School, Murray River, New South Wales (Sydney 1876; Daniel Matthews, Third Report of the Maloga Aboriginal Mission School, Murray River, New South Wales (Echuca 1878).

19. Extract in Evening News, 21 November 1876.

form. Monogamy, according to Bell, tended to replace polygamy, because where a wife had once been an economic asset, she now often became an economic burden.²⁰ Her loss of traditional economic role could only partly be replaced by the new economic role of prostitution.

Aborigines did not ignore European society, in that they sought employment and frequently visited the towns. Nevertheless, they maintained their identity as a distinct group, partly because of traditional ties, partly because of the necessity for survival, and partly because of their withdrawal from the values and habits of their dispossessors. The degree of Aboriginal interest in acceptance by European society is, however, difficult to determine, because of the overwhelming and insistent exclusion practised at the everyday level of townsfolk and squatters alike.

Even rural labourers ultimately excluded Aborigines from their own fraternity. There was some social mixing between these two groups, Europeans at times being prosecuted for frequenting Aboriginal camps, and some similarity in life style being exhibited, both groups being highly mobile, working casually, valuing possessions little, and alcohol

20. Bell, *La Perouse Aborigines*, pp,90-1.

a great deal.²¹ Yet although the European rural labourers may have at times admired Aborigines for their expert knowledge of the bush, and skill as stockmen, and been prepared to drink with them and have sexual relations with the women, they never completely accepted them.²² Not only did European labourers never marry the Aboriginal women they used so freely, but also their friendship frequently turned into contempt. As one newspaper correspondent put it in 1865, Aborigines could be seen "reeling with intoxication, swearing, blaspheming, fighting, not only among themselves but in company with Europeans, who first tempt, then fraternise with, and lastly, abuse and maltreat them".²³ Even when their own way of life was similar to that of Aborigines, Europeans regarded themselves as essentially superior. Itinerant rural labourers, in any case, formed a small minority within British colonial society

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21. Jeremy R. Beckett, "Kinship, Mobility and Community among Part Aborigines in Rural Australia", International Journal of Comparative Sociology, vol. 6, no. 1 (March 1965), pp. 7-23; Deniliquin Chronicle, 7 January 1865, 15 July 1869; Police Magistrate, Deniliquin, to Col. Sec., 22 February 1861, C.S.I.L., no. 61/760, encl. with no. 61/1238 (A.O. 4/3445).
 22. L.R. Hiatt, "Aborigines in the Australian Community", in A.F. Davies and S. Encel (eds) Australian Society, (Melbourne, 1965), p. 279.
 23. Deniliquin Chronicle, 6 May 1865.

and most country townsfolk were adamant that Aborigines, because of their "filthy habits", drunkenness, and quarrelling in public places, be kept away from the townships. Their main contact with townsfolk appears to have been through sporting fixtures, in which they often excelled.²⁴

Those ideas and attitudes which had come to dominate colonial thinking about Aborigines by 1856, continued to do so throughout this period. There were few suggestions within colonial society that its approach to, and relations with, Aborigines, required change. Aborigines were neither a serious embarrassment nor a danger. Nowhere, for example, did they threaten the jobs of European labourers, for they worked in pastoral areas where there was a shortage of labour. Everywhere colonists believed that Aborigines would soon disappear, were "doomed to extinction". George French Angas in 1865, in his book Australia: A Popular Account, expressed the belief in the typical way:²⁵

As British colonisation is gradually spreading over the Australian continent, so the primitive inhabitants of the soil are fast dying out, and,

24. Deniliquin Chronicle, 7 January 1865, 9 March 1867.

25. G.F. Angas, Australia: A Popular Account (London 1865), pp. 49-50.

in many places, they will, ere long, have totally disappeared. Wherever the white man locates himself, so surely do the inferior races give way: as the Red Indian and the Bushman have vanished before the colonists of North America and the Cape, so will the degraded nomads of Australia perish in like manner.

Angas's book was often quoted, and formed one of the best known expressions of this opinion in these years. The notion of inevitability was given credence by the observable disappearance of Aborigines in closely settled areas. As one observer put it: "It has become fashionable to consider the whole race as doomed to perish from the face of the earth, simply because such is the fact".²⁶

One commentator in 1866 thought that if Europeans were kind to Aborigines, "the barbarous races will melt from the path of the Caucasian, not by a bloody or a brutal series of massacres and poisonings, but by a gradual and beneficial mingling and absorption".²⁷ This view that the minority group would physically assimilate with the majority group to the point of its own disappearance as a distinct physical type was rather unusual. Part-Aboriginal children were seen by most people as still essentially Aboriginal, and

26. Extract from the Yeoman and Australian Acclimatiser, 24 May 1862, in S.M.H., 9 June 1862.

27. Deniliquin Chronicle, 17 February 1866.

thus, although there may have been some idea that their "white blood" improved them, they were very rarely seen as the agent of the disappearance of the Aboriginal race.

Their disappearance was thought to be inevitable, and so obvious as to require little explanation. Yet sometimes attempts were made to analyse the causes of the phenomenon. Factors suggested were loss of hunting grounds, disease, change in diet and clothing, and alcohol. Angas emphasised the loss of hunting grounds and the destruction of roots and berries for gathering.²⁸ Rev. T. Sharpe of Kiama also attributed their loss of life to their loss of hunting grounds and "their means of procuring subsistence".²⁹ Gideon S. Lang, in a lecture in Melbourne in 1865, which was reprinted and distributed in New South Wales, suggested that the main reason for Aboriginal depopulation was their susceptibility to pulmonary (respiratory) disease, the result of their wrong use of clothing.³⁰ A newspaper correspondent said of pulmonary disease in 1862: "So quickly is this...disease carrying them off in some parts of this

28. Angas, op.cit., p. 50.

29. Rev. T. Sharpe, "Five Weeks at Kiama, Illawarra District", Memo Book, Kiama, August 1869, Sharpe Papers, p. 209 (A1502).

30. Gideon S. Lang, Aborigines of Australia (Melbourne 1865), p. 33.

colony, that it has been calculated the race will be extinct in the course of fifteen or twenty years".³¹

Sometimes the actions of the Europeans - violence, introduction of alcohol, sexual relations - were stressed as causes of depopulation. In May 1865 the Echuca correspondent on the Deniliquin Chronicle saw local Aborigines as "the unhappy remnants of a people nearly exterminated by the cupidity and vices of a civilised conqueror".³² The same correspondent noted, several months later, that the fate of Aborigines was not unusual, for the "treatment which native populations of any country have received at the hands of an immigrating and energetic race has, however, scarcely ever approached the standard which should have been maintained".³³ Yet even where European actions were stressed, depopulation was seen as inevitable and irreversible. Expressions of guilt were extremely few.

Nor did British colonists experience a sense of guilt or a philanthropic desire to assist when they observed the material poverty of Aborigines. The sight of sick, poverty-

31. Extract from the Yeoman and Australian Acclimatiser , 24 May 1862, loc. cit.

32. Deniliquin Chronicle , 6 May 1865.

33. Deniliquin Chronicle , 5 August 1865.

stricken, and sometimes beggarly Aborigines usually produced only feelings of disgust and condemnation that Aborigines had allowed themselves to live in such a way. Colonists universally agreed that Aborigines' lack of regular work, housing, education, and other benefits of colonial society was the result of Aboriginal incapacity or lack of interest. When colonists did consider the effects of British civilisation on Aborigines, they stressed not material poverty or losses but "demoralisation". In 1864 an English clergyman, Rev. H.W. Haygarth, who had lived for eight years in the colonies, suggested that Aborigines were now merely "debased specimens" of humanity.³⁴ The European observer, he felt, could feel nothing "but repugnance at the state of demoralisation into which they have fallen, and pity, mingled with shame, that their intercourse with the white man should have apparently served only to eradicate their natural good qualities, few as they were, and to engraft the vices of European on their own".³⁵ Such a view was extremely popular, invoked especially in discussions on Aboriginal alcoholic intoxication. Reverend T. Sharpe in 1869 remarked: "How

34. Henry William Haygarth, Recollections of Bush Life in Australia during a Residence of Eight Years in the Interior (London 1864), p. 102.

35. Ibid.

few have profited by the coming of the stranger among them. In their savage state they were a more interesting race than they became after civilised men had intercourse with them".³⁶

Aboriginal "demoralisation" was considered to be essentially the product of their inferiority. An important feature of this inferiority was that they were "unprogressive". Their present life and ultimate extinction were the necessary penalty for their lack of a progressive spirit. As William Ridley, one of the men most sympathetic to Aborigines in the colony, put it in 1864: "Progress is a law imposed by Divine Wisdom upon human nature; and individuals or nations that refuse to obey this law, that cling to the past or loiter in the present, and neglect the opportunity of attaining a better future, inevitably sink and perish".³⁷ The post-contact way of life of Aborigines was scarcely considered to be a "way of life" at all. They were seen as living in some kind of temporary limbo, observing neither their traditional nor European practices, merely waiting, suspended as it were, for their own ultimate disappearance. This state was considered

36. Sharpe, loc.cit., p. 209.

37. Rev. William Ridley, The Aborigines of Australia: a lecture to the Young Men's Presbyterian Institute, 16 September 1964 (Sydney 1864), p.2.

to be extraordinarily low and degraded, and the place of Aborigines on the "scale of humanity" to be even lower, if that was possible, than before. As one anonymous writer said: "Miserably low originally in the scale of existence, in whatever light we view it, the fact cannot be denied that the Aborigines become tenfold more base by contact with civilised man".³⁸ At times their natural state could be seen as having allowed "animal happiness and savage dignity", but their present state had led them to become "besotted drunkards and effeminate, spiritless and abject beggars".³⁹

Nearly everyone believed that Aborigines could not be "improved". This was thought to have been demonstrated by past experience. Colonists almost universally believed that Aborigines were unintelligent, with "no reflective faculties", and no power of reason.⁴⁰ Dissident voices were rare and without influence. A few defended Aboriginal intelligence and adaptability. Haygarth in 1864 suggested that, while their intelligence was low, "their mental capacities, if rightly understood and judiciously drawn out, were at least

38. Extract from the Yeoman and Australian Acclimatiser, 24 May 1862, loc.cit.

39. Ibid.

40. Angas, op.cit., p. 52; Thomas McCombie, Australian Sketches (London 1861), p. 159.

better than they have been represented".⁴¹ Gideon S. Lang said in 1865 that their capacity for subtle diplomacy, their building of the Brewarrina fishtrap, and their capacity as "black trackers" indicated a reasonable degree of intelligence.⁴² In 1868 two writers separately suggested that since Aborigines were human beings, they had the essentially human quality of reason. T.F. Ball wrote that "the black or red man" had displayed a capacity for culture in "favourable circumstances", and that they "are endowed with that capacity for progress, which is a distinguishing trait of man".⁴³ A newspaper correspondent placed a similar stress on environment, in much the same way as Westgarth had done twenty-two years earlier: "Take half a dozen children as pure as snow and as many as black as soot, give them the same advantages, and it depends not on the colour which will shine the brightest".⁴⁴

Others argued that British colonists were obliged to help Aborigines, one newspaper correspondent arguing that

41. Haygarth, op.cit., p. 107.

42. G.S. Lang, op.cit., p. 20.

43. Frederick T. Ball, Anecdotes of Aborigines: or, Illustrations of the Coloured Races behind Men and Brethren (London, 1868), p. iii.

44. Deniliquin Chronicle, 18 April 1868.

European behaviour, having so far not been one of "national honour", must now consist of a "demeanour of mingled command and kindness",⁴⁵ and another arguing that if Aborigines were treated properly, they could occupy as high a position in the social scale as Europeans.⁴⁶ What was required, said the latter, was firm European action to raise Aborigines, rather than the "maudlin sympathy [which] has placed the aborigine at a great disadvantage; he has been permitted to acquire the habits of his race". The Churches generally concurred with the widespread belief that Aborigines could not be improved. In 1867 and 1868, however, the Anglican journal, the Australian Churchman, ran a series of articles which discussed the mission question.⁴⁷ The writer noted that although there were no missions in New South Wales, there were at that time successful missionary ventures in Victoria and South Australia.⁴⁸ These missions were, he said, clear proof that Aborigines could be educated and made useful.⁴⁹ He concluded that the lesson of experience was not that

45. Deniliquin Chronicle, 17 February 1866.

46. Deniliquin Chronicle, 14 March 1868.

47. Australian Churchman, 21 December 1867 to 1 February 1868.

48. Australian Churchman, 21 December 1867, 11 & 18 January 1868.

49. Australian Churchman, 11 January 1868.

"improvement" attempts must necessarily fail, but that purely religious missions must fail and that only "industrial stations" had any chance of success.⁵⁰ While the Aborigines were very low in the scale of humanity, their civilisation and enlightenment were practicable, if they were separated from their wandering tribes and educated.⁵¹ Yet serious discussions of the issue in these years were very few, and no church action followed from these articles. Those arguing for action of some kind were small voices indeed, and the period is remarkable for the near unanimity of opinion and the absence of controversy concerning Aborigines.

In the 'sixties, with their own frontier well past and memory of it fading, some in New South Wales began to express consternation at the death and destruction apparent on the Queensland frontier. Punitive expeditions were increasingly referred to as "massacres" and "atrocities", and the Black Police seen as "infamous" and "ferocious". In November 1861 the Sydney Morning Herald reprinted from the Rockhampton Bulletin a report of Aboriginal attacks on European settlers.⁵² The report had argued that in response

50. Australian Churchman, 25 January 1868.

51. Australian Churchman, 1 February 1868.

52. S.M.H., 4 November 1861.

to the attack "vigorous and effective measures should be immediately adopted - by which we necessarily include the liberal use of powder and ball - that the blacks may be taught a lesson". Trial by jury in such cases was described as "maudlin", for everyone knew "the whole tribe is implicated". These had once been precisely the sentiments of many in New South Wales, and especially of the Herald, but now the Herald could adopt a more detached view of the matter.⁵³ The conflict of interests was objectively described, and the Aboriginal attachment to the land emphasised with some clarity: "...the boundaries [are] as defined...as those which limit the run of the squatter; and in their frequent wanderings every hill and valley and stream of water is distinguished and appropriated". Such knowledge, the Herald now argued, ought to repress the burst of hatred by Europeans. Further the Government ought to "hold a moderating hand between the two races". Nevertheless, the Herald agreed that Aborigines were uncivilised, must inevitably give way to the European and could never be improved. The Herald contented itself with saying that although "we cannot alter the obvious order of events", and do not wish to, we ought not to "violate any of those moral laws which lose none of

53. S.M.H., 5 November 1861.

their obligation because those who are most interested in their observance are incapable of enforcing them".

When full reports from Rockhampton of the devastatingly violent reprisals by Europeans against Aborigines reached Sydney, the Herald expressed disgust.⁵⁴ Of the punitive expeditions, it said: "Their vengeance was indiscriminating, and the innocent perished with the guilty", and remarked that settlers ought to remember "that they are the interlopers" and "that after all the blacks are human beings". It called on the Queensland Government to enquire into the matter, and wrote: "...we fear the evidence is irresistible that the destruction of the blacks is the aim as well as the result of our colonial policy...."⁵⁵ Such a response to news of frontier violence became increasingly frequent in Sydney newspapers as the years passed.⁵⁶ The change was indicative of distance from the events, and of a fading of hatred of Aborigines now that they no longer presented a threat to colonists in New South Wales. Talk of "humanity" was now possible, and views that were once described as "maudlin"

54. S.M.H., 11 December 1861.

55. S.M.H., 12 December 1861.

56. See also Illustrated Sydney News, 16 February 1865; Deniliquin Chronicle, 13 June 1868.

were now seen as advanced and just. Nevertheless it was many years before sympathetic expressions of opinion were to become influential or to be applied to Aborigines in New South Wales.

Scientific interest in Aborigines in these years was generally low, most believing that it was "too late" to collect useful information on their traditional culture. As one Governor, Sir John Young, put it in 1865, "the time is gone by for collecting statistics".⁵⁷ There were, however, a few men interested in collecting information about Aboriginal languages as a clue to the question of from which part of the world Aborigines may have originally migrated. Since the 1840's various men had hoped to determine Aboriginal origins by comparing their languages with those of other peoples. Such information had been compiled in earlier years by missionaries Threlkeld, Watson, and Gunther. William Ridley continued this study, publishing in 1866 a book entitled Kamilaroi, Dippil, and Turrubul; Languages spoken by Australian Aborigines, based on research compiled during a trip along the Namoi and Barwon rivers in 1855.⁵⁸

57. Young to Cardwell, 20 September 1865, no. 85, C.O. 201/535.

58. Rev. William Ridley, Kamilaroi, Dippil, and Turrubul; Languages spoken by Australian Aborigines (Sydney 1866).

In 1871, possibly on request from the Secretary of State in England, the New South Wales Government commissioned Ridley to carry out a study of Aboriginal languages and customs.⁵⁹ Ridley was to amass all the known information in the colony in, as Ridley described it, "new and comprehensive efforts... to collect all that can be known of the Australian race".⁶⁰ In compiling his information Ridley included some Victorian information, notably the 1859 Victorian Select Committee Report on Aborigines and Daniel Bunce's Languages of the Aborigines of Victoria.⁶¹ He also included the missionary Threlkeld's published Australian Grammar and Key to the Structure of the Aboriginal Language, and the manuscripts of a Dictionary and Grammar compiled by James Gunther and a two volume Grammar and Vocabulary compiled by Rev. Mr. W. Watson.⁶² The last two had been compiled from information given by Aborigines around

59. Clear from memo attached to James Drew to Col. Sec. 30 August 1871, C.S.S.B. no. 71/6412 (A.O. 4/788.2). The title of the C.S.S.B. placed at A.O. 4/788.2 is "Aboriginal Languages and Characteristics, 1871".

60. Ridley to Col. Sec., "Australian Languages and Traditions", 27 October 1871, C.S.S.B., no. 71/8295 (A.O. 4/788.2). (Hereafter "Australian Languages and Traditions", 27 October 1871).

61. Ibid.

62. Ibid.

Wellington during the days of the Wellington Valley mission. Ridley felt that all these works had been hampered by being based on observations of "settled" Aborigines, so that before research could be completed, "the ancient spirit and character of the race have faded", and the Aborigines to whom the missionaries had spoken had been of little help, as they knew little of the language and thought of their forefathers.⁶³

Ridley set out also to collect some new information. He had gained the assistance of Andrew Mackenzie, an amateur collector of Aboriginal vocabularies. Ridley wanted from Mackenzie "a list of words as full, and as methodically arranged as possible; - illustrations of etymology and syntax; and any traditions, historical or mythical...."⁶⁴ Ridley himself went on a journey to collect information at first hand, along the Namoi and Barwon rivers, the same area as his earlier journey of 1855.⁶⁵ On this

63. Ibid.

64. Ridley to McKenzie (memo for Under-Secretary), undated, C.S.S.B., no 71/5307 (A.O. 4/788.2).

65. Ridley to Col. Sec., "Report on Australian Languages and Traditions of the Aborigines", ? August 1871, C.S.S.B., no. 71/8203 (A.O. 4/788.2). (Hereinafter "Report on Aust. Langs. and Trad.", August 1871).

journey he collected new information on social classification and kinship, the laws of marriage and descent. He gained some interpretative assistance from Lorimer Fison, a Wesleyan missionary at Fiji, and an anthropologist. Fison said Aboriginal classificatory systems appeared similar to those of Hindustan, Fiji, and parts of North America.⁶⁶ Ridley now made it clear that marriage between near relations, defined by systems quite different from the European, was prohibited, on sentence of death. He gathered information on childbirth practices, and on taboos on menstruating women.⁶⁷

Ridley was particularly interested in the problem of whether or not Aborigines had any concept of a supreme being. Gideon S. Lang had said in a pamphlet in 1865 that they did not, and this was widely believed.⁶⁸ Ridley was anxious to prove that Aborigines had such a concept, a conviction possibly dating back to his travels in 1855. He said in his 1871 report that Aborigines believed in many unseen spirits, and also in one god, called Baiame. He noted that Gunther and an anonymous Melbourne writer on the

66. Ibid.

67. Ibid.

68. G.S. Lang, op.cit., p. 29.

Aborigines of the Murray river agreed with him. Differences of opinion on the matter, he thought, might be owing to the fact that Aborigines inland had the concept, but coastal Aborigines did not.⁶⁹ Results of the project were forwarded by the Governor to the Secretary of State in 1871 and September 1873.⁷⁰ The second batch of information consisted largely of reports gathered by Ridley from various observers, often pastoralists, in the colony.⁷¹ These observers agreed with Ridley that Aborigines did have some notion of a supreme being. Some observers also spoke of their rules of marriage and descent. This information did reveal an increased understanding of Aboriginal social organisation, but was not generally known to the colonial public. The public, in any case, was not interested.

The assumptions and beliefs here described were reflected in the approach towards Aborigines adopted by the liberal governments of the period. These governments could see no reason to develop a policy different from that they

69. "Report on Aust. Lang. and Trads." August 1871; "Australian Languages and Traditions". 27 October 1871.

70. Clear from Ridley to Col. Sec., "Australian Aboriginal Languages and Traditions", 21 July 1873, C.S.S.B. no. 73/5896 (A.O. 4/788.2). Attached note states copy sent to Secretary of State by Robinson, 5 September 1873, desp. no. 111.

71. Ibid.

had inherited from the squatter-dominated Legislative Council. Like the Council before them, they agreed that Aboriginal dispossession had been necessary and just, that Europeans in frontier districts needed police protection, that Aborigines had no claim to the land or to compensation for the loss of land, that improvement and assimilation were impossible, and that the only valid and useful material assistance to Aborigines was an annual blanket distribution and some medical help. Liberal politicians, so different in their social, political, and economic ideals from the squatters and conservatives they had politically displaced, did not diverge from squatter policy on this issue.

This lack of divergence at first seems surprising. The view, in particular, that Aborigines could not be improved or absorbed into European society, should, on the face of it, have concerned liberal politicians. The existence of Aborigines as a distinct and unassimilable group did in fact contradict the liberal desire for a homogeneous society, with no "lower caste". But liberals saw no cause for concern or need for action for a number of reasons. They assumed, firstly, that nothing could be done. Aborigines could not be assimilated, or in any way physically excluded. To have isolated them could have meant the loss of valuable pastoral labour. Secondly, in the absence of any source of organised opposition to the Aboriginal presence, or against the

Government for tolerating a situation of inequality, there was no reason for governments to act. Thirdly, and most importantly, the Aborigines were believed to be quickly solving any "problem" they might present, by "fast disappearing". Nothing could (or should), governments of the period universally assumed, be done to prevent this disappearance. The rate of decrease in Aboriginal population was in fact overrated by governments, and the number in the colony vastly underestimated. The 1871 census recorded that there were only 709 Aboriginal males and 274 Aboriginal females,⁷² a figure which a more reliable census of 1882, recording about 9,000 Aborigines in the colony, proved to be ridiculously low.⁷³

In a debate in the Legislative Council on 9 May 1861 Attorney General Hargrave spoke of "the disappearance of the Aborigines" which "no power could prevent".⁷⁴ In the same debate Robert Isaacs, spoke of "their expiring moments" and the impending "disappearance of these people from the face of the earth". Even Governor Denison had in 1858 accepted

72. Census of N.S.W. 1871, V. & P.N.S.W.L.A., 1872, vol. 2, p. 1141.

73. Report of Protector of Aborigines, 14 August 1882, V. & P.N.S.W.L.A., 1882, vol. 4, p. 1527.

74. S.M.H., 10 May 1861.

this view: "The physical peculiarities of the race, their want of stamina, to resist the slightest access of disease; seems to render their gradual extinction a matter almost of necessity, when coupled with the unproductiveness of the females".⁷⁵

That aspect of the squatter outlook which had stressed Government protection of Europeans on the frontier was also adopted by governments from 1856. Within three years, however, it had become an irrelevant issue, when the major areas of continuing conflict - the Northern District including Moreton Bay, Wide Bay, Burnett, and Maranoa - were separated to form the independent colony of Queensland. Within those same three years conflict within New South Wales proper - chiefly on the northern rivers of the Clarence and the Macleay, and to a lesser extent in the Darling and Murrumbidgee districts - finally ceased. The first liberal faction ministry under Cowper, which came to power in August 1856, revealed itself to be willing to accede to squatter demands for Government protection in the still troublesome areas.

Demands for protection came in 1856 and 1857 from pastoralists in the Northern Districts and Northern rivers

75. Denison to Bulwer Lytton, 13 September 1858, no. 133, C.O. 201/503.

areas.⁷⁶ The Northern Districts were still undergoing the process of first settlement, and on the northern rivers, hostilities had continued long after the area was first considered "settled". This was the result of the fact that mountains in the area provided something of a refuge for Aborigines, and when they began to come out of the mountains into the more settled districts, attacks on sheep and cattle were renewed.⁷⁷ Squatters in these districts wanted greater Government protection of some kind, usually, though not always, in the form of an increase in the number of Native Police in the area, and of a better system of management of the Police so that they could more easily be called to newly-developed trouble spots. Native Police had been used on the Clarence and the Macleay since the late 'forties, and the first Native Police detachment had been

76. Bligh, C.C.L. Clarence, to Insp. Gen. Police, 23 July 1856, C.S.I.L., no. 56/3583, and 24 July 1856, C.S.I.L. no. 56/3606, and 23 September 1856, C.S.I.L., no. 56/8337, and Richard Hargraves to Col. Sec., 31 December 1856, C.S.I.L., no. 57/15, all the above enclosed with no. 57/369 (A.O. 4/3351).

77. Richard Hargraves to Col. Sec., 19 January 1857, C.S.I.L., no. 57/322, encl. with 57/369 (A.O. 4/3351); J. Waine to Thomas Barker, 20 February 1857, C.S.I.L., no. 57/1052, encl. with 57/1268 (A.O. 4/3355); see I. Campbell, op. cit., pp. 62-4; See Malcolm Prentis, Aborigines and Europeans in the Northern Rivers Region of New South Wales, 1823-1881 (Macquarie University, 1972, M.A. thesis).

recruited for the Northern Districts in January 1850, on the recommendation of a Select Committee of the Legislative Council in 1849.⁷⁸ Organisational difficulties, however, had plagued the Force, and in 1854 it had been reduced in size from 136 to 72 men, and placed under the inflexible central control of the Inspector General of Police.⁷⁹

In an attempt to open up legislative discussion of the issue, Buckley, M.L.A. for Stanley, moved in August 1856 in the Assembly that all official correspondence on the Force during the last two years be tabled.⁸⁰ While the information was being compiled, Gordon Sandeman initiated more far reaching attempts to persuade the Assembly that the Native Police Force must be expanded and reorganised. Sandeman represented the Moreton, Wide Bay, Burnett, and

78. Bridges, "Native Police Corps", pp. 124, 131; Select Committee on Aborigines, V. & P.N.S.W.L.C., 1849, p.423; Report on State of Native Police, in V. & P.N.S.W.L.C., 1850, vol. 1.

79. Select Committee on the Native Police Force, V. & P. N.S.W.L.A., 1856-7, vol. 1, p. 1207; Col. Sec. to C.C.C.L. (Port Curtis), 12 August 1856, Lands I.L., no. 58/1456 (A.O. 3587). In November 1856 control of the Native Police force in the Northern Districts was transferred to the Governor Resident in Brisbane - see circular Insp. Gen. Native Police to Northern Divisions of Native Police, 24 November 1856, C.S.I.L., no. 56/8700 (A.O. 4/3343).

80. Entry for 19 August 1856, V. & P.N.S.W.L.A., 1856-7, vol. 1. Some correspondence was collected at C.S.I.L. no. 56/8287 (A.O. 4/3340).

Maranoa districts for a brief period between 17 April 1856 and 10 October 1857, and in this time energetically presented the demands of squatters in frontier areas to a legislature for whom such matters were becoming rather remote.⁸¹ On 29 October 1856 he presented a petition from settlers in the northern district of Maranoa, praying for protection from Aborigines.⁸² No Native Police were stationed in the area at all, and the destruction of cattle was considerable. The petitioners requested specifically "a Mounted Police of white men, whose number need not exceed five, with two blacks to act as guides... and who would be employed in prevention rather than in punishing depredations".⁸³ Such a request, preferring European police, was probably based on the conviction that European police were more reliable.

Sandeman, however, decided to press for an investigation of the Native Police Force, as being the method most likely to offer good and cheap protection. On 8 November 1856 he moved that a Select Committee be appointed to enquire into

81. The New South Wales Parliamentary Record (Sydney, 1957) vol. 1, pp. 194-5.

82. Entry for 29 October 1856, V. & P.N.S.W.L.A., 1856-7, vol. 1.

83. V. & P.N.S.W.L.A., 1856-7, vol. 2, p. 427.

the necessity for and the functioning of the Force.⁸⁴ The Assembly agreed, most members realising that there was dissatisfaction amongst squatters in frontier areas. Sandeman himself was appointed chairman of the committee, and under his guidance evidence was collected from squatters, former squatters, the Commissioner of Crown Lands for the Clarence, and the Inspector General of Police.⁸⁵

Evidence was given uniformly in favour of the extension of the Force. Witnesses thought that it was a useful adjunct to pastoral expansion, was less expensive than a white police force, and needed only, for full effectiveness, to be increased in size and, as an aid to flexibility, be run by local Commandants rather than by central control. One witness, William Forster, revived the old argument which had influenced Gipps and Earl Grey, that the Force would be of benefit to Aborigines. While holding, he said, "very little hope of ever civilising the Aboriginal...the Native Police, under proper management, would produce a beneficial effect upon them to a small extent, and particularly on those natives employed in the Force".⁸⁶

84. S.M.H., 9 November 1856.

85. Select Committee on the Native Police Force, 1856-7, pp. 1157-1216.

86. Ibid., p. 1208.

The Committee concluded that there was no doubt of "the capabilities and adaptation of the Native Police Force for the duties for which that body was originally raised ... such a Force is admirably adapted to protect life and property, and materially to assist the progress of the settler in the unsettled frontier districts".⁸⁷ The Committee recommended the establishment of a Force consisting of a responsible officer, and 120 men. The men should be in camps of about ten men in each, and nine of the ten camps proposed should operate in the Northern Districts, and one at the Clarence and Macleay. Smaller camps would be maintained for as long as necessary in the Albert and Lower Darling districts. The camp at the Murrumbidgee would be broken up and the men taken north.

The report was debated in the Assembly on 6 and 10 February 1857.⁸⁸ Sandeman recommended its adoption on the ground that the reduction of the force several years before had led to the destruction of European life and property. He was supported by Premier Parker with the argument that the Force was the most preferred method of gaining protection, as "the black troopers were unquestionably better men to run

87. Ibid., p. 1162.

88. S.M.H., 7 and 11 February 1857.

down offenders of their own body than any others".⁸⁹ The Solicitor General, Darvall, also supported the report on the grounds that "the first duty of the Government ... was protection, and the encouragement by that protection of those pursuits which were of such vital importance to the whole colony".⁹⁰ In debate, only three voices of dissent were raised. T.G. Rusden, member for New England and the Macleay, said "he did not believe that it was either proper or Christian to employ blacks to hunt their fellow creatures to death".⁹¹ In a different vein, Marks expressed the view that the cost of protection should be paid by those who enjoyed it and not by the public at large.⁹² Charles Cowper also expressed caution about the proposed increase, but did not give his reasons.⁹³

The Report was adopted in full, and its recommendations quickly put into effect. Commissioners of Crown Lands in all districts were instructed to assist the Native Police

89. S.M.H., 7 February 1857.

90. S.M.H., 11 February 1857.

91. S.M.H., 7 February 1857.

92. S.M.H., 7 February 1857.

93. Ibid.

wherever possible.⁹⁴ The officers were paid between £200 and £500 a year; the troopers were paid 5d a day plus clothing.⁹⁵ The notion that the Native Police were in any way to be of benefit to Aborigines was quickly forgotten. Commissioner Lockhardt of the Murrumbidgee had worked his black and white police together, incorporating his Aboriginal policemen into the general police service under European sergeants.⁹⁶ He reported, on request from the Colonial Secretary, that he needed the services of his two Aboriginal policemen, but appears to have been more conscious of their plight should they leave him.⁹⁷ He was nevertheless ordered to dispense with their services.⁹⁸ Clearly, Lockhardt's integrationist attempts, and his motivation of concern, had no part in the Government's view of the role and treatment

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- 94. Col.Sec. to U.S. Lands, 5 September 1857, Lands I.L. no. 57/3384, encl. with 58/1456 (A.O. 3587).
 - 95. Governor Resident to Col.Sec., "Return of the Department of Native Police, Northern Districts", encl. with letter Governor Resident to Col.Sec., 2 December 1857, C.S.S.B. no. 57/4880 (A.O. 4/7173).
 - 96. Select Committee on the Native Police Force, 1856-7, p. 1205.
 - 97. Charles Lockhardt, C.C.L. Murrumbidgee, to C.C.C.L., 17 February 1857, C.S.I.L., no. 51/950, encl. with 57/1169 (A.O. 4/3354).
 - 98. C.C.C.L. to U.S. Lands, 26 February 1857, C.S.I.L., no. 57/699, encl. with 57/1169, and Insp. Gen. Police to Col. Sec., 24 March 1857, C.S.I.L., no. 57/1169 (A.O. 4/3354).

of the Native Police.

There was some uncertainty over whether Native Police were truly needed on the Clarence and Macleay. In evidence to the Select Committee William Forster had thought they were not necessary in this area, as Aborigines there, while continuing to make predatory attacks, had essentially been "pacified" and "understand our superior power".⁹⁹ The Commissioner of Crown Lands for the Clarence, Richard Bligh, on the other hand, insisted that the Aborigines were still very troublesome.¹⁰⁰ Complaints from squatters in the area continued to be made in late 1856,¹⁰¹ and in the debate in the Assembly on the Report, several members had argued the Native Police were indeed necessary.¹⁰² A detachment was maintained there in 1857, but in December was reduced in size when many of the black troopers were taken from the Clarence and Macleay to the Dawson district.¹⁰³ Early in

99. Select Committee on the Native Police, 1856-7, p. 1209.

100. Ibid.

101. Richard Hargreaves to Col. Sec. 31 December 1856, C.S.I.L., no. 57/15, encl. with no. 57/369 (A.O. 4/3351).

102. S.M.H., 7 and 11 February 1857.

103. Governor Resident, Brisbane, to Col. Sec. 28 December 1857, C.S.I.L., no. 58/11 (A.O. 4/3374).

1859 a detachment of one officer and two troopers was sent back from the Dawson to the Clarence and a patrol was reinstituted on the Macleay to deal with continued Aboriginal attacks,¹⁰⁴ but in August 1859 a request from stockholders in the Macleay area that the Force be retained there was refused.¹⁰⁵

In December 1859 Queensland was formally proclaimed a separate colony, and the Force, apart from the two small detachments on the Darling,¹⁰⁶ passed out of the hands of the New South Wales Government. New South Wales, however, with Victoria, continued to be a recruiting ground for the Native Police in Queensland for at least ten years afterwards. Lieutenant Murray of the Queensland Native Police recruited in the Deniliquin, Echuca, and Lower Murrumbidgee areas in 1864, 1865, and 1867.¹⁰⁷ The three years from 1856 had served to illustrate that liberal governments in New South Wales

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104. J. Warne to Col.Sec., 10 September 1858, C.S.I.L., no. 58/3403, and Governor Resident, Brisbane to Col.Sec., 12 January 1859, C.S.I.L., no. 59/185, both encl. with no. 59/526 (A.O. 4/3398; Clarence C.C.L. Report for 1858, C.S.I.L., no. 59/1210 (A.O. 4/3401).
105. J. Cheers, A. Oakes, & M.E. Oakes, to Col. Sec. 26 August 1859, C.S.I.L., no. 59/3998, encl. with 59/5215 (A.O.4/3410).
106. 2nd lieut. Lockyer to Insp.Gen. Police, 19 September 1858, C.S.I.L., no.58/3614 (A.O. 4/3386); Col.Sec. to U.S. Lands, 13 May 1858, Lands I.L. no. 58/1456 (A.O. 3587).
107. Deniliquin Chronicle, 24 September 1864, 5 August 1865; Entry for 1 September 1867, Diary of Daniel Matthews, Matthews Papers, vol. 2 (A3384). (Since only the second volume has been used, or indeed, at time of writing can be found, hereinafter referred to simply as Matthews Papers).

were fully prepared to afford squatters protection from Aboriginal attack, and had inherited nothing of Colonial Office policy of earlier years that Aborigines, at least as much Europeans, required protection.

Liberal governments also strengthened those aspects of squatter policy which had assumed Aborigines were unable to be "improved" and were "doomed to extinction". Under the Cowper/Robertson ministry of September 1857 to October 1859 the liberal position was clearly formulated. The Executive Council met on 23 May 1859 to discuss a despatch recently received from Bulwer Lytton, Secretary of State, on the Aboriginal question.¹⁰⁸ This despatch had been sent to Governor Denison in response to the latter's forwarding the annual reports for 1857 of Commissioners of Crown Lands on the condition of Aborigines in New South Wales. These reports had been first made out in 1841, and had originated in Gipp's attempts to have Commissioners of Crown Lands made protectors of Aborigines, and had been established by him as a means of gathering information.¹⁰⁹

108. Copy of Proceedings of Executive Council, 23 May 1859 re Aborigines, minute 59/21, enclosed in Denison to Bulwer Lytton, 3 June 1859, no. 49, C.O. 201/508.

109. Russell had called for the reports in 1840, see Russell to Gipps, 25 August 1840, no. 132, H.R.A., I, xx, p. 776. See also Patterson, op.cit., p. 161.

Denison was actually no longer required to send such reports, for as one Colonial Office official had noted on receiving them for 1856, "these melancholy returns have now only a general interest for this department, as, under the system of self government, it has no longer any control over the executive in this or other respects".¹¹⁰ The Colonial Office by early in 1859 felt fairly certain that nothing could be done for Aborigines, one official noting that they could not be civilised, and another that their end was approaching.¹¹¹ On this basis, Bulwer Lytton had written: "I can only earnestly press...[the] Government [of New South Wales] the consideration that it is our duty, on Christian no less than on political grounds, not to relax our efforts in despair".¹¹²

The Executive Council agreed that it was its duty not to despair, and assured the Colonial Office that it would "be prepared to take such early measures as may upon further consideration of the subject be deemed but calculated to

110. Memo by Fortescue attached to Denison to Labouchere, 14 March 1857, no. 55, C.O. 201/498.

111. Memos by Carnarvon and Merivale attached to Denison to Bulwer Lytton, 13 September 1858, no. 133, C.O. 201/503.

112. Draft of despatch Bulwer Lytton to Denison, 19 February 1859, no. 13, attached to Denison to Bulwer Lytton, 13 September 1858, no. 133, C.O. 201/503.

promote the objects which they, in common with Her Majesty's Government, have at heart".¹¹³ But neither the Cowper-Robertson government nor any other actually took any action as promised. Governments had, in fact, despaired. The Executive Council, even while promising to take some action, had also said:

...it is impossible to avoid perceiving that little success has attended any of the measures hitherto designed in the hope of arresting progress of those causes which have been so fatally active in the diminution and partial extinction of the Native Tribes, and...it can hardly be hoped that the characteristic tendencies of this peculiar race of people will ever be so far overcome as to admit of their accepting to any large extent the benefits with the restraints of civilisation....

Governments were no longer to be pressed by the Colonial Office to adopt a more protective or "improving" policy towards Aborigines, Governors continued to be given the by now traditional instructions to protect Aborigines in their person and in their possessions, and to "further their conversion to the Christian faith and their advancement in civilisation", but with the vast reduction in the powers of the Governor, and with the explicit British withdrawal of concern, such instructions were meaningless, and no Governor urged colonial governments to act. Denison sent one more

113. Denison to Bulwer Lytton, 3 June 1859, no. 49, C.O. 201/508.

batch of Commissioners' reports in 1859, but in 1860 did not request the reports again.¹¹⁴ The colonial governments had no use for them for in fact they had no real policy and consequently no need for regular information. The practice of collating reports was thus abandoned and information collected on the rare occasions when it was required.

Colonial governments thus accepted, and acted upon, the universal view that Aborigines could not be "improved". No missionary or civilising attempts whatever, public or private, were made at this time. Earlier attempts to teach Aboriginal children and adults educational and labouring skills other than those necessary for pastoral work had clearly failed, as had attempts to convert Aborigines to Christian belief. It seemed that no alternative remained but to accept the situation as it stood. Governments were not baffled by the fact that Aborigines seemed unable to be "civilised", or drawn into colonial society, for they had a ready explanation available - that of Aboriginal inferiority.

In their very first year, colonial governments had several opportunities to indicate clearly where they stood on the "improvement" question. The government showed little enthusiasm for plans current in 1856 to establish a mission

114. Denison to Bulwer Lytton, 6 April 1859, no. 30, C.O. 201/508.

at Moreton Bay (plans which were soon dropped for a number of reasons, one of which was the lack of an Anglican missionary),¹¹⁵ and refused a joint application by the Anglican bishops of Sydney and Newcastle for assistance for the establishment of an Aboriginal mission in either of the two cities.¹¹⁶ In 1856, also, the grant to the Wellington Valley mission was finally abolished. Since 1847 an annual grant of £50 had been given to the struggling mission,¹¹⁷ and in 1855 the grant for 1856 had been raised, on Governor Denison's suggestion, to £500.¹¹⁸ But the Assembly had no faith whatever in missionary work, and in 1856 abolished the grant for 1857.¹¹⁹ By 1959 the old mission reserve at Wellington Valley was being surveyed for farms.¹²⁰

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115. Barry Bridges, Reverend William Ridley, Missionary to the Aborigines, 1853-6; paper read to the Presbyterian Historical Society of N.S.W., 10 March 1956, pp. 9-13 (MS 12, A.I.A.S. Library); Meeting of the Exec. Council, 4 August 1856, Exec. Council Minute Book, minute no. 38K, p. 465, (A.O. 4/1533).
116. Meeting of the Exec. Council, 4 August 1856, Exec. Council Minute Book, minute no. 39M, p. 483 (A.O. 4/1533).
117. Bridges, Aboriginal and White Relations, p. 699.
118. Estimates, 1856 - Territorial Revenue, p. 5, in V. & P. N.S.W.L.A., 1855, vol. 2.
119. V. & P. N.S.W.L.A., 1856-7, vol. 2, p. 1102.
120. Sec. Lands to Rev. W. Watson, 30 March 1859 (copy), C.S.I.L., no. 59/2353 (A.O. 4/3403).

Liberal governments felt, as the squatters had done before them, that they had no legal or moral obligation to assist Aborigines, in compensation for their loss of land. Such a notion was expressed in parliament in these years very rarely. On 9 May 1861 Colonel Lamb moved in the Legislative Council that as the current Bill for the alienation of Crown Lands made no provision for the reserving of land for Aborigines, compensation ought to be made to them in the form of grants "to be applied to the amelioration of the condition of the aboriginal natives, as occasion may arise".¹²¹ He argued that Aborigines had a title to the land, but experience had shown that the setting apart of reserves did not work. Nevertheless, "it was our duty to make some provision for the remnant". In the Assembly in September 1861, Thomas Dangar, in calling for a return on the annual blanket distribution to Aborigines, argued that this distribution, and medical assistance, ought to be extended on the grounds that "the Government has wrested the lands from these natives, and they ought to make some provision for them".¹²² Redman,

121. S.M.H., 10 May 1861, A small grant was actually made on this occasion - see memo dated 28 May 1861 on letter Col. Sec. to U.S. Lands, 14 May 1861, Lands I.L., no. 61/2149, encl. with 61/1502 (A.O. 3626).

122. S.M.H., 29 September 1861.

in the Assembly debate on supply in April 1863, spoke in a similar vein in justification of the granting of £500 for medical and legal assistance to Aborigines.¹²³ The Aborigines, he said, had been treated harshly and unjustly, and had lost their land and hunting grounds. Since Aborigines were "our fellow men", colonists should repay them for the land "quid pro quo". But the matter was not taken up, and the idea of compensation not sufficiently accepted for it to become the basis of moves for greater assistance to Aborigines.

Liberal governments found they had a legacy of some material assistance to Aborigines, consisting of an annual blanket distribution and some free medical and legal aid. The task of administering such assistance was transferred from the Colonial Secretary's Department to the newly created Lands Department in October 1856. The Department was uncertain what its task involved, and decided to gather some information and opinion on the matter. The Secretary for Lands wrote:¹²⁴

In order to plan the matter on a satisfactory footing and to enable us to decide whether in future we shall attempt to care for the Aborigines at all, and if we do, attempt to show how we can

123. S.M.H., 13 April 1863.

124. My emphasis. Memo attached to letter C.C.C.L. to Sec. Lands, 20 March 1857, Lands I.L., no. 57/1015, encl. with 57/3523 (A.O. 3578). See also memo attached to letter Treasurer to Sec. Lands, 16 January 1857, Lands I.L., no. 57/198, encl. with 57/3523 (A.O. 3578).

do it more effectually, I think it extremely desirable that a circular should be addressed ...to all Crown Lands Commissioners...Police Magistrates...and Benches of Magistrates beyond the boundaries, calling their attention to the State of Aborigines in their respective Districts....

Information sought was the "number still remaining" and "the practicability of any amelioration being effected in their condition by the interference of the Government", and especially information on the real benefit of medical attendants. The only reply remaining in the Lands Department records is that from the Police Officer at Casino: "We are of [the] opinion [that], morally, they are beyond all human assistance, but physically their state may be much ameliorated by the distribution of a sufficient number of blankets..."¹²⁵ It is likely that most of the reports offered similar opinions, for in fact the Lands Department rationalised and extended the distribution of blankets, at first increased and then gradually decreased medical assistance, and did little else.

The department's activities were limited by the amount of finance voted to it for Aboriginal purposes. Each government

125. Police Officer, Casino, to Sec. Lands, 4 July 1857, Lands I.L., no. 57/2541, encl. with 57/3523 (A.O. 3578). It is possible that the other replies were in the C.C.C.L. records, destroyed in the Crystal Palace Fire of 1881 - see Concise Guide to the State Archives of New South Wales (Sydney 1970), p. 160.

sought to reduce expenditure as much as possible. The first Assembly reduced the vote for all forms of assistance from the proposed £2,600 to £2,000, a sum which was again estimated in 1857.¹²⁶ In 1858, only the estimates for medical and legal assistance were recorded separately, the estimate for blankets being included in the general estimates for the Department of Finance and Trade. The Assembly attempted to cut medical and legal assistance down to a bare minimum. In 1858 only £200 was voted for this purpose, but the Department of Lands overspent this amount by £375.11.6.¹²⁷ The vote was increased to £300 in 1859 and £400 in 1860.¹²⁸ Actual expenditure continued to exceed the vote,¹²⁹ and from 1861 to 1869 the vote was stabilised at £500.¹³⁰ But from this time on the Department spent less each year on medical and legal assistance. Between 1862 and 1866 expenditure hovered between the £220 and £310 levels, and from 1867 to

126. V. & P.N.S.W.L.A., 1856-7, vol. 2, p. 1102; V. & P.N.S.W.L.A., 1857, vol. 2, p. 204.

127. V. & P.N.S.W.L.A., 1858-9, vol. 2, p. 607; V. & P.N.S.W.L.A., 1860, vol. 1, p. 624.

128. V. & P.N.S.W.L.A., 1859-60, vol. 1, pp. 1192, 1310; V. & P.N.S.W.L.A., 1860, vol. 1, p. 764.

129. V. & P.N.S.W.L.A., 1861, vol. 2, p. 31; V. & P.N.S.W.L.A., 1862, vol. 3, p. 1077.

130. V. & P.N.S.W.L.A., 1861-2, vol. 1, p. 1415.

1869 was progressively cut back to amount to only £54.17.6.
in 1869.¹³¹

Medical assistance was conducted partly through specially appointed medical attendants, who were paid a salary of £20 per annum, and £5 extra per one hundred Aborigines in the area.¹³² In 1856 there was one attendant in each of the Clarence, Gwydir, Liverpool Plains, Monaro, Moreton and Darling Downs, New England and Macleay districts.¹³³ All were doctors who included their role as medical attendant to Aborigines as merely one of their tasks as medical men. Doctors who had not been appointed as medical attendants to Aborigines were also able to claim expenses for treating them.¹³⁴ Specially appointed medical attendants were gradually phased out. After 1864 no new attendants were appointed, and retiring attendants were not replaced. Where

131. V. & P.N.S.W.L.A. for each of the following: - 1863-4, vol. 3, p. 575; 1864, p. 743; 1865-6, vol. 2, p. 659; 1866, vol. 4, p. 697; 1867-8, vol. 3, p. 36; 1868-9, vol. 2, pp. 667, 675; 1869, vol. 1, p. 855; 1871-2, vol. 1, p. 635; 1870-1, vol. 4, p. 937.

132. C.C.C.L. to Sec. Lands, 20 March 1857, Lands I.L. no. 57/1015, encl. in no. 57/3523 (A.O. 3578).

133. C.C.C.L. to Col. Sec., 20 August 1856, Lands I.L. no. 57/3523 (A.O. 3578) .

134. Picton Bench to Col. Sec., 21 October 1857, C.S.I.L. no. 57/4260 (A.O. 4/3366) .

in 1862 there had been six such attendants, in 1864 there were five, in 1866 four, in 1867 three, and in 1869 only one - Dr. Charles V. Adams at New England who continued to be employed as an attendant until 1875.¹³⁵

In 1869 the general health care system was reorganised in a way which further reduced medical help to Aborigines. The annual grant of £500 for medical assistance to Aborigines was abolished,¹³⁶ and instead Aborigines were to be medically cared for by the newly appointed district Medical Officers.¹³⁷ These Medical Officers paid little attention to Aboriginal health. In the first year under the new system, only £20.10.0. was paid to medical practitioners for assisting Aborigines.¹³⁸ The amount set aside for Aborigines was not recorded in the following years, but one can safely assume that it remained very low.

The lack of medical treatment for Aborigines became especially evident to police at Port Macquarie, who reported

135. N.S.W. Blue Books for each of the following years:-
1862 (Sydney 1863), p. 59; 1864 (Sydney 1865), p.70;
1866 (Sydney 1867), p. 69; 1867 (Sydney 1868), p. 69;
1869 (Sydney 1870), p. 63; 1875 (Sydney 1876), p.78.

136. V. & P.N.S.W.L.A., 1869, vol. 1, pp. 855, 953.

137. N.S.W. Blue Book for the Year 1870 (Sydney 1871), p.31.

138. V. & P.N.S.W.L.A. 1870-1, vol. 4, p. 937.

in 1877 to Superintendent Morrisett at Maitland that there were over 300 Aborigines in the Port Macquarie district, some of whom were very old and feeble, and many of whom were without help of any kind if they became ill.¹³⁹ Morrisett agreed that it "would be inhuman to allow these poor creatures to perish without any aid or assistance, yet if a medical man be employed to attend them at such long distances it will be rather expensive".¹⁴⁰ The Colonial Secretary's Department agreed to employ a Dr. Gabriel for £50 a year as a temporary measure, but felt that the matter should be dealt with by the Medical Adviser to the Government as soon as possible.¹⁴¹ This case indicates the difficulty in incorporating Aborigines within the general medical scheme, and suggests that in districts where police did not request medical help, no medical treatment of any kind was received by Aborigines.

Legal assistance continued to be given to a minor extent. In September 1863 the Attorney General, Hargrave, suggested that

139. Sub-insp. Kerrigan to Supt. Morrisett, 25 July 1877, C.S.I.L., no. 77/6295, encl. with no. 77/7880 (A.O. 1/2384).

140. Memo attached to the above.

141. Memo attached to letter Insp. Gen. Police to Col. Sec. 31 July 1877, C.S.I.L. unnumbered, encl. with no. 77/7880 (A.O. 1/2384).

the practice of providing a Solicitor and Counsel free to Aboriginal defenders be dropped for all except capital cases.¹⁴² The Executive Council agreed, but in February 1866 this decision was revoked.¹⁴³ From this time on, legal assistance was afforded to Aborigines up to an annual total of £100, in trials in the Supreme and Circuit Courts, and in the Courts of Quarter Sessions.

Blanket distribution, on the other hand, steadily increased, the number of blankets distributed rising from 2,215 in 1856 to 8,400 in 1880.¹⁴⁴ This rise was the result, firstly, of better central administration. Although this administration was never particularly efficient, considerable delay and administrative confusion being evident throughout the period,¹⁴⁵ the Lands Department did make an attempt,

142. Meeting 21 September 1863, Exec. Council Minute Book, minute no. 63/34H (A.O. 4/1543).

143. Meeting 28 February 1866, Exec. Council Minute Book, minute no. 66/9J (A.O. 4/1545).

144. C.C.C.L. to Sec. Lands, undated, Lands I.L., no. 57/2348, encl. with 57/3523 (A.O. 3578); V. & P.N.S.W.L.A., 1879-80, vol. 5, p. 1239.

145. Police officer, Carcoar, to Sec. Lands, 14 December 1860, Lands I.L., no. 60/6729 (A.O. 3620); correspondence between Andrew Mackenzie, Shoalhaven and Sec. Lands, during July and August, Lands I.L., placed at no. 61/3019 (A.O. 3628); Sherwood, Casino, to Col. Sec. 29 July 1871, C.S.I.L., no. 71/5690 (A.O. 1/2149); Deniliquin Chronicle, 3 June 1869, 30 May 1872, 22 May 1873, 25 May 1876.

from the early 1860's, to obtain from the police and Benches of magistrates more regular requisitions for blankets.¹⁴⁶

In 1869 the task of requisition was transferred to the Department of Finance and Trade.¹⁴⁷

Increased distribution of blankets was the result, secondly, of an improvement in, and extension of, local administration. Between 1856 and 1861, for example, the number requested by many Benches of magistrates, in areas such as Casino, Clarence, Kempsey, Wee Waa, and Wellington, rose substantially. As settlement spread, more country centres and hence Benches of Magistrates were constituted, with the result that there were no more officials and thus greater possible access to Aborigines. Thus in 1861 Benches at Adelong, Balranald, Dubbo, Hay, Lismore, Wellingrove, Walgett, Wentworth and Deniliquin requested blankets for the first time.¹⁴⁸ This process continued throughout the period.

146. Circular from Sec. Lands to Benches, 30 November 1861, Copies Lands to Benches, 1860-4, p. 241 (A.O. 2/1799); Sec. Lands to Police Magistrate, Deniliquin, 10 July 1862, Copies Lands to Benches, 1860-4, p. 313 (A.O.2/1799).

147. Sec. Lands to Murrurundi Bench, 15 January 1867, Lands (Ministerial) to Benches, p. 5 (A.O. 4/1426); Sec. Lands to U.S. Finance, 31 October 1868, Lands (Ministerial) to Treasury, p. 320 (A.O. 4/6864); Sec. Lands to U.S. Finance, 3 February 1870, Lands (Ministerial) to Treasury, p. 13 (A.O. 4/6865).

148. V. & P.N.S.W.L.A., 1862, vol. 5, pp. 1172-3.

Blankets were an important means of contact between Aborigines and country police and magistrates. When the blankets were due to arrive, traditionally but not always on 24 May, the Queen's birthday, Aborigines flocked into country centres to receive them. Blankets appear to have become essential for many Aborigines to survive the winter, one observer going so far as to say that "any untoward delay in the distribution of this bounty may be looked upon as equivalent to a sentence of death".¹⁴⁹ Aborigines flocking into towns for blankets occasioned some, but not much, newspaper interest. The Golden Age remarked of the 1861 distribution: "The remnant of the tribe of native blacks who regard the district of Queanbeyan as their home are now paying their annual visit to the town - a motley group of grotesquely clad men, women and children, the latter principally half caste. They will probably hang around the neighbourhood until they get their bounty from the Queen, in the form of new blankets".¹⁵⁰

Blanket distribution was continued because it had become an absolute necessity for Aborigines. For the Government

149. A. McKenzie to Sec. Lands, 27 August 1861, Lands I.L. no. 61/3019 A.O. 3628).

150. Golden Age, 11 April 1861.

it was an isolated, archaic and rather meaningless task, somewhat at odds with the attitude of minimal or negligible assistance. It was a task inherited from earlier policies and earlier governors, but there were so serious moves to abandon the practice. Possibly it reassured legislators and administrators that the Government was doing all that could reasonably be expected of it. There was little positive interest shown at the legislative level, and in the twenty-eight year period between 1856 and 1883 details of the blankets issue were rarely called for in the Legislature.¹⁵¹ Not everyone favoured the blanket distribution. The Burrangong Argus thought the practice was kind, but anomalous: "...in fact, while hoping for their utter extermination, we have been providing them with the best means of prolonging their race".¹⁵² Commissioner Lockhardt in 1869 suggested the giving of blankets be stopped, since Aborigines "do not require them and never maintain them".¹⁵³

The visit of Prince Alfred, the Duke of Edinburgh, to

151. V. & P.N.S.W.L.A. for each of the following entries:-
29 September 1861 (1861, vol.1); 13 February 1873 (1872-3, vol. 1); 12 June 1877 (1876-7, vol. 1); 20 September 1882 (1882, vol. 1).

152. Burrangong Argus, 10 April 1869.

153. V. & P.N.S.W.L.A., 1868-9, vol.4, p. 1267.

Sydney early in 1868 saw the temporary revival of certain earlier approaches to Aborigines. In the spirit of Governor Macquarie, a Feast for Aborigines was organised for 12 March 1868, at which Prince Alfred would be present to dispense gifts and to show goodwill.¹⁵⁴ In preparation for the Feast the Government appointed a committee, which decided to distribute a suit of clothes to each male Aboriginal present and a blanket to each female.¹⁵⁵ Aborigines appear to have taken the Feast seriously, Late in January a large number assembled at Greenwell Point, Shoalhaven, to go to Sydney to see the Prince, and when they were unable to get on the steamer, wrote to him inviting him to Jervis Bay.¹⁵⁶ By 11 March a large number, from areas as far away as Burrangong, Araluen, the Clarence River, and Moruya, had gathered in Sydney for the Feast.¹⁵⁷ The Feast was, however, not held, as Prince Alfred was shot in an assassination attempt minutes before the Feast was to be held.¹⁵⁸ Aborigines did gain a little from the Prince's

154. S.M.H., 12 and 13 March 1868.

155. George Thornton to Sec. Lands, 27 February 1868, Lands (Ministerial) I.L., no. 68/327 (A.O. 7/6396).

156. Shoalhaven News, 22 January 1868.

157. S.M.H., 12 March 1868.

158. S.M.H., 13 March 1868.

visit - some had applied for free grants of land, and boats,¹⁵⁹ and while most were unsuccessful in their application, Aborigines at Cook's River were granted a boat by the Prince.¹⁶⁰ Yet Macquarie's notion of an annual Feast was not revived, and in the next few years assistance to Aborigines, except in the distribution of blankets, was reduced.

Aborigines were now more useful to pastoralists than to anyone else. Liberals, who valued a diversified economy, small farming, manufacturing, and commerce, tended to represent those sections of society for whom Aborigines were entirely useless. Thus the only move towards "protection" of Aborigines in these years - the campaign for the reinstitution of the law prohibiting the sale of alcohol to Aborigines - came mainly from pastoralists fearful of the effects of alcohol on Aboriginal labour. To liberals, Aborigines need not be protected from the deleterious effects of white society, for these effects were inevitable and impossible to prevent. Pastoralists were not now so convinced of the futility of action.

159. Petition "Currigan, of Captain, Aboriginal" to Governor Belmore, 5 June 1868, C.S.I.L., no. 68/2995 (A.O.4/626); Petition Louisa Graves to Col. Sec., 23 December 1869, C.S.I.L., no. 69/10 (A.O. 4/677).

160. Evident in petition "Currigan" to Belmore, 5 June 1868, loc.cit.

Part of Gipps's protection policy had been the passing of a provision in 1838 that Aborigines could not buy alcohol. The law still stood when responsible government was introduced but in 1862 the Licensing and Publicans' Act was amended by the Legislature.¹⁶¹ One of the amendments was the omission of the clause prohibiting the sale of alcohol to Aborigines. This omission was made, in the words of the Colonial Secretary, "advisedly", probably because the law had never been enforced, and because the new Government had no interest in Aboriginal protection.¹⁶² By this time Aborigines had everywhere become very high consumers of alcohol. When the whole of traditional life was being undermined, alcohol offered a temporary escape from insoluble problems. Aboriginal society had lost its ability to control alcoholism, through the loss of traditional forms of authority and social control.¹⁶³ Although alcohol may have been enjoyed, and drunkenness proved a constant means of flaunting the values of white society, the effects were in many ways disastrous. Health was badly affected, quarrels became increasingly violent, and accidental death through

161. Licensed Publican's Act, 25 Vic. No.14.

162. Memo attached to letter Police Officer, Bourke, to Col. Sec., 24 September 1863, C.S.I.L., no. 63/5407 (A.O. 4/508).

163. Rowley, op.cit., p. 31.

fighting appears to have become quite common.¹⁶⁴

Europeans commonly believed that Aboriginal alcoholism had some basis in their peculiar physical make-up, and was the major cause of their loss of life and "demoralisation". After 1862 objections mounted to the use of alcohol by Aborigines and to the lack of any government attempt to prevent it, usually on the grounds that alcohol made Aborigines a nuisance and a problem in country towns, or on the grounds that it hampered them from being good labourers. The Clarence and Richmond Examiner in March 1862 expressed the hope that publicans would not sell alcohol to Aborigines, and that farmers would cease the practice of payment in alcohol.¹⁶⁵ In September 1863 police at Bourke complained of the omission of the prohibitory clause from the 1862 Act, as the supply of alcohol to Aborigines was "a great evil in this and other places in these districts".¹⁶⁶ Consistent objections were made by clerical men, who opposed

164. See Murrumbidgee C.C.L. Report for 1855, C.S.I.L. encl. with no. 56/800 (A.O. 4/3309); Murrumbidgee C.C.L. Report for 1858, C.S.I.L., encl. with no. 59/1210 (A.O. 4/3401); Deniliquin Chronicle, 7 January 1865; V. & P.N.S.W.L.A. 1868-9, vol.4, p. 1267.

165. Clarence and Richmond Examiner, 11 March 1862.

166. Police Officer, Bourke, to Col. Sec. 24 September 1863, C.S.I.L., no. 63/5407 (A.O. 4/508).

intemperance for all, but saw Aborigines as a group which was particularly affected, and for whom prohibition might gain community and Government support.

Organised pressure for a prohibitory clause in the Publicans Act came first from the Wentworth and Darling districts. This area was populated mainly by Presbyterian Scots who had in the 'fifties experienced the extensive use of Aboriginal labour. The availability of this labour declined in the late 'fifties and early 'sixties, as Aborigines declined in numbers.¹⁶⁷ It may also have declined because of Aboriginal drunkenness; at least, Presbyterian clergymen and graziers in the area were convinced that this was the primary reason. In February 1866 a petition signed by 43 residents of the township of Wentworth, and of the district of the Lower Murray and Darling, praying for the prohibition of the sale or supply of alcohol to Aborigines on the grounds that it increased crime and serious quarrelling among them, was presented to the Assembly.¹⁶⁸ The Government took no action in response to the petition.

167. Lower Darling C.C.L. Report for 1856, enclosed in Denison to Labouchere, 14 March 1857, no. 55, C.O.201/498; speech by Phelps in L.A. debate, S.M.H., 25 November 1867.

168. V. & P.N.S.W.L.A., 1865-6, vol. 1, p. 501.

At the General Assembly of the Presbyterian Church of New South Wales in October 1867, Reverend William Ross, minister at Wentworth, and others, moved that the Assembly petition the Government to prohibit the sale of alcohol to Aborigines.¹⁶⁹ Under Ross's supervision, a petition was duly drafted and endorsed by the Assembly, listing the effects of alcohol on Aborigines as demoralisation, the laying aside of those orderly habits which they had previously begun to acquire, the contraction of fatal diseases, and the commission of crimes endangering the "property and lives of the community".¹⁷⁰

The presentation of this petition in November 1867 was accompanied by the introduction of a private member's Bill, by Phelps, member for Balranald, prohibiting the sale or supply of alcohol to Aborigines.¹⁷¹ Phelps argued, in moving the second reading of the Bill on 22 November, that the Bill must be acceptable to anyone who "had observed the great change that has come over them [Aborigines] since the

169. Minutes of the Proceedings of the General Assembly of The Presbyterian Church of New South Wales, October 1867 (Sydney, 1867), minute no. 44, p. 20.

170. Ibid., minute 70, p. 27; for copy of petition see V. & P.N.S.W.L.A., 1867-8, vol. 4, p. 1005.

171. Entries for 12 and 14 November, V. & P.N.S.W.L.A., 1867-8, vol. 1.

last Amendment of the Publicans' Licensing Act".¹⁷² He quoted the case of the Wentworth and Darling district where Aborigines "whose services were previously valuable in pastoral and grazing occupations, had become almost useless since the change". The Bill passed with little debate, and finally became law on 9 January 1868.¹⁷³

News of the new Act spread rapidly among Aborigines and Europeans alike. Yet many felt, with the Deniliquin Chronicle correspondent, that the Bill was a "piece of powerless, well-meaning legislation".¹⁷⁴ From this time on, Aborigines could still get alcohol, though sometimes less openly. On the occasion of an enquiry on 25 July 1868 into the death of two Aborigines at Wentworth from "excessive drinking and exposure", the jury deprecated "the practice of either giving or selling any spiritous liquor to Aborigines".¹⁷⁵ In 1869 Commissioner Lockhardt said alcohol was having a harmful effect in the area, being responsible for quarrels, murders, and improper conduct.¹⁷⁶ Aborigines, he said,

172. S.M.H., 25 November 1867.

173. Entry for 9 January 1868, V. & P.N.S.W.L.A., 1867-8, vol. 1.

174. Deniliquin Chronicle, 18 April 1868.

175. Deniliquin Chronicle, 1 August 1868.

176. V. & P.N.S.W.L.A., 1868-9, vol. 4, p. 1267.

outraged all order and decency by their conduct, and degradation was so developed that "all that can be done or hoped for, is to banish the dreadful scenes in the towns". In July 1873 a publican in the Deniliquin area was fined for selling alcohol to Aborigines, the rarity of the event and lightness of the fine suggesting to observers that the penalty was imposed more as a warning than as a punishment.¹⁷⁷ However, on the south coast, at least, prosecutions of Europeans under the Act were common in the 'seventies, and news of them was reported prominently in local newspapers.¹⁷⁸ The main effect of the Act was probably a growth in sly-grog selling.

Special legal status for Aborigines in at least one area had thus been confirmed. In the two other areas where they had been singled out for special legal consideration - in the Vagrancy Act and in the refusal of courts to accept their evidence, their position became a little more confused under responsible government. In 1866 Attorney General Martin ruled that Aborigines who had been brought up "within the pale of civilisation" could be charged under the Vagrancy Act

177. Deniliquin Chronicle , 3 July 1873.

178. Bell, La Perouse Aborigines, p. 86.

in the same way as Europeans.¹⁷⁹ The same principle began to be applied to the problem of Aboriginal evidence in court. All such evidence was considered inadmissable by the Attorney General in 1855,¹⁸⁰ but in May 1860 the principle was somewhat relaxed. Attorney General Hargraves accepted the evidence of a witness in court who had been described as "a very intelligent aboriginal [who] has been reared and in part educated among English settlers", on the grounds that "if an aboriginal witness be competent in other respects to give evidence, his being an aboriginal is no ground to reject his testimony if given on oath".¹⁸¹ Again in 1866, Chief Justice Stephen commented on a trial of an Aboriginal for murder that "there was a novel feature in this case. The principal facts were deposed for, on oath taken in the ordinary form, by Aboriginals, lads now living with their tribe, but educated at a Missionary Establishment. And they gave their evidence in a very intelligent, fair, and apparently

179. A.G. to Col. Sec., 16 April 1866, C.S.I.L., no. 66/1844 (A.O. 4/573).

180. Memo by A.G. attached to letter Col.Sec. to A.G., 16 March 1855, Papers transferred from Attorney General's Department, p. 364a (A.O. 7/2697).

181. Memo. by A.G., dated 8 May 1860, attached to letter Police Office, Bombala, to Col. Sec., 21 April 1860, C.S.I.L., no. 59/1787 (A.O. 4/3422).

truthful manner".¹⁸² In April 1875 Aboriginal evidence was again accepted at the trial of an Aboriginal for murder at the Central Criminal Court, the Sydney Morning Herald noting that this was indeed a rare occurrence.¹⁸³

On 14 August 1876 an "Evidence Further Amendment Act" became law.¹⁸⁴ This Act provided that a person who could "be reasonably objected to as incompetent to take an oath" could instead simply make a "promise" to tell the truth to the court. Although the Act made Aboriginal evidence admissible, the issue does not appear to have been fully resolved, judges continuing on occasions to rule Aboriginal evidence inadmissible on the grounds of their inability to take an oath. Soon after the Act became law, three Aboriginal witnesses were cross-examined to see if they understood the idea of an oath, and the matter was referred to the Full Court.¹⁸⁵ Justice Hargrave upheld that as the witnesses appeared to believe in future punishment this implied belief in a supreme being and so their evidence could be taken on

182. Alfred Stephen, Chief Justice, to Governor, 7 February 1866, C.S.I.L., no. 66/1043, encl. with no. 66/1356 (A.O. 4/571).

183. S.M.H., 11 May 1875.

184. 40 Vic. no. 8; mentioned by Rowley, op.cit., p. 128.

185. Evening News, 2 December 1876.

oath and be accepted. The other Full Court judges, however, said the witnesses were not competent, and their evidence was not accepted. In later years courts still refused to hear Aboriginal witnesses at times on the grounds that they did not understand the nature of an oath.¹⁸⁶ Thus, except for the prohibition of the sale of liquor to Aborigines, courts did not in this period distinguish on the basis of "race", but on the basis of acquaintance with European values and way of life. In the 'eighties, however, legal distinctions on the basis of "race" were to be reintroduced.

Aborigines very rarely attempted to participate in colonial politics, through voting at elections. To some colonists, however, the thought that they might do so was, because of their "ignorance", worrying. In the Assembly in February 1859, Flood asked Cowper, as Colonial Secretary, whether Aborigines were entitled to vote.¹⁸⁷ Cowper replied that they were not, which led Morris to suggest in the Assembly later in the same year that Cowper had been incorrect, since Aborigines were British subjects, and every male subject

186. See case in August 1898, in G.C. Addison, A Digest of Criminal and Magistrates Cases decided in New South Wales, 1840-1894, Supplement for 1895-99 (Sydney 1900).

187. Entry for 17 February 1859, V. & P.N.S.W.L.A. 1858-9, vol. 1.

over 21 years of age was entitled to vote.¹⁸⁸ The point of Morris's question was that if Aborigines were entitled to vote, it would be necessary "to bring in a short Act to disqualify the aborigines". The Attorney General agreed to present any relevant documents to the Assembly, but refused to offer an opinion on the matter. No documents were ever presented, and there the matter rested. The legal position was not clarified, and in April 1875 Dangar told the Assembly that Aborigines had voted in the last general election and asked whether the Government would ascertain the opinion of Crown Law Officers as to whether Aborigines could legally vote.¹⁸⁹ Colonial Secretary John Robertson replied that he thought they did have this right and would investigate the matter further, but again the matter was left unclarified. It was, after all, largely a technical matter, Aborigines in general having no interest in the electoral system, although some did vote in the elections of 1877.¹⁹⁰

In this period in general little legislative or

188. Ibid.

189. Entry for 20 April 1875, V. & P.N.S.W.L.A., 1875, vol. 1.

190. Entry for 5 November 1877, Diary of Daniel Matthews, printed in Daniel Matthews, Third Report of Maloga Mission.

administrative action of any kind was taken in reference to Aborigines. Assimilation was considered impossible and undesirable, and material assistance was to be kept to a minimum, partly through sheer lack of concern and partly because it was considered absurd to spend money on a fast disappearing race. Aborigines could be tolerated only as temporary adjuncts to European society, useful as labourers although a nuisance in the towns. In the circumstances, an attitude of "laissez-faire", and of patiently waiting until Aborigines disappeared, predominated. Only when the basic assumptions of the unassimilability and approaching extinction of Aborigines were questions, and when, under changing circumstances, a new awareness of Aboriginal poverty and "demoralisation" was forced on Europeans, would the Government approach of indifference be challenged.

CHAPTER THREE

INSTITUTIONALISATION AND ASSISTANCE: CHANGES IN ATTITUDES AND POLICY TO ABORIGINES, 1874-1883

In the 'seventies British colonists became increasingly convinced that Aborigines could be ignored no longer. This conviction was based on two divergent concerns - the one for Aborigines, the other for the British colonists themselves. In both cases change was based on an awareness that if Aborigines were "disappearing", they were taking longer than anticipated to do it, and that they would continue to exist for some considerable time. Change was also based, in both cases, on the observation that in most areas Aborigines were supporting themselves through their own labour less than before. Most attributed this to their alcoholism and general "improvidence", but the real basis of the change was the decreasing demand for pastoral labour as the colonial economy in certain areas was turning from pastoral to agricultural production. A further stimulus for change came from Aborigines themselves. In the 'seventies, through their requests for boats, entry into the city of Sydney, response to private missionary efforts, and applications for land, they presented colonists with a new situation with which old attitudes and policies could not deal.

Concern for Aborigines was based on a growth in awareness of, and pity for, Aboriginal poverty and "demoralised" behaviour. Concern for British colonists was based on the view that Aborigines were becoming an increasing nuisance. They were now, as the demand for their labour decreased, more than ever frequenting the towns and the city, and colonists thought they were presenting an unsightly display of demoralised humanity, and having a bad effect on the morally weaker of the colonists. Their public flaunting of the values and standards of civilised life was found painful and offensive by the towns and a city which were increasingly concerned with stability, prosperity, and respectability.

Various solutions were suggested. Humanitarians wanted Aborigines to be given rations, to mitigate their situation; others wanted them to be given rations in country districts only, to discourage them from entering the towns and city. Both concerns led to the suggestion that Aborigines be kept on isolated, self-sufficient reserves - the one to prevent further demoralisation through contact with Europeans and to supply an alternative to poverty, the other to keep Aborigines out of the way and prevent them at the same time from becoming economic burdens on Europeans. Only a very few advocated that Aborigines be "improved" and "civilised" so that they could live as Europeans and their position as a poverty-stricken and despised group be eliminated. This view was not

assimilationist, in that the proposal that Aborigines could and should live as Europeans rarely involved the proposal that they could or should live with Europeans. Most "improvers" were humanitarians, but a few who saw Aborigines as nuisances also suggested the "improvement" solution. The latter, however, could only do so by making a sharp distinction between "half castes" and "full bloods". "Full bloods" were still held to be irredeemable, and people who should be kept out of the way until they disappeared, but "half castes" were seen as people who should be detached from Aboriginal society and forced or persuaded to live as Europeans as quickly as possible. Thus, in this argument, "civilisability" was seen as dependent on the presence of "European blood". The assimilation of "half castes" was not, however, widely proposed, and no attempts were made to put such proposals into practice.

The most important single action for change was the establishment of a mission for Aborigines by the private efforts of Daniel Matthews on the Murray river in 1874. Its success was to have a profound effect on Government thinking, and it is fitting that a discussion of the process of change in Aboriginal-European relations in the 'seventies and 'eighties begin with a discussion of that mission. Matthews was a

Cornishman¹ who had been brought up in Melbourne.² In the early 'sixties he ran a ship provider's business in Echuca, on the Victorian side of the Murray.³ He was struck by the material poverty and "demoralisation" of Aborigines in the area, on both sides of the Murray, and acted first by writing on the matter to the Victorian Board for the Protection of Aborigines. The Board, however, was unresponsive, and Matthews began visiting Aboriginal camps himself, and observing all he could.⁵ In this way he learnt something of their life as "mere fragments of tribes", taking a keen interest in their tribal names, their cooking methods, gatherings, and their generally friendly behaviour towards one another.⁶ He was particularly interested in their methods of survival,

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1. Mavis Thorpe Clarke, Pastor Doug. (Melbourne 1965), p.12.
 2. Diane E. Barwick, A Little More than Kin: Regional Affiliation and Group Identity Among Aboriginal Migrants in Melbourne (Ph.D. thesis, A.N.U. 1963), p. 146. Barwick's thesis includes a comprehensive discussion of the history of the Maloga mission, and draws on many of the sources used in this chapter. Where possible, the debt this chapter owes to Barwick has been indicated.
 3. Ibid .
 4. Ibid.
 5. Ibid. See also entries for 26 January 1863 and 23 January 1865, Matthew's Diary, Matthews Papers.
 6. Entries for 23 January 1865 and 26 February 1867, Matthews's Diary, Matthews Papers.

and noted that they lived on fishing, and on the money earned by the "half caste" men who worked on pastoral stations.⁷ It seemed to Matthews, as it seemed to other observers at the time, that alcohol was the main killer, and he expressed the common belief that they "will in a few years die out if supplied with the 'fire water' which is working out an exterminating influence wherever it finds its way".⁸ He began to show the Aboriginal children small acts of kindness, distributing sweets when he visited, and organising a holiday to Melbourne for some.⁹ Gradually he formed the idea of helping them more substantially, possibly through some kind of mission.¹⁰ Having been brought up the son of a Methodist clergyman, he was a deeply religious man, and wanted not only to alleviate their material poverty, but also to "improve" them by teaching the Christian religion and the habits of "civilised" life. The turning point in the formulation of his ideas came when he visited the Victorian

7. Entry for 23 January 1865, Matthews's Diary, Matthews Papers.

8. Ibid.

9. Riverine Herald, 4 April 1866, as quoted in Matthews Papers; Entries for 28 February and 20 September 1868, Matthews's Diary, Matthews Papers.

10. Riverine Herald, 4 April 1866; loc.cit. Entry for 28 February 1868, Matthews's Diary, Matthews Papers.

Government station for Aborigines at Corranderrk in May 1866.

In Victoria, unlike New South Wales, the methods of institutional relief and management characteristic of the Port Phillip Protectorate had lingered even after 1849, and as the result of a Select Committee in 1859 a Board for the Protection of Aborigines had been established in 1861.¹¹ Under this Board several government stations had been established, run by "teacher-managers" and supplied with rations. Corranderrk was the most successful of these stations, and was set in 2,300 acres of first class agricultural land.¹² Matthews was extremely impressed by what he saw at Corranderrk. It convinced him, he wrote, "of the utter absurdity of the prevailing notion that the aborigines are incapable of being taught how to work.... I was totally unprepared to see thirty of these untutored savages so assiduously engaged in the employments of civilised life".¹³ He particularly approved of the orderliness of the station, and the compulsory prayer services. The contrast between life on the station and life in the camps struck him forcibly.

11. Barwick, op.cit., p. 145; Rowley, op.cit., p. 63.

12. Copy of letter Matthews to editor Melbourne Age, 29 May 1866, in Matthews Papers. See also Diane E. Barwick, "Rebellion of Corranderrk" (typescript MS., A.I.A.S. library).

13. Matthews to editor Age, 29 May 1866, loc.cit.

Where life at Corranderrk was orderly, Christian and productive, life in the camps had made Aborigines "moral scourges and pests in the neighbourhood they frequent".¹⁴ Corranderrk, and his own observations of Aboriginal behaviour towards one another in the camps, convinced him that Aborigines could, if assisted, become good members of society. To this end he advocated, after visiting Corranderrk, the setting apart of further tracts of land, and of devising further schemes to "improve" them.¹⁵ Matthews thought such schemes could only succeed if carried out in relative isolation from European society, in his view the success of Corranderrk depending on the isolation of the Aborigines there "from the baneful intercourse of the degrading portion of our population".¹⁶

For a while Matthews tried to assist young Aborigines in the Echuca area to go to Corranderrk, but quickly realised their extreme dislike of leaving their own area.¹⁷ In the face of this dislike he became convinced that a station

14. Ibid.

15. Ibid.; copy letter Matthews to editor Riverine Herald, 20 June 1866 in Matthews Papers.

16. Matthews to editor Riverine Herald, 20 June 1866, loc.cit.

17. Barwick, *Little More than Kin*, p. 146.

would have to be established in the Echuca area itself, and when he learned that the Victorian Government had decided against any such project, he considered establishing a mission there himself.¹⁸ For several years he did little about the idea, but continued to visit Aboriginal camps.¹⁹ The important step came when Matthews was able to gain property, not on the Victorian side of the Murray as first envisaged, but on the New South Wales side, at Barmah, across from Echuca. In 1867 he selected the property there jointly with his brother, and decided to establish a mission on it.²⁰ It was through this circumstance that the more ameliorative and "improving" approach of Victoria was to be practised in an indifferent New South Wales.

In April 1870 Matthews began organising for the mission in earnest, when he called a meeting in Echuca to discuss his proposal.²¹ Twelve men attended, Matthews explained his proposal at length, estimating the cost of buildings and the first year's expenses at £400, and a Committee was

18. Entry for 28 February 1868, Matthews's Diary, Matthews Papers.

19. Entries for 1867, 1868, and 1869, Matthews's Diary, Matthews Papers.

20. Barwick, *Little More than Kin*, p. 147.

21. D. Matthews, "Echuca, April 1870", in Matthews Papers.

formed to investigate possibilities. By December 1872 funds amounting to £39.15.6. had been collected and work on the mission building begun.²² The fact that it had taken two and a half years to get to this point indicated a lack of public support. Matthews had gained the assurance of about sixty Aboriginal children and youths that they would come to the mission,²³ and he made redoubled efforts to raise the necessary funds. In May 1873 he published at his own expense a pamphlet entitled An Appeal on Behalf of the Australian Aborigines.²⁴ This appeal was strongly worded, and displayed the now characteristic combination of horror at the present state of Aborigines and the belief that they could be educated and assisted out of this state. He appealed to the necessity for sympathy, and referred to the general European ignorance of the real Aboriginal situation. He spoke of his own "sorrow for their miserable state", and his desire to "reclaim their helpless little ones". Here he revealed his adherence to an earlier belief that the civilisation of the children was a more viable and important project than that

22. Copy of letter Matthews to editor Melbourne Daily Telegraph 5 December 1872, in Matthews Papers.

23. Ibid.

24. Daniel Matthews, An Appeal on Behalf of the Australian Aborigines (Echuca, 1873).

of the adults. Yet he spoke also of the young men and women "who are exceedingly anxious to avail themselves of the protection and instruction contemplated by us", and in fact a distinctive feature of his mission, in contrast to earlier missions, was to be his interest in these young adults. And he was speaking of the entire age spectrum when he wrote: "The Australian Aboriginal is not the impracticable and slothful creature many of our writers have designated him.... Many years of experience have taught me that there is a great deal of honesty, generosity and docility in his primitive character". It was quite possible to give "moral and religious training and impart knowledge of a secular character...so that they may be made useful members of society, and attain the means of gaining their own livelihood". At the basis of his whole argument was an attack on the notion that they had almost died out, and he pointed out that there were many hundreds of Aborigines scattered through the Murray districts.

Matthews thus attacked the twin beliefs in extinction and "uncivilisability" which formed the ideological basis of the universal approach of indifference. This attack was at the same time being made in a minor way by certain men in England who had spent some time in the colonies of New South

Wales and Victoria. George Carrington, writing of his colonial experiences in 1871, urged that the loss of Aboriginal life should not be observed complacently, but rather was a matter "upon which humanity should cry shame".²⁵ Europeans, he said, simply watched Aborigines die, with no feelings of guilt: "The process is slow, but it is sure, and they die out, and nobody can be blamed for it". Rev. H.W. Tucker attacked the European attitude more harshly: "The almost universal creed of the colonies is that the race must die out: an unphilosophical and fatalist doctrine accepted because it is wished to be true".²⁶ Tucker went on to say that the savage could rise rapidly in intelligence if "not contaminated by the vices of so-called civilisation".²⁷ In 1874 Rev. R.G. Boodle attacked those people who "speak happily about the law by which the savage fades away before a civilised race",²⁸ and said that destruction was due to no such law but to the cupidity of Europeans. He thought it was possible to lead Aborigines "gently forward", and suggested

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25. George Carrington, Colonial Adventures and Experiences (London, 1871), p. 146.
26. Rev. H.W. Tucker, Under His Banner: Papers on the Missionary Work of Modern Times (London 1871), p. 291.
27. Ibid., p. 289.
28. Rev. R.G. Boodle, "The Aborigines", in Rev. J.H. Halcombe The Emigrant and the Heathen (London, 1874), p. 151.

that their present backwardness was the product of their situation, which could be changed.²⁹

But these were mere whispers, unheard by the vast majority of colonists. Only Matthews's work became at all well known. His pamphlet was widely distributed in New South Wales and Victoria, and also in England and Scotland.³⁰ The pamphlet also contained letters written by children at Corranderrk; very necessary proof, in the colonial context, that Aboriginal children could be educated. Matthews was able to get some newspaper support, but only because he worked hard at developing contact with editors to have favourable articles, and letters from himself, placed in these papers.³¹ On the whole, however, he was generally ignored. Subscriptions received in the two years after the publication of the pamphlet amounted to only £91.0.10.³² Nevertheless by June

29. Ibid., p. 158.

30. Barwick, Little More than Kin, p. 147.

31. See entries for 18,19,20 and 21 August 1874, Matthews's Diary, Matthews Papers; Riverine Herald, 4 December 1873 and Australian Witness, 12 July 1873, as copied in Matthews Papers; Deniliquin Chronicle, 12 June 1873.

32. Report of the New South Wales Aborigines Protection Association, June 30th, 1881, V.& P.N.S.W.L.A., 1883, vol. 3, p. 928. (The entire report in at pp. 926-35, and is hereinafter referred to as A.P.A. Report, 30 June 1881).

1874 the school building was finally completed, and Matthews and his wife moved to the new residence, now known as the Malago Mission.³³

Matthews set out in July to persuade Aborigines to come to the mission. He was determined not to use force, being well aware of the need for Aborigines to retain their freedom and their "love of home".³⁴ But persuasion was to prove far more difficult than Matthews had anticipated, and for several years Aboriginal attendance at the mission was very low, sporadic, and unenthusiastic. For two periods, from November 1874 to May 1875, and from June 1875 to July 1876 there were no Aborigines at the mission at all. Only from July 1876 was there to be regular and increasing attendance.³⁵

While the first painful steps towards gaining Aboriginal confidence were being made, Matthews continued to search for financial assistance for his project. If Aborigines were to come to Maloga they would have to be given material benefits, which could either be given outright or in exchange for work done on the mission buildings. For Matthews to have run

33. Entry for 19 June 1874, Matthews's Diary, Matthews Papers.

34. Riverine Herald, 4 December 1873, loc.cit.

35. Daniel Matthews, First Report of the Maloga Aboriginal Mission School, Murrumbidgee River, New South Wales (Sydney, 1876).

a viable farm of some sort would have compromised his purpose - he saw himself as a teacher, not a farmer, and in any case if he had employed Aborigines as others did, his missionary zeal would have appeared a sophisticated cloak for exploitation.³⁶

While Matthews wished ultimately to assist Aborigines to achieve economic independence, he had first to offer assistance to those who urgently needed it. The mission had thus to be a refuge, and there was no way of making it self-supporting.

So the search for outside assistance went on. Matthews called in August 1874 on R. Brough Smythe, secretary of the

Victorian Board for the Protection of Aborigines. Smythe was friendly but refused assistance and suggested Matthews petition the New South Wales Government for financial help.³⁷

Matthews had not up to this time dealt with the New South Wales Government, and wrote to several well known philanthropists and Aboriginal sympathisers in Sydney.³⁸ Only one, William

Ridley, replied, advising Matthews in his capacity as a teacher to ask the Minister for Justice and Public Instruction for subsidy.³⁹ Matthews did this , and Ridley himself

36. Diane E. Barwick, "Maloga" (unpublished typescript in her possession).

37. Entry for 18 August 1874, Matthews's Diary, Matthews Papers.

38. Entry for 20 August 1874, Matthews's Diary, Matthews Papers.

39. Entry for 21 August 1874, Matthews's Diary, Matthews Papers.

forwarded a petition signed by himself and four others to the Governor requesting him to use his influence to persuade the Council of Education to act as suggested.⁴⁰ No reply appears to have been made to these requests, and it was to be well over two years before some assistance was granted.

Matthews's introduction to his First Report on the Maloga Mission School in 1876 was worded more strongly than anything previously. "The generally accepted dogma, that the race cannot be saved from an utter and early extinction, must not be used as an excuse for inaction".⁴¹ The problem was not "doom" but the evils of European civilisation. Aborigines should be compensated for their loss of land by Government and society alike: "The community at large is under obligation to the aborigines as the original possessors of the soil, and is in honour bound to provide them with means to live, and raise themselves in the scale of humanity". This report revealed also that the mission was becoming a reality. Matthews's success in attracting Aborigines from July 1876 after the failures of the previous two years was the result of a change in his own policy. At first he had tried to

40. William Ridley to Henry Parkes, 26 November 1874, Parkes Correspondence, vol. 32, p. 155 (A902); S.M.H., 15 October 1878.

41. Matthews, First Report, p. 2.

attract only the children and adolescents, and had not welcomed the older Aborigines, or the employed men. When he first visited a camp in July 1874 to take the girls and children with him back to the mission, he found that they had fled in canoes on hearing of his arrival, on the suggestion of older Aborigines.⁴² The first people he persuaded to go to the mission later in July 1874 were two fourteen year old girls each of whom had a child. When they left their camp "there was a general muster to wish the girls goodbye - as if they had been going to the ends of the earth. The old lubras shed some tears, and kissed the babies".⁴³ The girls were unsettled at the mission, constantly wishing to see their relatives. Because of their isolation they, and some other children who had come in the following months, rejoined their relatives in November 1874.⁴⁴

Except for a short period in May 1875 the mission remained empty until July 1876.⁴⁵ In that month young adults began

42. Entry for 22 July 1874, Matthews's Diary, Matthews Papers.

43. Entry for 26 July 1874, Matthews's Diary, Matthews Papers.

44. Entries for 2,3,12,21,23 and 24 August 1874, Matthews's Diary, Matthews Papers; entries for 12,17,20,21 and 22 November 1874, Matthews's Diary, printed in Matthews, First Report.

45. Entries for 15,29 April and 4,13,15,16,19 and 20 May 1875, Matthews's Diary, printed in Matthews, First Report.

to frequent the mission, and once the older blacks were tolerated, became increasingly prepared to stay.⁴⁶ The degree to which Matthews had recognised and overcome the problem is indicated in the following incident. Theresa Clements, in her reminiscences entitled Old Maloga, described her own leaving of a station in the late 'seventies or early 'eighties when she was a young child; When Matthews came "my brother and sister and I ran and hid near the bank of the river. 'White men going to take us away', people said. We were terrified.... We didn't want to go, but soon we found that our mother and grandmother were coming".⁴⁷ Yet if Matthews now welcomed the older Aborigines, he was nevertheless pleased that they were sporadic rather than regular visitors, "for their presence affects our influence over the children, and rather retards their social progress".⁴⁸

If the mission was now not only for the children but for the adults as well, it was nevertheless organised along

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- 46. Entries for 8,21 July, 30 September, 13,17,25 and 30 October, 6 November, and 11 December 1876, Matthews's Diary, printed in Matthews, First Report.
 - 47. Theresa Clements, From Old Maloga; the Memoirs of an Aboriginal Woman (Pahran, c. 1952).
 - 48. Entry for 1 May 1877, Matthews's Diary, printed in Daniel Matthews, Third Report of the Maloga Aboriginal Mission School, Murray River, New South Wales (Echuca, 1878).

certain lines insisted on by Matthews and at variance with the wishes of the Aborigines. Daily morning and evening services were compulsory, and in May 1877 some of the young men rebelled. Matthews and his wife "insisted on obedience to our authority", and apparently won the issue. Services remained compulsory, and attendance at the mission continued to grow. Matthews was astute enough to realise that the services were not accepted or appreciated by most of the Aborigines who attended them, and realised that most would have agreed with the young man who said "I don't see the use of so much praying".⁴⁹ Nevertheless Matthews was pleased to report a number of conversions in these years.⁵⁰ He was also gratified to see the children's success in learning to read and write, and was particularly proud that four of the young men from Maloga voted in the election of 1877.⁵¹ Increasingly, young couples accepted Matthews's suggestions that they be legally married by him.⁵² The degree of his

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49. Entry for 27 May 1877, Matthews's Diary, printed in Matthews, Third Report.
50. Entries for 29 June, 30 September, and 14 October 1877, Matthews's Diary, printed in Matthews, Third Report.
51. Entry for 5 November 1877, Matthews's Diary, printed in Matthews, Third Report.
52. Entries for 11 June and 19 November 1877, Matthews's Diary, printed in Matthews, Third Report.

influence with some of the young adults was indicated in December 1877 when he persuaded two couples to get married despite the fact that the alliances were not in accord with Aboriginal marriage rules. Considerable disaffection occurred over the marriages, some fifteen Aborigines coming up from the river to attempt their prevention and a number of older Aborigines leaving the mission.⁵³ Disaffection also occurred on two occasions when Matthews whipped some of the boys for telling a lie.⁵⁴ On the whole, though, Matthews was able to insist on his authority without endangering mission attendance.

The Aboriginal community at Maloga consisted of regular attenders, mainly women and children, and periodical visitors. The latter included the young men who worked at nearby stations as seasonal labourers,⁵⁵ and the "old ones and those who

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53. Entries for 12, 21, 23 and 25 December 1877, Matthews's Diary printed in Matthews, Third Report. When recalling incidents such as this in 1899, Matthews said he had won the issue by stopping rations, so "I was enabled to put a stop to their illicit and unhappy relationships, and so brought joy and contentment". (Daniel Matthews, "Native Tribes of the Upper Murray", Proceedings of the Royal Geographical Society of Australasia, South Australian Branch, vol. IV (1898-9 to 1900-01), p. 48.)
54. Entries for 19 August 1877 and 7 January 1878, Matthews's Diary, printed in Matthews, Third Report.
55. Entry for 23 December 1876, Matthews's Diary, printed in Matthews, Second Report of the Maloga Aboriginal Mission School, Murray River, New South Wales (Echuca 1877); entry for 16 September 1877, Matthews's Diary, printed in Matthews, Third Report.

prefer camp life", who came and went freely, always returning eventually for food.⁵⁶ It was a fluid situation, meeting the varying needs of different Aborigines, and because of its very fluidity it enabled the development of a stable Aboriginal community. The mission succeeded where earlier missions had failed because of the changed conditions of Aboriginal life. Aboriginal material need had become greater than ever before, and the young people were more ready to defy, although not to separate themselves entirely from, their elders. Moreover, whereas earlier missionaries had despaired at the effect of European settlement and given up when these effects became strongly apparent, both Matthews and the Aborigines on the Murray in the 'seventies had lived with these "effects" for a long time. Matthews did not despair when he witnessed disease, death, and "demoralisation", but took them as conditions of Aboriginal existence which had to be overcome through material assistance, kindness, and patience.

Just as everything seemed to be going well, with Aborigines patronising the mission and accepting certain of

56. Entries for 1 May and 3, 29 October 1877, Matthews's Diary, printed in Matthews, Third Report. Quotation from Matthews to Mackenzie, 6 April 1878, Records of Victorian B.P.A., Bundled In Letters: Miscellaneous, copy in Diane Barwick, Collections of documents and notes entitled "Cumeroogunga, 1841-1936", typescript in her possession.

Matthews's ideals of behaviour, the mission ran out of money. Although donations totalling £78.15.7. had been received between April 1875 and March 1877,⁵⁷ and a £400 grant received from the Department of Public Instruction in March 1877,⁵⁸ and although the Victorian B.P.A. had promised to assist materially Aborigines from the Victorian side of the Murray,⁵⁹ and many of the Aboriginal men on the mission contributed to survival from their own earnings,⁶⁰ during 1877 the mission spent £154 more than it received.⁶¹ Rations were so low that on 5 February 1878 Matthews was forced to call a meeting of all Aborigines at Maloga to discuss the matter.⁶² It was agreed that some should leave for a while, and fish or work on the stations for survival. Some left, but returned a week

57. A.P.A. Report, 30 June 1881, p. 928.

58. Ibid.

59. Matthews to Brough Smythe, 4 March 1877, and Matthews to Mackenzie, 6 April 1878, Vic. B.P.A., Bundled In Letters: Miscellaneous, Barwick Collection.

60. Entry for 16 September 1877, Matthews's Diary, printed in Matthews, Third Report.

61. Ed. G.W. Palmer, Hon.Sec. A.P.A., Report upon Aboriginal Station at Maloga, Murray River, 23 February 1880, V.& P.N.S.W.L.A., 1883, vol.3, p. 923.

62. Entry for 5 February 1878, Matthews's Diary, printed in Matthews, Third Report.

later, "very hungry".⁶³ Again on 25 March Matthews had to force some Aborigines to leave. This must have been painful to him, being in contradiction to his efforts of the previous three and a half years. Aborigines expressed much dissatisfaction when they were sent away on this second occasion, and the children were pleased that they were allowed to stay.⁶⁴

If the mission were to continue Matthews had to gain more outside assistance. This was to prove a difficult task, for Matthews came up against the entrenched approach of indifference in both Government and society. Matthews ultimately succeeded in gaining substantial Government support because he found that his challenge to indifference was no longer an isolated one, and that pressures other than his own were being put on the Government to change its policy.

A sign of the awakening of interest was the motion in the Assembly on 19 December 1876 by W.H. Suttor, a pastoralist and member for East Macquarie, that a Select Committee be appointed to enquire into the condition of the Aboriginal inhabitants of

63. Entry for 17 February 1878, Matthews's Diary, printed in Matthews, Third Report.

64. Entries for 25 March and 1 April 1878, Matthews's Diary, printed in Matthews, Third Report.

the colony.⁶⁵ Suttor was concerned by the ruling of the Judges of the Supreme Court several days earlier that Aborigines were still incompetent to give evidence in court. This meant that an Aboriginal murder of a white man, if carried out only before Aboriginal witnesses, would go unpunished. Further, he deplored the "demoralised" life of Aborigines, and suggested that the half castes, at least, should be "reclaimed from savage life". Little opposition to the motion was expressed, although none of the members was enthusiastic except for David Buchanan. Henry Parkes expressed the typical view when he said that "experience had taught them that but little could be done for this perishing race". Perhaps many felt simply that the matter required investigation, and that the findings of the Committee would vindicate present policies. The Committee was duly set up, six meetings held, and six witnesses examined.⁶⁶ No report however, was brought up, and there the matter was allowed to rest.

In the debate Buchanan had said that the Assembly ought

65. S.M.H., 20 December 1876; Susan L. Johnston, The New South Wales Government Policy towards Aborigines, 1880-1909 (M.A. thesis, S.U. 1970), pp. 23-4.

66. V. & P.N.S.W.L.A., 1876-7, vol. 1, p. 654. The Committee consisted of Suttor, Lackey, Parkes, Rouse, Dangar, Farnell, Hill, Gray, Hay and Terry.

to feel bound to ameliorate the Aboriginal condition because "the white people by the introduction of civilisation had injured the aboriginals most materially and robbed them of nearly all the primitive virtues they had possessed". Their present poverty resulted from their loss of hunting grounds. Colonial Secretary Robertson attacked Buchanan's speech, arguing that Aboriginals had not lost their hunting grounds, and there were now twenty times as many kangaroos as before European settlement. He objected strongly to any moves for change and defended present policy; the Government "had done everything they could think of to alleviate the miseries of the aborigines", especially in giving blankets, clothing, and boats. But Aborigines had misused boats, and it seemed that Government aid was not properly appreciated. This speech was a rather confused one, both denying and admitting Aboriginal poverty. What Robertson really meant was that Aboriginal poverty was the fault of Aborigines and not of Europeans. The speech was somewhat dishonest, for Robertson would have been aware that the supply of clothing and boats had been absolutely minimal.

Despite the failure of the Select Committee, both the Lands' and Colonial Secretary's Departments began from this time slightly to increase material assistance to Aborigines in country areas. In February 1877 Colonial Secretary

Robertson authorised the distribution of clothing at the Macleay, noting that it had been a long time since such distribution was last authorised.⁶⁷ An interesting feature of Government policy was the growth in the practice of donating boats, mainly to Aborigines on the South Coast. This was the only form of Government assistance which aimed not to supply emergency needs but to encourage Aborigines to become more economically self-sufficient. It was not a consciously devised policy, however, but rather was one which developed in response to repeated requests from Aborigines themselves. In 1865 and 1867 requests for boats had been refused.⁶⁸ The Lands Department in 1865 had noted, when Robertson himself had been Minister, that boat-giving "was a matter more for private charity than for Government interference", and that, in any case, there was a real doubt "whether the petitioners would be capable of taking care of a boat".⁶⁹ The first boat appears to have been given to the

67. Memo attached to letter from Macleay Bench to Col. Sec., 20 February 1877, C.S.I.L., no. 77/1820 (A.O. 1/2365); see also John Brown, J.P., Singleton, to Col. Sec. 20 May 1878, C.S.I.L. no. 78/4684 (A.O. 1/2411).

68. "Nanny" and "Lucy" to Sec. Lands, undated, Lands I.L., no. 65/6042 (A.O. 3693); E.P. Laycock *et al.* to Col. Sec. undated, C.S.I.L., no. 67/3679 (A.O. 4/597)

69. Memo attached to "Nanny" and "Lucy" to Sec. Lands, loc. cit.

Cook's River Aborigines by Prince Alfred in 1868.⁷⁰

Requests for boats by Aborigines on the South Coast increased in the mid-'seventies. The Government granted its first boat to Aborigines at Nowra in 1876.⁷¹ Robertson, in his reference in the Assembly debate to Aboriginal misuse of boats, may have been referring to this very instance, for the local police at Nowra had written to the Government that the supply of boats was "simply a waste of money, as they are seldom or ever (sic) used for their legitimate purpose but are lent to white people for various uses...and when they catch fish the boat is often left in exposed positions and seriously damaged whilst they are selling the fish and drinking the proceeds which sometimes keep them several days on the 'spree'".⁷² Nevertheless boats were gradually granted more freely. Late in 1877, while still Colonial Secretary and on an official visit to Bega, Robertson promised a boat to an Aboriginal named "Hawdon" for the use of Aborigines in that locality. The promise was carried out only after a petition

70. Petition "Currigan, or Captain, Aboriginal", to Belmore, 5 June 1868, C.S.I.L., no. 68/2995 (A.O. 4/626).

71. Thomas Grieve, Senior Constable, Nowra, to Officer-in-Charge-of-Police, 23 June 1876, C.S.I.L., no. 76/4523, encl. with no. 76/4876 (A.O. 1/2335).

72. Memo attached to the above.

from Europeans in the Bega area, acting on the Aborigines' behalf, was sent telling the new Farnell ministry of it, and after extraordinary administrative delay and confusion.⁷³ When a special grant of £300 for Aborigines was voted under the Farnell ministry in May 1878, more boats began to be given to South Coast Aborigines.⁷⁴

But these were minor changes indeed. The basic issue in the next few years was whether more substantial changes would occur, in the form of subsidy to Matthews's mission and of establishing new land reserves and institutions for Aborigines. Matthews gradually gathered support in Sydney for his venture. In September 1878 he was so desperately in need of assistance that he decided to go to Sydney and

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73. D. Tarlington et al. to Col. Sec., 30 April 1878, Lands (Misc.) I.L., no. 78/2783; Magnus J. Peder to Col. Sec., 1 June 1878, Lands (Misc.) I.L., no. 78/4780; Magnus J. Peder to Sec. Lands, 25 November 1878, Lands (Misc.) I.L., no. 78/14228; Memo Sec. Lands to Captain Hixson, president Marine Board, undated, attached to Peder to Sec. Lands, 25 November 1878, loc.cit.; Magnus J. Peder to Sec. Lands, 16 July 1879, Lands (Misc.) I.L., no. 79/8798; Moruya Police to Sec. Lands, undated, and 1 August 1879, Lands (Misc.) I.L., both at no. 79/4899; Sec. Lands to U.S. Finance, 7 October 1879, Lands (Misc.) I.L. no. 79/13150; all the above enclosed with no. 79/13150 (A.O. 2/1199).
74. Mention of grant in V. & P.N.S.W.L.A. 1877-8, vol. 2, p. 413; described as being of £100 in a memo attached to Magnus J. Peder, to Col. Sec., 1 June 1878, loc.cit.; Police Magistrate, Eden, to Col. Sec., 29 October 1879, C.S.I.L., no. 79/8709 (A.O. 1/2459); T. Garrett, M.P., Shoalhaven, to Col. Sec., 12 November 1879, C.S.I.L., no. 79/9977 (A.O. 1/2463); T. Garrett to Col. Sec., 29 September 1880, C.S.I.L., no. 80/8138 (A.O. 1/2498).

publicise the mission. In Sydney he spoke to ministers of religion, members of both houses of parliament, and "men of high religious standing and philanthropical principle".⁷⁵ He collected £44.10.8. in private donations,⁷⁶ and ultimately his activities resulted in the formation of the "Committee to Aid the Maloga Mission" on 14 October 1878.⁷⁷ The foundation meeting of the committee was attended by only about ten men, but these included Mr. J. Roseby, M.L.C., and Reverend Canon King. William Ridley, a likely supporter, had died three weeks before.⁷⁸ Most active on the committee was Edward Palmer, formerly a bush missionary to British colonists in pastoral areas. In discussion at the meeting much mention was made of the fact that schools and missions were successful in Victoria, where they gained government assistance. It was agreed to petition the government for financial assistance to the Maloga mission.

The committee found after December 1878 that it had to deal with a new Government, led by Parkes and Robertson, both

75. Entry for 16 September (appears to mean October) 1878, Matthews's Diary, printed in Daniel Matthews, Fourth Report of the Maloga Aboriginal Mission School, Murray River, New South Wales (Echuca, 1879).

76. Ibid.

77. S.M.H., 15 October 1878.

78. Evening News, 27 September 1878.

of whom had in December 1876 expressed their unwillingness to do much to assist Aborigines. The committee itself was not powerful or well supported, and did not meet regularly, but nevertheless during 1879 three times pressed the Government for assistance to the Maloga mission. Soon after its first meeting it presented a petition to the Governor,⁷⁹ which was possibly the stimulus for a second Government grant of £100 to Maloga in March 1879.⁸⁰ A deputation of the Committee in June 1879 to Colonial Secretary Parkes specifically requested a Government subsidy for Maloga of £400 and in response to this request Parkes granted £100 again in July 1879.⁸¹ A third request in November by the Committee for assistance, now for an annual subsidy of £500, was totally unsuccessful.⁸²

The committee had gathered little public support. The beliefs that Aborigines were uncivilised and doomed to

79. Evening News, 15 October 1878; entry for 16 September (appears to mean October) 1878, Matthews's Diary, printed in Matthews, Fourth Report.

80. A.P.A. Report, 30 June 1881, p. 928.

81. Evening News, 27 June 1879; D. Matthews, "June 2nd 1879. Deputation", in Matthews Papers; A.P.A. Report, 30 June 1881.

82. Matthews to Barbour, 17 November 1879, Parkes Correspondence, vol. M, p. 596 (A925); S.M.H., 27 November 1879; entry for 16 January 1880, Matthews's Diary, printed in Daniel Matthews, Fifth Report of the Maloga Aboriginal Mission School, Murray River, New South Wales (Echuca, 1880).

extinction were still very strong. On 12 July 1879 the Illustrated Sydney News, for example, described Aborigines as "very low in the scale of humanity", and pronounced that there was no chance of success with them, with the exception of some becoming good stockriders, before their extinction within a few generations. In 1879 both the depth of public indifference and dislike of Aborigines, and the beginning of a challenge to these attitudes, were demonstrated in a curious way.

In May 1879 the Executive Council decided that the death sentence passed on two European youths for rape would stand, and a public outcry was made at the severity of the sentence.⁸³ Since 1863, out of 37 men sentenced to death for rape, two had been Aborigines. Of this 37 only three had been executed, including both the Aborigines, and a white man who had been convicted not only of rape but also of an accompanying murder.⁸⁴ The tradition had been established in practice that the death sentence for rape was carried out only in reference to Aborigines. In opposition to the sentence on the two white youths the Bathurst papers pointed to the case of an Aboriginal at that time fulfilling a life

83. Evening News, 19,20,21 May 1879.

84. Evening News, 23 May 1879.

sentence for rape, while the two whites were to be executed.⁸⁵ Possibly in response to this argument, or possibly coincidentally, the Executive Council decided at the same time that the death sentence very recently passed at Mudgee on an Aboriginal, "Alfred", for rape, would be carried out at the same time as that on the two white youths.⁸⁶

At a public meeting attracting 3000 people in Sydney, a petition was adopted pleading for the remission of all three sentences, on the grounds that the death sentence for rape had been abolished in the United Kingdom, and that mercy was required in view of the youth of the two Europeans, and the "extreme ignorance" of the "poor wretched aboriginal Alfred".⁸⁷ The Government granted a postponement of sentence to the white youths to 17 June, but to the Aboriginal only to 10 June.⁸⁸ The movement in opposition to the death sentence continued to mount, but was directed very largely towards the saving of the white youths rather than the

85. Evening News, 22 May 1879.

86. Evening News, 23 May 1879.

87. Ibid.

88. Evening News, 5 June 1879.

Aboriginal.⁸⁹ The situation had become a discriminatory one, for, as "Alfred's" counsel pointed out in the Evening News on 5 June there was a very real danger that the Government would change its mind between 10 and 17 June.⁹⁰ He urged that "equal justice should be administered to blacks and whites". The Evening News commented editorially on 6 June that most of the agitation had been concerned with the two white youths. Evidence in Alfred's case, the News also said, had been very unsatisfactory, and "indeed no jury would have convicted had the culprit been a white man, and yet the degraded ignorant aboriginal is entitled to quite as much consideration as any white man, for we, the white population of the colony, are chiefly responsible for his degradation".⁹¹

On 10 June 1879 Alfred was hanged. The Evening News that evening carried a powerful and emotionally written report of the hanging, written by J.F. Archibald, a few months later to become a founding editor of the Bulletin.⁹² Archibald

89. For an exception, see account of deputation to Governor by the men of the "Sheba Club". "the respectable coloured citizens of Sydney" (presumably not meaning either Aborigines or Chinese), Evening News, 7 June 1879.

90. Evening News, 5 June 1879.

91. Evening News, 6 June 1879.

92. Evening News, 10 June 1879; The Sun (Brisbane), 30 December 1906, extract in J. F. Archibald, Newspaper Cuttings etc., p.8 (M.L. QA920.5/A).

described Alfred as "black and helpless" and Sir Alfred (Sir Alfred Stephen, a Supreme Court Judge), as "white and powerful". Alfred had been brought up, Archibald argued, never having had a chance to know anything of law and morality, and unable to defend himself at his trial. Whites who had shot Aborigines, and outraged Aboriginal women and murdered their children, had never been punished. Whites had almost exterminated Aborigines, had degraded them, given them alcohol, and created the Native Police. The report attracted considerable attention.⁹³

On 14 June 1879, as some had foreseen, the sentence on the two white youths was commuted to life imprisonment.⁹⁴ The debate and discussion which had been stimulated by the issue had indicated a general indifference to Aborigines, and discrimination against them at both a Government and a social level. At the same time, on the other hand, awareness in the city of the life of Aborigines in country areas had been stimulated, and the issue of legal discrimination brought out into the open and discussed. Archibald, now in the Bulletin, noted eleven months later on 15 May 1880 that a meeting of the Maloga mission committee had been held on the same day

93. Sun (Brisbane), 30 December 1906, loc.cit.

94. Evening News, 14 June 1879.

as the Government had decided to execute Alfred. Since Alfred had been "only a nigger" the people who had pardoned the white youths had put Alfred to death. The Committee, he implied, was clearly facing a difficult task.

Another small indication of change in 1879 was the stirring of interest in mission work for Aborigines within the Church of England. At a public meeting in Sydney in April 1879 of the Church's Australian Board of Missions, established in 1876 but so far concerned only with missions outside New South Wales, the belief that Aborigines could be civilised was stated by a number of speakers.⁹⁵ A letter was read out from Sir Alfred Stephen: "It is impossible, I think," he said, "not to recognise the duty which is proposed to be undertaken, for taking possession of the land over which, until we came, the native inhabitants roamed at will". The Bishop of Sydney said he hoped the formation of a mission "would tend to raise the tone of public feeling with regard to the treatment of Aborigines". Despite considerable discussion of missions in Victoria, there was, however, no discussion of the work of Matthews, or, positive proposals made for setting up an Anglican mission in New South Wales.

It was in 1880 that a more substantial change was apparent

95. S.M.H., 18 April 1879.

in attitudes to Aborigines. In February 1880 the Maloga committee decided to broaden its concerns, so that it would not only seek assistance for Matthews, but would also press for substantial and general changes in policy towards Aborigines. It accordingly altered its name to the "Aborigines Protection Association". At the first public meeting of the new association on 16 February, the possibility was discussed of setting up self-supporting reserves for Aborigines in a number of country districts.⁹⁶ Edward Palmer, secretary, pointed out that Matthews was concerned that his motives were liable to be misconstrued, that he had got Aborigines to Maloga for his own benefit. To avoid such misconstruction, and to enable the employment of Aborigines on the mission itself, the mission, Palmer suggested, should not be on private land but on a government reserve as happened in neighbouring colonies. The value of self support lay largely in the fact that it would mean Aborigines would not have to leave the mission to work for degrading white people. Matthews himself then spoke, urging, as Palmer had done on his behalf, that the main difficulty lay in finding employment for Aborigines at the mission. The general emphasis of most speakers was on the need for separate reserves set aside for

96. S.M.H., 17 February 1880.

Aboriginal protection and training.

The A.P.A. by March 1880 was supporting not only Matthews, but also a second mission run by Reverend John Gribble, Gribble's mission was opened in March 1880 after a year of planning.⁹⁷ Gribble had been a minister of religion at Jerilderie, and had been impressed by reports of Matthews's work and horrified by what he saw of Aboriginal life around him. He visited Mologa in January 1879 and for a while helped Murrumbidgee Aborigines to go there.⁹⁸ But like Matthews before him, he realised their dislike of being moved and decided to establish a mission himself on the Murrumbidgee. In May 1879 he and Matthews together had selected a site of 600 acres on the Waddi Rural Reserve at Darlington Point,⁹⁹ and in October he and some supporters had asked the Colonial Secretary for financial support for a mission, but were refused.¹⁰⁰ He was, however, successful

97. John Gribble, First Report of the Warangesda Church of England Mission to the Aborigines, Murrumbidgee River, New South Wales, 30 June 1881 (Sydney 1881), p. 3.

98. Entry for 19 May 1879, Matthews's Diary, printed in Matthews, Fifth Report. See also J.B. Gribble, A Plea for the Aborigines of New South Wales (Jerilderie, 1879)

99. Entry for 19 May 1879, Matthews's Diary, printed in Matthews, Fifth Report.

100. S.M.H., 25 October 1879.

in the same month in gaining permission from the Secretary for Lands to put up temporary buildings on the selected site.¹⁰¹ Since 1875 temporary land reservation for Aborigines had been possible under the amended land act, and at least seven small grants of land to Aborigines had been made.¹⁰² At 600 acres Gribble's temporary reservation was, however, unusually large.

This mission, now known as the Warangesda mission, followed much the same pattern as Maloga. It catered for the needs of different Aborigines, and had the advantage that those Aborigines, mainly women, who formed its original nucleus had been at Maloga for a while in 1879 and had become accustomed and attached to mission life. In less than a year the settlement consisted of a large schoolhouse, a separate dwelling for Gribble and his family, and office and store, and seven substantial huts for Aborigines. A paddock of ten acres was enclosed for wheat cultivation, another block planted with vegetables, a well sunk and a dam made.¹⁰³

101. John B. Gribble to Sec. Lands, 31 October 1879, Lands (Misc.) I.L., no. 79/13351 (A.O. 2/1200).

102. Report of the Aborigines' Protection Board, 27 April 1885; V. & P.N.S.W.L.A., second session 1885, vol. 2, p. 610; Lands (Misc.) I.L. - files nos. 77/9843 (A.O. 2/1138), 77/10816 (2/1140), 79/700 (A.O. 2/1173); V. & P.N.S.W.L.A. 1878-9, p. 155.

103. A.P.A. Report, 30 June 1881, p. 929.

He compelled the men and boys to work six hours every day except Saturday, and the women and girls to perform domestic duties.¹⁰⁴ His emphasis on the value of work was revealed in his first report in 1881 in which he was pleased to note that although the "miserable remnants of once large and powerful tribes" were in a deplorable condition, "with proper management a great deal of real work can be got out of the blackfellow".¹⁰⁵

The A.P.A. in mid-1880 conducted a vigorous public campaign for a change in Aboriginal policy. This campaign attracted newspaper attention, and a larger number of influential men, including politicians, to membership of the A.P.A., and led also to some airing of the issues in the legislature.¹⁰⁶ In this campaign the A.P.A. was both assisted by, and in turn assisted, John Gribble, who had come to Sydney in May 1880 to gather support for his mission. Gribble gave a number of sermons and lectures on the condition of Aborigines in country areas, and on Warangesda's need for support.¹⁰⁷ At these meetings he spoke in strong terms,

104. Gribble, First Report, p. 5.

105. Ibid., p. 4.

106. S.M.H., 21 February, 5 May, 4 September, 1880.

107. Town and Country Journal, 22 May 1880; Daily Telegraph 1 and 29 May 1880; S.M.H., 8 and 28 May 1880.

charging the Government and the Churches with neglect. Aborigines needed, he said, reserves of land which could be self-supporting, and missionary assistance. With A.P.A. support he waited on John Robertson as Minister for Education, and gained an assurance that the school at Warangesda would be officially recognised and the salary of a teacher there paid by the Government.¹⁰⁸

One of the bases for growing interest was an increased concern with the "morality" of colonial society - the product of the growing stability of colonial life, and the concurrent lessening of the formerly heavy preponderance of men over women. Where morality was important, the "demoralisation" of Aborigines was more likely to cause concern, both in so far as it might lower the moral tone of the whole community and in so far as it was shocking in itself. More people, furthermore, were coming to see Aboriginal "demoralisation" and poverty as resulting as much from the actions of whites as from an Aboriginal lack of moral sense. The Sydney Morning Herald represented the new attitude when it stressed white actions in the present as well as in the past.¹⁰⁹ The past it said, had seen sins of commission - shootings, poisonings,

108. S.M.H., 5 and 13 May 1880; Daily Telegraph, 1 June 1880.

109. S.M.H., 24 February 1880.

the taking of land; the present saw sins of omission, of neglect. So neglectful had British colonists been, said the Herald, that it was now difficult to know what to do: "The poor remnants of the once numerous tribes have become so debased by our own agency, that to deal effectively with them now is tenfold more difficult than it might have been before to their own savage defects were superadded the vices of so-called civilisation".

Spokesmen for a change in policy towards Aborigines contrasted present Aboriginal demoralisation with the essential morality of their former state. Such an argument was now possible in the light of an increased awareness of the system of kinship and the strict marriage rules which had operated in traditional Aboriginal society. Ridley's earlier work for the Government had been published in 1875, and had discussed section, totem, kinship, and marriage systems among the Kamilaroi and others, and in 1880 Howitt and Fison's pioneering book, Kamilaroi and Kurnai appeared, to add further to knowledge of the kinship, descent, and marriage rules in Aboriginal societies.¹¹⁰ But such knowledge was made popular primarily by Gribble in his lectures in Sydney in mid-1880

110. Rev. William Ridley, Kamilaroi, and other Australian Languages (Sydney 1875), see esp. pp. 157-165; Lorimer Fison and A.W. Howitt, Kamilaroi and Kurnai (Melbourne, 1880).

He pointed out that in contrast to the strict rules governing sexual behaviour and marriage in Aboriginal society before contact, there was now only "demoralisation". Their camps were now "scenes of abject misery", where semi-starvation, alcoholism, and disease were rife.¹¹¹ The women especially had become a prey to the vices of the white. Contact between Aboriginal women and white men had, according to Gribble and others, estranged Aboriginal women from Aboriginal men, with the result that the women had been thrown back on their own resources to lead lives of semi-starvation, drunkenness, and depravity.¹¹² The A.P.A. attack on the actions of white men was quite a strong one, and directed not only at itinerant rural labourers but also at the pastoralists. As Edward Palmer said in a letter to the Town and Country Journal: "The wrong is done not only by the swagmen and lower classes of bushmen only, but by men occupying respectable positions in society - men who claim the title of gentlemen...."¹¹³

The belief that Aborigines were a doomed race was still strong, and was a belief which would clearly militate against positive action. Under the new stimulus for action

111. S.M.H., 8 May 1880.

112. Daily Telegraph, 29 May 1880.

113. Town and Country Journal, 1 May 1880.

of some kind, the belief served to define the character of the action as one of kindness to Aborigines in their dying days. The Sydney Morning Herald in February 1880 put it this way: "That the race is inevitably doomed to extinction has also become a conviction, and many practical people hesitate before aiding what they look upon as a futile enterprise. But, allowing that extinction awaits the aborigines, it does not follow that there is justification for permitting them to perish like dogs. It is at least possible to make extinction as painless as possible, and to compensate to later generations in some degree for the outrage and wrongs suffered by their forefathers".¹¹⁴ The Bulletin expressed the same idea, Matthews, Gribble, and the A.P.A., it said, were "directing attention to an evil which is utterly irremediable and amenable only to palliative treatment.... It is too late to talk of preserving the aboriginal race.... All we can do now is to give an opiate to the dying man, and when he dies bury him respectably".¹¹⁵

There was in all this argument an increased feeling that action was obligatory in compensation for the land taken. At the first A.P.A. meeting on 16 February 1880 Reverend M.

114. S.M.H., 24 February 1880.

115. Bulletin, 19 June 1880.

Wilkinson had successfully moved "that the aboriginal inhabitants of the colony have a strong and urgent claim for consideration and protection at the hands of the colonists who have displaced them from their hunting grounds".¹¹⁶ Other speakers at the meeting, and the Sydney Morning Herald in commenting on it, agreed.¹¹⁷ Gribble in his speeches said the Aborigines had a valid claim to reservations of land on this basis.¹¹⁸ The Illawarra Mercury expressed a strong notion of obligation. Since colonists had, it said, deprived Aborigines of "land, food, health, and life", colonists had much to answer for and should act accordingly.¹¹⁹

Furthermore, an increasing number of colonists began to feel that the success of Maloga and Warangesda had shown that the assumption that Aborigines were unable to be civilised was, in part at least, false. This was the argument especially of the A.P.A. itself. Edward Palmer had pointed out that the reserves in Victoria had already proved "highly successful in raising the blacks in the social scale".¹²⁰

116. S.M.H., 17 February 1880.

117. S.M.H., 24 February 1880.

118. Daily Telegraph, 29 May 1880.

119. Illawarra Mercury, 15 June 1880.

120. S.M.H., 17 February 1880.

Matthews had told the A.P.A. meeting in February that Aboriginal children were definitely able to learn, and John Davies, M.L.A., had agreed that Matthews had proved that Aborigines could be taught to read and write and to fill useful positions in society.¹²¹ There was also a growing body of opinion outside the A.P.A. interested in the missions. The Town and Country Journal and the Sydney Morning Herald welcomed the two missions, and agreed that they had proved that some Aborigines, at least, did appreciate the efforts made to improve their condition.¹²² This was, however, still very much a minority position, most still accepting the Bulletin's dictum concerning the Aboriginal race: "It is and always was Utopian to try and Christianise it".¹²³

Amidst this increasing interest the question was discussed in the Legislative Council on 30 June 1880.¹²⁴ C. Campbell moved an adjournment of the House to make a few remarks on the subject of Aborigines. He said Aborigines could not be civilised or converted to Christianity, but must

121. Ibid.

122. Town and Country Journal, 7 February 1880; S.M.H., 24 February 1880.

123. Bulletin, 19 June 1880.

124. N.S.W.P.D., 1st series, vol. III, pp. 3114-8.

nevertheless be protected from outrage. Protectors should be appointed, especially to prevent the misuse of Aboriginal women by overseers and others. In reply to this suggestion John Robertson attempted to defend the Government and the pastoralists. The latter in New South Wales, he said, had always been "exceedingly kind" to Aborigines, and the former had always assisted Aborigines with blankets, rations, and clothing. "What can be done", he asked, "with people who could not in these small matters take care of themselves?" Further action beyond the assistance already given to Aborigines by the Government was undesirable: "We could not pretend to provide schools for them, or to improve their morals; they had no idea of morality".

In debate Ogilvie agreed that their civilisation was impossible and their extinction inevitable, but also agreed with the growing body of opinion that "the injury of taking from them their lands ought to be mitigated as much as lay in our power, and we should make their lives as comfortable as possible during the time they were destined to remain". Foster, now aligned with the A.P.A., was more critical of colonial society and the government. They had taken the land, he said, and neglected the remnants. The Aborigines needed the kind of protection Campbell had suggested: "How could these people who did not know right from wrong know how to protect themselves?" The Government, he thought, should encourage

the A.P.A., which had shown that Aborigines could be assisted.

George Thornton concluded the debate in defence of the Government. Thornton was to prove an important figure in the subsequent two years in the continuing debate over a proper Aboriginal policy. He had for a long time been alderman on the Sydney Municipal Council and had been Mayor in 1853 and 1857.¹²⁵ In 1858 he had been a member of the Assembly and active on the committee which distributed blankets to Aborigines then living in the Sydney area,¹²⁶ and in 1868 had been for a short time a member of the Assmby and a member of the committee which organised the Feast for Aborigines in 1868.¹²⁷ He had been a member of the Legislative Council since 1877, and had become a close and well respected friend of Henry Parkes.¹²⁸ All this marked him as a man likely to be influential on matters concerning Aborigines, and during the month before this debate the A.P.A. had asked him, and he appears to have refused, to

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125. A.W. Martin and P. Wardle, Members of the Legislative Assembly of New South Wales, 1856-1901 (Canberra 1959), p. 211.
126. G.R. Nicholls, George Thornton, D. Egan and one other (undecipherable) to Col. Sec., 7 April 1856, C.S.I.L. no. 56/3311, encl. with no. 58/1529 (A.O. 4/3378).
127. George Thornton to Col. Sec., 27 February 1868, C.S.I.L. no. 68/1137 (A.O. 4/619).
128. Martin and Wardle, op.cit., p. 211; entry for 16 June 1881, Matthews's Diary, Matthews Papers.

join it.¹²⁹ Now he spoke up in defence of the Government, saying it had been kind to the blacks, and always given help when necessary, including boats, tackle, sail, food, clothing, and blankets. He remarked: "He was one of those who had come to the conclusion that the civilisation and christianising of the aborigines was an utter impossibility ...[they] could not understand the difference between right and wrong". Thornton opposed the idea of appointing protectors on the grounds of expense, and remarked that as magistrates were already distributing goods to Aborigines, "any attempt to do more was not likely to result in any large degree of success".

In practice, despite the growth of the A.P.A., the views of Robertson, Ogilvie, and Thornton, were still dominant, and governing administrative action. While assistance in the form of boats was increased, and the practice of sending rations in emergency cases inaugurated, the idea of "protection" was dropped and the more far-reaching programme of the A.P.A. not taken up.¹³⁰ Early in the year the Government had granted Maloga another £100 but nothing further was done during the rest of the year.¹³¹ In March a group

129. S.M.H., 5 May 1880.

130. A.P.A. Report, 30 June 1881, p. 930.

131. Ibid., p. 298.

thirty four magistrates and farmers in the Tilba Tilba area at Wallaga Lake had petitioned the Colonial Secretary for educational assistance to twenty four Aboriginal children in the area.¹³² No such assistance was given, and educational projects still had to be undertaken by private individuals. A request for grants of land and further financial aid to Maloga made by the A.P.A. in September 1880 was refused.¹³³ Gribble gained no financial grants at all, and apart from the salary payment, had to subsist on private donations from the A.P.A. and elsewhere.¹³⁴ The Government had, in fact, done very little, although during the year, in response to questions asked in the legislature, both Parkes and Robertson had stated that the Government was reconsidering its Aboriginal policy.¹³⁵

The revival of interest in mid-1880 stimulated by Gribble's talks in Sydney and the growth of the A.P.A. had died down by the latter months of the year. In November the

132. Petition H. Clarke, M.P., et al. to Col. Sec., 19 March 1880, C.S.I.L., no. 80/3098 (1/2481).

133. S.M.H., 18 September 1880.

134. A.P.A. Report, 30 June 1881, p. 930.

135. Entry for 16 March 1880, V. & P.N.S.W.L.A., 1879-80; entry for 30 June, 1880, Journal N.S.W.L.C., 1879-80, vol. 30, pt. 1.

Evening News remarked that although public attention had been drawn several months before to the degradation of the Aborigines, to "the horrible treatment they receive at the hands of a superior race", and although the Government had promised to take action, in the recent elections no candidate had given Aborigines a thought.¹³⁶ "They have", said the News, "no votes, let them rot in their encampments... The friends of the blacks are few and far between".

In 1881, however, interest was revived in Aboriginal policy by two developments - firstly, a visit to Sydney in May 1881 by Daniel Matthews and the consequent new life he injected into the A.P.A. by his extraordinary energy and hard work, and secondly the growth of concern over the increasing Aboriginal population in Sydney itself. Matthews spoke, as Gribble had done the year before, at numerous Sunday schools and suburban halls, and worked hard, often without success, to gain private hearings with the Governor and various members of the ministry.¹³⁷ Of particular interest and importance was a petition to the Governor he had brought with him signed by forty men at Maloga, requesting a grant of land on the

136. Evening News, 18 November 1880.

137. Entries for May, June and July 1881, Matthews's Diary, Matthews Papers.

forest reserve adjoining the Maloga mission.¹³⁸ The petition certainly reflected Matthews's own wishes, but must also be interpreted as a genuine petition from the Maloga Aborigines. The petition said that Europeans had taken the land and depleted Aboriginal sources of game to such an extent that Aborigines had often been reduced to begging. The influence of Matthews was evident in the statement of the petitioners that "we feel that our old mode of life is not in keeping with the instructions we have received and we are earnestly desirous of settling down to more orderly habits of industry, that we may form homes for our families".

The petition caused considerable interest. The Riverine Herald, for example, on 21 July 1881 sympathised with the argument and request expressed in the petition, and saw land grants as a just and viable way of preventing Aborigines from becoming a burden on the community. The A.P.A. became more active and on 7 May 1881 decided to support the petition and to send another deputation to the Colonial Secretary requesting funds and the reservation of land at Maloga.¹³⁹ At the same meeting it was also decided that the

138. Entries for 25 May, 30 June 1881, Matthews's Diary, Matthews Papers.

139. S.M.H., 8 May 1881.

A.P.A. should hold a public meeting where the A.P.A. case could be fully explained and discussed. Every effort would be made to attract as many people, and especially influential people, as possible. Matthews worked hard to gain Government attendance at the meeting, but found Parkes to be totally uninterested, and Hoskins, Minister for Lands, to be "gruff", and unconvinced that Aborigines could be helped in any way.¹⁴⁰

The A.P.A., however, had found an influential and rather unexpected ally in John Robertson, Robertson had begun attending meetings in September 1880 and seems to have been influenced in his thinking by the success of the two missions, and by Matthews's own sincerity and energy.¹⁴¹ He agreed to read over the draft report of the A.P.A.'s activities for the year ending 30 June 1881, which was to be presented at the meeting, and to chair the meeting itself.¹⁴² Nevertheless he was still not entirely in favour of the A.P.A. approach, and Matthews himself described him as a "rough old customer" who in reference to Aborigines said many

140. Entries for 27 and 30 June, 19 July, 1881, Matthews's Diary, Matthews Papers.

141. S.M.H., 18 September 1880; Evening News, 24 February 1881.

142. Entries for 30 June, 7,13,21,22 and 26 July 1881, Matthews's Diary, Matthews Papers.

"bitter things".¹⁴³ At the meeting, held on 1 August 1881, Robertson revealed a confusion of thinking on the matter that was probably by now fairly common.¹⁴⁴ On the one hand he commended the A.P.A. and the missions, agreed that one had to respect the Aboriginal feeling that the land was theirs, and saw the necessity for some material assistance. But on the other he opposed the general idea of gathering Aborigines into "small aggregations" with the impractical idea of making them into farmers, and thought they could still be left to roam as hunters. "Settlers everywhere", he said, "had been kind to an extraordinary degree to the black people" and Aboriginal poverty was due not to the actions of Europeans, but to Aboriginal improvidence and alcoholism.

The rest of the meeting was more definite in advocating the need for far-reaching changes in Aboriginal policy. Secretary Edward Palmer described the objects of the A.P.A. as the "promotion of the social, religious and intellectual welfare of the aboriginal natives of the colony of New South Wales and their descendants of mixed blood; and as the general condition of the blacks is marked by deep moral degradation and great physical discomfort, to which the drink

143. Entry for 26 July 1881, Matthews's Diary, Matthews Papers.

144. S.M.H., 2 August 1881.

and vices of the European have largely contributed, it was felt that something ought speedily to be done to alter this state of things". The A.P.A. would subsidise the two missions, and hoped to form others. Gribble graphically described the deplorable condition of Aboriginal existence, and their capacity for work if assisted. A motion was passed urging "a comprehensive scheme for settling them on land where they could be trained in the habits of industry", and a call was made on the Churches to assist missionary effort. The platform of the meeting was "packed with notable men", and before the meeting the Governor had agreed to become patron of the A.P.A. and the Bishop of Sydney and the Hon. W.J. Foster, joint vice-presidents. Foster was Minister of Justice, and other parliamentary additions to the A.P.A. council included John Fraser, M.L.C., J. Davies, M.L.A., and Dr. Renwick, M.L.A.¹⁴⁵ Both Davies and Renwick were leading figures in temperance, charitable, and philanthropic

145. A.P.A. Report, 30 June 1881, p. 926. Listed on the A.P.A. Council were Hon. G. Thornton, M.P.; R. Barbour, M.P.; J. Davies, MP.; J. Roseby, M.P.; Dr. Renwick, M.P.; Rev. Canon King; Rev. Dr. Steel; Rev. J. Jefferies; Rev. J. Barnier; Rev. D. Galloway; D. McBeath, J.P.; Rev. T.J. Curtis; Rev. G. Hurst; J. Comrie; R. Jones; G.C. Tuting; J. Lutton; A. Bulburne; J. Palmer; D. Walker; J. Paxton; U.W. Carpenter; and Hon. R. Hill, M.P.

organisations in Sydney.¹⁴⁶

Interest in the missions continued. Private donations to Maloga rose from £360.5.8 in 1879, to £397.4.0. in 1880, and £669.1.0. in 1881.¹⁴⁷ These donations were highly necessary, for the Government grant to Maloga in 1881 amounted to only £43.5.3.¹⁴⁸ Greater support for Warangesda was now forthcoming from the churches. The Protestant Standard on 8 January 1881 described Warangesda's "astonishing success" in teaching Aborigines the habits of civilisation. The Warangesda mission, it considered, had refuted the theory that the mature Aboriginal was impossible to improve. When it became clear by mid-1881 that Warangesda was suffering from lack of finance, Gribble sought Church of England assistance. On 1 September 1881 the Anglican Bishop of Goulburn visited the mission and was delighted with its progress.¹⁴⁹ Gribble had become ordained as an Anglican minister (he had formerly been Congregational) and a close

146. Martin and Wardle, op.cit., pp. 54, 178-9.

147. Statistical Register of New South Wales for the Year 1879 (Sydney, 1880), p. 6; Statistical Register of New South Wales for the Year 1880 (Sydney 1881), p.6; Statistical Register of New South Wales for the Year 1881 (Sydney 1882), p. 7.

148. Statistical Register, 1881, p. 7.

149. Extract from Australian Churchman, 12 September 1881, reprinted in S.M.H., 27 September 1881.

connection between the Church of England and Warangesda was maintained.¹⁵⁰

The issue of Aboriginal "improvement" continued to be discussed in newspapers during 1881, as it had been during the previous year. One letter in the Sydney Morning Herald in August 1881, signed "A.M.O.R.", discussed the issues in detail.¹⁵¹ The letter reflected an attempt to integrate the growing feeling that Aborigines could after all, at least to a certain extent, be "improved" with the old ideas about Aboriginal inferiority. While Aborigines, he said, were "very low in the human scale", near to brute creation, it was the duty of colonists to improve them. In fact, the lower they were on the scale, the stronger the reason for helping them, "to lift them up to the same platform which we ourselves occupy". The writer then launched into a strong attack on the treatment of Aborigines - the refusal to pay properly for their labour, the ruthless treatment of the black women, "many of them while they are yet mere children", the practice by persons of education and wealth of supplying Aboriginal women with drink for the "vilest" purposes, and police participation in the iniquities. If the situation were

150. Australian Churchman, 5 May 1881; S.M.H., 3,11,25 October 1881.

151. S.M.H., 29 August 1881.

not changed soon, he warned, "we shall, in the course of a few years, be troubled with a race as injurious to our community as the brigands are to Italy, or the Kellys were to Victoria".

The feeling expressed here, that not only humanitarian considerations but also self-interest demanded action, gained momentum in 1881 in response to the growth of an Aboriginal community in Sydney. Since late 1878 Aborigines had moved into Sydney from a number of country areas, predominantly from the South Coast. Aborigines had once been able to gain employment on the South Coast in pastoral labour and whaling, but during the 'sixties and 'seventies the European economy had turned from pastoral production to dairy farming.¹⁵² Aborigines who now could find no means of subsistence in the area moved to the city. That they chose to do so indicated that the attachment to tribal area, basic in traditional society and still strong for most Aborigines, had been somewhat weakened by economic necessity. It was not entirely lost, for there continued to be considerable movement in both directions between the South Coast and Sydney.

Camps were established at Neutral Bay, Manly, North Shore, and Double Bay, and the two largest were at the

152. Bell, *La Perouse Aborigines*, p. 84.

Government Boatshed at Circular Quay and on unsettled areas at Botany and La Perouse.¹⁵³ The Circular Quay camp, situated as it was in the heart of the city, became a curiosity and attraction to Sydney residents. It became a centre of prostitution, and the drunkenness and quarrelling there could attract a crowd of two or three hundred Europeans.¹⁵⁴ But while some were fascinated by this unusual sight, others were concerned about its effect on the morals and respectability of the city itself. In November 1878, a Blues' Point resident complained in a letter to the Sydney Morning Herald of the annoyance caused to local residents by the North Shore camp, and suggested as a solution that one of the unused islands in Sydney harbour be set aside for Aborigines.¹⁵⁵ This would not only remove the annoyance but also keep Aborigines away from "temptation", and help compensate for the vast tracts of land British settlers had taken from Aborigines in the past.

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153. Daily Telegraph, 29 April 1880; Johnston, op.cit., p. 26; entry for 16 January 1880, Matthews's Diary, printed in Matthews, Fifth Report; entries for May, June, July 1881, Matthews's Diary, Matthews Papers; Report of the Protector on Aborigines, 22 January 1883, V. & P.N.S.W.L.A., 1883, vol. 3, pp. 891-9.
154. Report of Protector, 22 January 1883, pp. 895-6.
155. S.M.H., 23 November 1878.

If Aborigines had been driven to Sydney by economic necessity, they could find there few means of economic support, other than prostitution. The practice of giving Aborigines rations at Circular Quay and Botany was inaugurated by the A.P.A. in 1880,¹⁵⁶ and in 1881 A.P.A. rations were supplemented by Government rations.¹⁵⁷ The rationing policy, however, was opposed by those who thought Aborigines should be kept away from the city altogether. The leader of this position was George Thornton, who, although he accepted in June 1881 the A.P.A.'s offer to join its Council, was still convinced that assisting Aborigines through the establishment of institutions was useless.¹⁵⁸ His interest in Aborigines was purely one of keeping them out of the towns and city, and giving them rations and clothing in country areas, that they might be assisted in their dying moments. In the context of the growing interest in Aboriginal policy he was to prove a formidable opponent to the A.P.A.

156. S.M.H., 21 February 1880; A.P.A. Report, 30 June 1881, p. 930.

157. Entries for 9,15 July 1881, Matthews's Diary, Matthews Papers; A.P.A. Report, 30 June 1881, p. 930.

158. In his diary entry for 16 June 1881 (Matthews's Diary, Matthews Papers), Matthews mentions a deputation of Roseby, Barbour, Gribble, Barnier, Fry and Walker, which invited Thornton to join the Council; see also A.P.A. Report, 30 June 1881, p. 926.

Thornton in January 1881 heard reports of the drunkenness, quarrelling, and prostitution at the Quay, and decided that Aborigines had become a public nuisance which must be removed. To supply them with rations, he suggested to Colonial Secretary Parkes, would only encourage them to remain, and in his view both A.P.A. and Government rationing should cease.¹⁵⁹ He suggested the Colonial Secretary call for a report from the Water Police Magistrate, under whose jurisdiction the Boatsheds were. The Magistrate duly confirmed Thornton's report, and agreed that rations should not be given in Sydney. Edmund Fosbery, Inspector General of Police, similarly agreed that giving rations was undesirable, and suggested that "all matters connected with the aboriginals [be placed] under the control of one officer or an honorary board".¹⁶⁰

Parkes was uncertain about what to do and asked Thornton's advice, at the same time offering him the position of Protector which Fosbery had suggested.¹⁶¹ Thornton accepted the offer, and took the opportunity to state his

159. Report of Protector, 22 January 1883, p. 896.

160. Ibid.., p. 895.

161. Thornton to Parkes, 21 February 1881, in Autograph Letters of Notable Australians, 1881, pp. 46-9 (MS. A70).

suggestions for Aboriginal policy in general.¹⁶² The Government should, he said, cease distributing rations in Sydney and ignore A.P.A. pressure for assistance to the missions and the reservations of land for Aboriginal self-employment. The distribution of boats, rations, blankets and clothing in country areas, however, should increase, partly for reasons of humanity, but essentially to discourage Aborigines from entering the city. He reassured Parkes that the appointment of a Protector to organise and increase assistance in the country, and eliminate it in the city, would forestall that pressure led by the A.P.A.: "I could help the Blacks and save the Government a good deal of trouble". Like Suttor and Robertson before him, he suggested that no aid at all be given to "half castes" "or it would never end".

Parkes, however, was unwilling to spend money on Aborigines, and dropped the idea of a Protector. Pressure to increase assistance to Aborigines in Sydney continued to mount during the year, from letters to newspapers, and especially from the A.P.A.¹⁶³ Matthews, especially, when in Sydney from May to August 1881, became deeply involved with

162. Ibid.

163. A.P.A. Report, 30 June 1881, p. 930; see S.M.H., 11 June 1881.

the plight of Sydney's Aborigines. He visited every camp in May and June, distributed rations paid for by the A.P.A., and helped Aborigines to gain Government rations.¹⁶⁴ In a letter to the Sydney Morning Herald on 25 June 1881 he stressed the "absolute misery of their condition". Botany and the Quay, he said, had become "the resort of licentious and dissolute white men, who delight to drag down to a lower level the remnant of an inoffensive and expiring people".

In July the camp at Circular Quay was broken up when Fosbery, Thornton and Parkes ordered that Aborigines there be removed, and offered them free passages back to their respective districts.¹⁶⁵ Matthews protested that they would be no better off in those districts, but the move was carried out.¹⁶⁶ Some Aborigines did in fact go back to the South Coast, but most left the Quay for the North Shore and Manly camps.¹⁶⁷ Rations in Sydney were cut back, and Matthews decided that he could best solve the problem by taking as

164. Entries for May, June, July and August, Matthews's Diary, Matthews Papers.

165. Entry for 8 July 1881, Matthews's Diary, Matthews Papers; Report of Protector, 22 January 1883, pp.896-6.

166. Entry for 8 July 1881, Matthews's Diary, Matthews Papers.

167. Entry for 16 July 1881, Matthews's Diary, Matthews Papers; Report of Protector, 22 January 1883, p. 896.

many Aborigines from Sydney as possible back with him to Maloga. He broke up the Manly and one of the Botany camps in this way, taking their members to Maloga, but not before taking them to the A.P.A. public meeting on 1 August, an extraordinarily unusual act at the time.¹⁶⁸ Rations continued to be given at Botany and La Perouse.

A.P.A. pressure, and general awareness of the plight of Sydney and country Aborigines, had become sufficient to force the reluctant Parkes into action. When Thornton on 18 December 1881 reminded Parkes of his earlier proposal to appoint a Protector, Parkes readily agreed and gave Thornton the position.¹⁶⁹ To solve Parkes's political difficulties Thornton would have to tread a narrow path between trying to rid Sydney of its public nuisance and giving Aborigines sufficient rations to stave off charges of Government neglect. His main task would be the distribution of food, clothing, blankets, and boats in country areas, which, Thornton suggested (and Parkes hoped) would "be all that is necessary for the Blacks by the Government of the day". Thornton had suggested a budget of £1000 a year, but Parkes allocated only £578.9.2.¹⁷⁰

168. Entries for 1,2 and 3 August 1881, Matthews's Diary, Matthews Papers.

169. Thornton to Parkes, 19 December 1881, Parkes Correspondence, vol. T, p. 48 (A929).

170. Report of Protector, Aborigines, 14 August 1882, V. & P. N.S.W.L.A., 1882, vol. 4, p. 1525.

Thornton carried out these duties conscientiously.¹⁷¹

In 1882, 18.7% of male Aborigines were entirely dependent on the Government and private settler rationing, while 57% lived from their earnings and 24.3% lived from both casual labour and traditional food-getting.¹⁷² Thornton also initiated a census of Aborigines, which revealed there was at least a total of 8,919 Aborigines in the colony, of whom 6,540 were "blacks" and 2,379 were "half caste".¹⁷³ This was a far larger number than anyone had previously suggested, estimates having usually ranged from one to two thousand.¹⁷⁴ The census was probably Thornton's most valuable contribution in the long term to Aboriginal welfare, as it severely shook the notion that Aborigines had "practically disappeared".

In country districts he tried to have the liquor law enforced, and relied on police assistance to carry out the distribution of goods.¹⁷⁵ In his first report, in August 1882, he

171. Ibid., p. 1527.

172. Johnson, op.cit., p. 68 (computed from Report of Protector, 22 January 1883).

173. Report of Protector, 14 August 1882, p. 1527.

174. See Suttor's speech in Assembly, reported S.M.H., 20 December 1876; Census of N.S.W., 1871, V. & P.N.S.W.L.A., 1872, vol. 2, p. 1141.

175. Report of Protector, 14 August 1882, p. 1525.

expressed his firm belief that Aborigines could not be made properly susceptible to, or duly appreciate, religious instruction, and certainly he did nothing as Protector to assist the missions.¹⁷⁶ He still thought that the "black aborigines" were "destined soon to become extinct", and that they should be assisted in their dying moments. "Half castes" should not be given material assistance, as they would then "grow into a pauper or quasi gypsy class". They could, however, be made literate, and good tradesmen or domestic servants; in short, they should be "taught to be able, and compelled, to work for their own living, and thereby ultimately merge into the general population". Yet there is no indication that Thornton actually did make this discrimination when distributing rations; rather, it seemed to him to be the best future policy.

The A.P.A. was opposed to Thornton's approach and continued to oppose him and put pressure on the Government. On 20 September 1882, two of its members asked questions in the legislature. McElhone in the Assembly asked about the distribution of blankets in Gosford, and Hill, now in the Council, asked whether the Government intended to bring in a Bill

176. Ibid ., p. 1526.

concerning Aborigines.¹⁷⁷ The answer to Hill was that no decision had been made. Early in 1883 McElhone spearheaded a much more successful attack on Thornton and the policy he represented. On 4 January he criticised Thornton in the Assembly for allowing Aborigines at La Perouse to starve over Christmas.¹⁷⁸ The charge sparked off a general newspaper controversy, lasting the whole of January 1883.¹⁷⁹

Hill and McElhone of the A.P.A. had discovered at Christmas that Aborigines at La Perouse were starving and had given them rations paid for by the A.P.A. This was an effective action, for Thornton could not reply that the Aborigines had not in fact been hungry. All he could do was reply, as he did in the press and in a specially drawn up second Protector's report, that he had arranged for rations to be given at La Perouse and that if Aborigines had been without them it was their own fault.¹⁸⁰ Yet it was clear, even from his own account, that the rations formally granted to La Perouse Aborigines had not been very efficiently

177. V. & P.N.S.W.L.A., 1882, vol. 1; Journal N.S.W.L.C., vol. 33.

178. V. & P.N.S.W.L.A., 1883, vol. 1.

179. Johnston, op.cit., p. 40.

180. Ibid., Report of Protector, 22 January 1883, pp. 893, 897-8.

administered. In any case Thornton's position had become an impossible one; appointed to rid Sydney of its Aboriginal nuisance he now found himself trying to prove that he had freely given rations to Aborigines in Sydney. In this second, defensive, report he argued for the giving of rations generally in the strongest terms; the situation prior to the Protectorate, he said, "was disgraceful in the highest degree... It cannot be fully described except in the language unfit for this paper".¹⁸¹ He attacked those who opposed rationing altogether, for wishing to return to this state, and it was clear that Thornton, originally a conservative bulwark against the claims of the A.P.A., had himself been attacked by the advocates of continued indifference.

The issue of rationing at La Perouse had not been discussed in isolation. Gribble had taken the opportunity to attack Thornton for the total lack of assistance to Warangesda.¹⁸² The missions and A.P.A. policies were frequently mentioned in the debate, and the opinion expressed that the time had come to remove Thornton from office, and replace him with those who had a more definite and comprehensive plan for the

181. Report of Protector, 22 January, 1883, p. 893.

182. Johnston, op.cit., p. 41.

amelioration of the condition of the Aborigines.¹⁸³ An important factor in the debate was a Government report on Maloga and Warangesda which had been drawn up in 1882. In that year, when Parkes was ill and Robertson, now quite sympathetic to the A.P.A., was acting as Colonial Secretary, the Government had decided to conduct its own investigation of the missions, on the basis of which a policy decision towards them would be made.¹⁸⁴ In June 1882 Inspector General of Police, Edmund Fosbery, and Philip Gidley King, M.L.C. and Council member of the A.P.A. were appointed to make the investigation and recommendations.¹⁸⁵ This report had been completed on 28 August 1882, and on 18 January 1883 was tabled in the Assembly.¹⁸⁶

King and Fosbery's report directly contradicted Thornton's policies.¹⁸⁷ Where Thornton had refused to assist

183. Ibid., extract from S.M.H., 6 February 1883, in Matthews Papers.

184. S.M.H., 9 June 1882.

185. Report on the Working of Aboriginal Mission Stations at Warangesda and Maloga, 8 August 1882, V. & P.N.S.W.L.A. 1883, vol. 3, p. 937. (The entire report is at pp. 937-41 and in hereinafter cited as King and Fosbery Report, 8 August 1882).

186. V. & P.N.S.W.L.A., 1883, vol. 1.

187. King and Fosbery Report, 8 August 1882.

the missions, King and Fosbery recommended substantial assistance and control. Not only this, but the Government was also advised to set up its own stations, and both missions and stations were to emphasise fitting Aborigines for useful employment. The stations should assist Aborigines materially, and protect them from European society. They were, however, to be set up for the benefit of "full bloods" only; "half castes" should be withdrawn from Aboriginal society, boarded out with Europeans, and thus "gradually absorbed into the general community". King and Fosbery had clearly been impressed by the two missions, and by their ability to teach the children to read and write and to hold the Aborigines together away from European centres of settlement.

The final blow to "indifference", and to Thornton's simple rationing policy, came when there was a change of Government on 23 January 1883. One of the first actions of the new Colonial Secretary, Alexander Stuart, was to formulate a new Aboriginal policy. Given the change in attitudes and the controversies over Thornton's Protectorate in January 1883, it seems likely that some change of the kind would have occurred whether there was a change of Government or not. Certainly the change in Government had not depended on the

controversy over Aboriginal policy.¹⁸⁸ But Stuart was far more amenable to A.P.A. policies and the proposals of King and Fosbery's report than Parkes, or even Robertson, had been. In April 1879 he had said at the public meeting of the Australian Board of Missions: "It was a disgrace that so little had been done for the people who were thus ousted.... people should do something to relieve the necessities of the natives... These people were capable of being improved and it was an obligation upon the people of the colonies to improve them".¹⁸⁹

On 21 February 1883 Stuart presented to the Assembly an estimate of £3,600 to be spent on a Protectorate of Aborigines in the coming year.¹⁹⁰ In the debate on supply he explained that the new government approach, to be detailed soon in a minute to be laid on the table of the House, necessitated a regular and separate estimate. Of this estimate £1000 was proposed to be spent in the formation of Government institutions for Aborigines. In the ensuing debate, Gray opposed this

188. For a discussion of the change in government, see P. Loveday and A.W. Martin, Parliament Factions and Parties: The First Thirty Years Of Responsible Government in New South Wales, 1856-1889 (Melbourne, 1966), p. 128.

189. S.M.H., 18 April 1879, quoted in Johnston, op.cit., p. 27.

190. N.S.W.P.D., 1st series, vol. VII, pp. 598-601 .

expenditure on the grounds that the A.P.A. had done very little good, and that the only useful form of assistance would be the giving of clothing, Suttor agreed that Maloga and Warangesda did not warrant the glowing praise they had received, and said the proposed stations must end in failure. He preferred a policy of encouraging Aborigines to help themselves, and of separating the half caste or "almost white" children from their parents into special institutions. Fremlin agreed that "the best way to deal with the blacks was to force them to help themselves, and not to feed them with spoons. They ought to be made to work".

Most other speakers in the debate, however, supported the idea of institutions and the proposed vote, with several, including Garrard and Cass, indicating that they were prepared to vote for a much higher amount. Barbour saw the object of the institutions as "if possible, raising them in the scale of humanity", and argued that Aboriginal needs could be better answered by the A.P.A. than by a Protector such as Thornton. He praised Maloga and Warangesda, and argued that expenditure was not a problem, since the vote would gradually decrease as the number of Aborigines decreased. Fergusson and Brunner pointed out that Aborigines were using well the small grants of land made to them since 1875, Fergusson going on to suggest a reserve for each tribe. The passing of the estimate indicated a general support for the policy of increased

assistance and the establishment of Government institutions.

Stuart's policy was formulated five days later, on 26 February 1883, and very close to the ideas of Matthews, Gribble and the A.P.A.¹⁹¹ Stuart opposed Thornton outright, and said there was need for "more systematic and enlightened treatment". A Board would be necessary to formulate the details of the new policy. He rejected King and Fosbery's suggestion of taking over Maloga and Warangesda, preferring simply to assist them substantially. For Stuart, Government assistance to private charity was preferable to purely Government stations, although the latter would also be necessary. The Board would make grants of land and form stations where useful employment, education, and a resting place for the old and sick would be offered. No distinction was to be made between "full bloods" and "half castes"; all were to be assisted and elevated. Rationing and blanket distribution would also be increased. He made no mention of a "dying race" and rejected the notion of innate incapacity.

In Stuart's formulation of policy, the balance between Government "handouts" and the encouragement of Aboriginal self-support had not been made very clear, This same lack of

191. Minute of the Colonial Secretary, 26 February 1883, V. & P.N.S.W.L.A., 1883, vol. 3, pp. 919-21.

clarity had been evident in the thinking of Matthews, Gribble and the A.P.A. On the one hand, they had stressed that the institutions must be based on viable Aboriginal communities, their membership determined by Aboriginal choice rather than managerial selection, and directed ultimately at becoming self-supporting, economically viable ventures. On the other, they had stressed the need for material assistance and revealed a strong element of isolationism, of removing Aborigines from the demoralising effects of white society. In practice, the notion of communal self-support was gradually forgotten, and the isolationist, "protectionist", and "handout" aspects of the new policy strengthened, ultimately tending to reduce rather than increase the self-sufficiency of Aborigines.¹⁹²

The new policy did not represent a deep and substantial change in popular opinion, for the pressure which had been necessary to effect that change had not, after all, been very great. It had been a pressure coming from certain dedicated, usually actively religious, men rather than from a wide spectrum of groups and individuals in colonial society. Matthews, Gribble and the A.P.A., had attracted some sympathetic support, and their work had constituted a significant attack on the

192. Johnston, op.cit., passim.

formerly universally held notion that Aborigines could not, to some extent at least, be civilised, but they had also encountered indifference, and even hostility. King and Fosbery had noticed that there was some local antipathy to the Maloga and Warangesda missions, based probably on their challenge to established economic and sexual relations between Aborigines and British colonists.¹⁹³ In general, Aborigines continued to be seen as an "uncivilisable" race who were to be excluded from British society as best as possible. The belief in their ultimate extinction continued to be strongly held, a belief which could now justify either continuing indifference, or an attitude of magnanimous assistance to Aborigines in their dying moments.

By 1883, then, colonial thinking about Aborigines had become a little more diverse than it had been formerly. One important source of diversity was the difference in opinion over whether or not "half castes" were to be distinguished from "full bloods". While the distinction had not been meaningfully employed by the A.P.A., or the Government, and while to many people all Aborigines remained equally inferior, it had, during the late 1870's and early 1880's, influenced the thinking of an increasing number of people. At the Government level, Suttor, Robertson, Thornton, King and

193. King and Fosbery Report, 8 August 1882, p. 939.

Fosbery had been its most powerful proponents.¹⁹⁴ They had assumed that since the attainment of "civilisation" depended on inherited racial characteristics, an introduction of European physical characteristics must supply some of the formerly lacking and necessary mental and moral capacity. The resistance to this kind of thinking was based on the fact that there was little evidence that "half castes", so far, were very different in behaviour from the "blacks" or "full bloods". The kind of race-thinking which still predominated in colonial thought was that which began with a judgment of the degree of civilisation, and then sought a physical or biological explanation for the degree of civilisation observed. Those who assumed half castes would have a better chance of assimilating into white society were departing from this traditional form of race-thinking, and adopting a new approach in which racial superiority no longer required the "proof" of observed cultural superiority, but had come to be seen as an immutable fact of existence, revealed by appearance, and independent of observed behaviour.

British colonists were, then, changing to a certain extent in their concepts of how to understand and relate to

194. Both Bell, "Official Policies", p. 348, and Johnston, op.cit., p. 36, mistakenly cite Thornton as the first to publicly express this view.

Aborigines. But constant throughout the period was a conviction that British colonial society determined its own goals, goals which could not envisage a society in which distinct ethnic groups could co-exist on a basis of equality. The structure of colonial society was still ideally to be such as to demand cultural, political, and social uniformity, and to live out the liberal principles of democracy, progress, development, and harmony. Aborigines, because of their continuing distinctness and "inferiority", could essentially and ultimately be seen only as inferior people to be kept out of sight until they disappeared.

PART III

CHINESE AND COLONIAL SOCIETY

CHAPTER FOUR

UNWELCOME IMMIGRANTS: THE RESPONSE TO THE CHINESE GOLD-SEEKING IMMIGRATION, 1856-1860

The same British colonial society which had considered Aborigines to be an inferior people, had rendered them a powerless and subordinate minority without economic equality or independence, and finally sought in some degree to solve the resultant problems through material assistance and institutionalisation, had, during the same period, encountered through immigration a second ethnic minority, the Chinese. The British colonial response to the Chinese minority involved racist beliefs rather similar to those involved in the response to Aborigines. Yet because Chinese differed from Aborigines in their potential numbers and their economic behaviour, and because they were immigrant rather than a defeated indigenous people, racist beliefs which in reference to Aborigines had led primarily to indifference and contempt, in reference to Chinese led to fear and violence and twice, in 1861 and 1881, to the legislative restriction of Chinese immigration.

From 1856 Chinese immigrants came unsought and in quite large numbers to New South Wales in search of gold. As in California and Victoria, they met a generally hostile

response, both from those who contacted them on the goldfields, and from many of those who did not.¹ There was a small group, consisting largely of pastoralists who had earlier sought the Chinese as cheap indentured labour, who welcomed, or were not opposed to, Chinese immigrants. This chapter argues firstly that the hostility to Chinese by European miners was based on a resentment at having to share a valued economic resource with substantial numbers of a people disliked because of their difference and supposed inferiority. Their view that the Chinese were different and inferior was based both on prior assumptions about the Chinese, and on cultural observation. The objection was not generally to their being "cheap labour", such a charge being largely irrelevant on the goldfields where there was not usually a

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1. For previous discussions of the response to Chinese in New South Wales in this period, see D.L. Carrington, *The Gold Rushes of New South Wales, 1851-1874* (M.A. Hons. thesis, A.N.U. 1960/1), pp. 121-142; David Johanson, "History of the White Australia Policy", in Kenneth Rivett (ed), Immigration: Control or Colour Bar? The Background to "White Australia" and a Proposal for Change (Melbourne, 1962), pp. 3-6; N. Bede Nairn, "A Survey of the History of the White Australia Policy in the Nineteenth Century", Australian Quarterly, vol. XXVIII, no. 3 (September 1956), pp. 22-23; Charles Price, "The First Confrontation: 1836-71", being part 2 of a project entitled "Coloured Immigration in the White Pacific: 1836-1970 (with special reference to the White Australia Policy)" - mimeograph of paper delivered at seminar of R.S.S.S., A.N.U., October 1969, pp. 31-6; Myra Willard, History of the White Australia Policy to 1920 (Melbourne, 1967), pp. 29-33.

wages system until the company mining of the 1860's, but to their working on the goldfields - their "taking the gold" - at all.

It argues secondly that the major source of opposition to Chinese immigration in the years 1856 to 1860 came not from the goldfields but from liberal politicians and newspapers. This opposition was based partly on a fear that clashes would occur between European and Chinese miners, as in Victoria, but more generally on a belief that the Chinese were inferior and alien, unable to assimilate, and destined by their very nature to occupy a low place in colonial society, thereby infusing into colonial life elements of hierarchical society reminiscent of squatterdom, a form of society which was antagonistic to liberal ideals of democracy and progress. Chinese, further, were seen as immoral and demoralising, and as threatening the British character of the colony and the purity of the Anglo-Saxon race.

This view was derived from the historical experience of the indentured labour debate, and from the assumption of British racial superiority which had already been evident both in that debate and in attitudes to Aborigines. In these four years, however, fears of the effects of Chinese immigration were weakened by a recognition of its economic value. The Victorian prosperity clearly indicated the

importance of gold to a colonial economy, and a higher gold yield for New South Wales was desired. From 1858 the New South Wales goldfields gradually increased their yield each year until in the early 'sixties they yielded 25% of the Victorian amount, compared with only 7% in the mid-'fifties. The Chinese had substantially contributed to this increase.² The liberal fear of Chinese was further weakened by the lack of sufficient proof that they were a disruptive force in colonial society, a lack of clear evidence that the conflicts on the Victorian goldfields would be repeated in New South Wales.

I

The goldfields in New South Wales involved a distinct kind of economic organisation. There were neither employers nor wage labourers, but only independent, usually quite poor, individual miners. In so far as there was an employer, or authority, it was the Government, to whom all diggers related in much the same way. The Government controlled the goldfields

2. G. Blainey, The Rush that Never Ended (Melbourne, 1963) p. 84. George Ingelow, Manager of Oriental Bank, expressed the opinion in 1858 that the Western Goldfields of N.S.W. would be at a standstill but for the Chinese - Select Committee on the Chinese Immigration Bill, J.N.S.W.L.C., 1858, vol. 3, p. 352.

through the imposition of a licence fee, and the appointment of commissioners who, with the assistance of the police, were responsible for the maintenance of order and the regulation of labour relations through the allocation of claims. In New South Wales the licence fee was set at 30/- per month in May 1851, reduced to 10/- a month in September 1853 after miner dissatisfaction, and abolished and replaced by a much cheaper miners' right of 10/- per year in March 1857, in an attempt to attract more people to the goldfields which were still comparing badly with those of Victoria.³

An important feature of government regulation of the goldfields was the allocation of small areas, far smaller than in California, to each miner. This was probably done in an attempt to minimise conflict over claims, by accommodating more contenders.⁴ The effects of such a policy were profound. The populations of the goldfields were typically large and very mobile, the gold finds were spread fairly evenly, and in fact thinly, and semi-capitalistic enterprises were, in this period at least, hindered. When a goldfield, after its first "rush", began to yield less,

3. Carrington, op.cit., pp. 51-5.

4. G. Blainey, "The Gold Rushes: The Year of Decision", H.S., vol. 10 (May 1962), p. 138.

most miners flocked to a new find, usually leaving behind a residue of more settled, persistent, poor miners, often with families, who kept the goldfield going for years after its first rush.

In New South Wales from 1856 to 1859 there were both "new rush" goldfields, none of which were especially large by Victorian standards, and old residual goldfields. In 1860 and 1861, however, the pattern changed.⁵ The residual goldfields were reaching a very low point, and either more sophisticated methods for obtaining alluvial gold or a turn to deep-sinking quartz mining was becoming necessary. In this situation a few good discoveries could attract a very large number of migratory diggers, anxious to try new fields rather than take up the more laborious and company-dominated systems of mining on the old fields. The first of these "big rushes" was to Kiandra where 1900 miners had gone by August 1860.⁶ Snow imprisoned the goldfield making it unworkable, and by September 1860 it was clear that the high hopes held for the goldfield would not be realised.⁷ A much more successful field, attracting a much large number

5. Blainey, The Rush that Never Ended, pp. 59-61, 84-5.

6. S.M.H., 23 August 1860.

7. Empire, 19 September 1860.

of diggers, was discovered at Lambing Flat, near the present township of Young, in June 1860.⁸ By September several hundred diggers were working there, and as the failure of Kiandra became apparent the exodus to Lambing Flat from Victoria, Kiandra, and other goldfields in New South Wales set in, till 1300 miners worked there in November 1860.⁹

The situation of short-lived but temporarily highly populated goldfields throughout these years hampered fully effective control by commissioners and the police. The event of a rush itself frequently led to violence at a point before administrative power arrived. Very often the great majority of diggers arrived at a new field too late to get a useful claim, and a small minority, mostly early arrivals who struck it rich in varying degrees, had to defend their claims by force. Disputes over claims often led to fist fights, and goldfields were often marked by general unrest, theft, and violence.¹⁰ In fact, the diggers themselves constantly criticised the authorities for the

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8. William A. Bayley, Rich Earth; History of Young and the Shire of Burrangong, New South Wales (Young, 1956, p.22.
 9. Empire, 19 September 1860; S.M.H., 4 August and 8 October 1860; Griffin, G.C. to Sec. Lands, 1 November 1860, Lands I.L., no. 60/5781 (A.O. 3618); Bayley, op. cit., pp. 22-3.
 10. Carrington, op.cit., p. 73.

lack or insufficiency of police.¹¹

Given this acceptance of the necessity for government authority and police, there was little impetus among goldminers to establish alternative methods of decision making. In May 1851 the radicals had thought gold would stimulate a political revolution, but the attempts to organise diggers politically by radicals such as McEachern, leader of the Tambaroora Association, failed.¹² Diggers were too mobile to attain commitment to a particular organisation or place, and too dependent on established authority to consider alternative methods of control. This is not to say, however, that miners did not use collective means of expressing grievances and trying to achieve changes. Their most common practice in case of a generally felt grievance was to put their point of view to the Local Commissioner at a public meeting, or through a deputation appointed at such a meeting.¹³ At these meetings, bread-and-butter issues such as the licence fee (until 1857), communications, roads, export duty, security, company monopoly, and goldfields regulations were discussed.¹⁴ Occasionally

11. Ibid.

12. Ibid., pp. 191-4.

13. Ibid., p. 195.

14. Ibid., pp. 195-7.

they resulted in a petition being sent to the Government, if it were felt the problem could not be solved locally, and this was to be particularly apparent in the case of opposition to Chinese. The trading community, having an interest in the stability of a goldfield, figured largely in these meetings, and encouraged prospecting and other moves to keep the goldfields afloat.¹⁵

Mining centres in New South Wales in the 'fifties were typically canvas towns, and only when a field became well established were more substantial buildings erected.¹⁶ Goldfields were predominantly male, a fact significantly affecting the unstable atmosphere and recreational activities on the diggings.¹⁷ The number of women and the proportion of married women was higher on the older established goldfields, the existence of married women on a goldfield tending to symbolise the stability and future orientation of the miners on that field. The life of the European miner was precarious. With no assured income and no guarantee of assistance from the government or from other miners in times

15. Ibid., p. 198.

16. See the case of Kiandra as described by G.O. Preshaw, Banking Under Difficulties, or Life on the Goldfields of Victoria, New South Wales, and New Zealand (Melbourne 1888), p. 62.

17. Carrington, op.cit., p. 27.

of unsuccessful mining, he lived very much from day to day. The attraction lay in the miner's freedom from traditional restraint and his escape from the authoritarian labour relations common in factory and pastoral life, and from the routine and responsibilities of life in a settled community. Men became addicted to the pattern of mining life and when the "new rushes" stopped, could only follow the search of gold to Otago in New Zealand in 1862. As one observer said in 1867: "Everything seems to have got out of joint with them - they are restless and dissatisfied - locomotion...infects their whole constitution of mind and body".¹⁸ These, then, were the men who were to experience the first large scale Chinese immigration to New South Wales - men whose interests were generally individualistic and apolitical, whose life style was rough, masculine, and unstable, and whose economic situation was always precarious.

└ An important feature of the goldfields was that miners were drawn not only from the ranks of those already living in the colony, but also from a new European, especially British, migration. These immigrants were drawn from a society and class which was in any case finding immigration a solution to social, economic, and political difficulties.

18. J. Morison, Australia as It Is (London 1867), p. 162.

The basis of the success of this immigration lay in the fact that the new country was allied to the old, reproducing many of the old country's political, social, and cultural features. They were coming to an extension of their own culture and empire, and could transfer their political and social ideals into the new context. Thus it was easy for the new immigrants, even the gold seekers - the least stable of immigrants - to consider the gold colony their adopted home, and to expect social and political participation in the life of the new colony. To them the colony was not very alien; as an extension of "home" it belonged to them as much as to the native born, and certainly more than it did to Aborigines or Chinese.

II

For the Chinese, on the other hand, the transference of political and social ideals to the new country was hardly possible. Their task on the goldfields was a transitory one, a temporary means of solving economic and social difficulties at home. Emigration seemed to them, at least at first, a kind of exile, endurable only because of the existence of a cohesive Chinese ethnic group within the place of exile. The impossibility of adopting the new country as home reinforced their reliance on their temporary community. Gold

had attracted such large scale Chinese migrations because it seemed to provide a quick solution to the problems of dislocation being then experienced in the southern Chinese provinces of Fukien and Kwangtung.¹⁹ The economic foundation of Kwangtung society had been shattered by its political function as a refuge for rebellious armies and defeated Emperors, and more specifically by the Taiping Rebellion. Traditionally, in Kwangtung society, the local lineage was of utmost importance, affecting the economic, educational, religious, and political functions of society.

The emphasis on lineage solidarity, maintenance, and extension, in the context of severe economic upheaval meant that married and unmarried men were forced to look elsewhere for the necessary wealth to enable their lineage to maintain and buy land. The pressure on males to emigrate was strong, and, correspondingly, there was a necessity to prevent females from emigrating, for fear the whole family would be lost. Male emigrants were expected to make money abroad, and to remit a portion back to their villages in China. In practice, these Chinese emigrants regarded themselves for many years after their initial emigration as a member of

19. Ching-yan Choi, *Chinese Migration and Settlement in Australia* with special reference to the Chinese in Melbourne (Ph.D. thesis, A.N.U. 1971) chapter 1.

their village and local lineage. A pattern developed in Chinese migration to South East Asia, and was repeated in California, Victoria and New South Wales, whereby the Chinese emigrant would return to his village once every few years, and then re-migrate to earn more money. Such a system of migration generally had a profound effect in keeping the emigrant identified with his original rather than his host society.

Between 1852 and 1855 the only Chinese on the New South Wales goldfields had been those who had absconded from service as indentured labourers.²⁰ The specifically gold-seeking Chinese emigration had gone not to New South Wales but to the richer goldfields in California and Victoria. Chinese seeking gold had first arrived in California in early 1850 and in Victoria in January 1853.²¹ By March 1854, 2000 Chinese had arrived in Victoria, and by mid-1854 they were arriving steadily in thousands, until in June 1855 there were 17,000 Chinese on the Victorian goldfields.²²

20. N.O.P. Pyke, *Foreign Immigration to the Goldfields, New South Wales and Victoria, 1851-1861* (M.A. thesis S.U. 1946), pp. 63, 88, 223 (copy in M.L.).

21. Geoffrey Serle, *The Golden Age: A History of the Colony of Victoria, 1851-1861* (Melbourne, 1963), pp. 320-1.

22. Serle, op.cit., pp. 321, 323.

As the Chinese numbers in Victoria increased, so did the general hostility and petty persecution on the part of the European diggers. The degree of hostility was made evident to the Royal Commission of Enquiry into the goldfields of Victoria, which early in 1855 recommended that the entry of Chinese be restricted.²³ In June 1855 an Act imposing an entry tax of £10, and a restriction on the entry of Chinese to one per ten tons of a ship's register, came into force.²⁴ These impositions were successful, so that the number of Chinese entering Victoria between July 1855 and December 1856 dropped to 1400.²⁵ The restrictions meant that the profitability of the trade for shippers was greatly decreased. Yet the attraction of gold was still strong in the Chinese emigration ports, and shippers looked for alternative methods of continuing the trade. In 1856 shippers in Hong Kong decided to divert the trade to Sydney. In this way, the excess number of Chinese could be landed, and the correct number, consisting of those most able to pay the £10 tax, could be taken on to Melbourne. Those landed in Sydney could travel overland to the Victorian goldfields.

23. Ibid., p. 323.

24. Ibid., p. 324.

25. Ibid.

This was to prove an important decision. New South Wales did not, as originally foreseen by the shippers, become merely a transit ground to the Victorian goldfields. A considerable number of the Chinese who landed in Sydney from May 1856 did not go to Victoria, but stayed to try their luck on the New South Wales goldfields. About half of the 898 Chinese arrivals in Sydney in June and July 1856 went north to the Rocky River goldfield, which had experienced a small boom since May.²⁶ Others went south and west, and by August many were on the old, declining, goldfields around Bathurst, contributing to their revival.²⁷ Some groups did go on to Victoria, reaching Albury in early October.²⁸ At the same time some Chinese came north from Victoria to work on, and in fact substantially to revive, the Braidwood diggings.²⁹

In this way New South Wales, despite her poorer goldfields, gained her own Chinese gold-digging population. In 1857 Chinese shipping agents decided that easier access to

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26. D.F. Mackay, *The Rocky River Goldfield, 1851-1867* (M.A. thesis, Melb. U. 1953), pp. 49-50; Buchanan, G.C. to Sec. Lands, 10 October 1856, Lands I.L. no. 56/18 (A.O. 3566); Report of Collector of Customs, N.S.W.J.L.C. 1858, vol. 3, p. 313.
27. B.F.P., 12, 19 July and 23 August 1856.
28. Border Post, 4 October 1856.
29. Border Post, 15 November 1856.

the rich Victorian goldfields could be gained through Guichen Bay in South Australia than through Sydney. In the first half of 1857 over 14,000 Chinese were landed at Guichen Bay and made their way to the Victorian goldfields.³⁰ This trade was ended, however, when the South Australian Government, because of local dissatisfaction and fears over the landings, Victorian pressure based on negotiations over the Murray River trade, and concern over the Victorian Buckland River riot against Chinese in July 1857, passed restrictive legislation similar to that of Victoria.³¹ As a result, New South Wales once again became the chief point of entry.

Thus quite substantial numbers of Chinese, by colonial immigration standards, entered New South Wales in each of the years from 1856, except 1857. Chinese entry into and exit from the colony by sea was as follows:³²

30. Serle, op.cit., p. 325.

31. For an analysis of the reason for S.A. restrictions see M.P. Rendell, "The Chinese in South Australia before 1860", Proceedings of the Royal Geographical Society of Australia, South Australian Branch, Vol. 54 (December 1953), pp. 24-30.

32. The arrival and departure figures for the years 1856 and 1857 are taken from the Report of the Collector of Customs, J.N.S.W.L.C., 1858, vol. 3, pp. 313,315. The departure figures for 1858 are taken from the above report (covering January to August 1858) and from The Shipping Gazette and Sydney General Trade List September-December 1858. The 1858 arrival figures,

(continued next page)

<u>Year</u>	<u>Arrivals</u>	<u>Departures</u>
1856	898	445
1857	327	107
1858	10,691	1,004
1859	2,628	619
1860	6,846	986
1861	2,511	1,005
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Total	23,901	4,166

Their high mobility between New South Wales and Victoria makes it difficult to estimate how many Chinese were at any one time in New South Wales. Some undoubtedly went on to Victoria, and some began to return to China from 1856 onwards, so that at no time were there as many as 23,901 Chinese actually in the colony. In April 1861, the census stated that there were 12,988 Chinese in the colony.³³

The Chinese had come to Victoria and New South Wales under the credit-ticket system of migration, by which they borrowed money for their fare from brokers in China, and

32 (contd)

and figures for 1859-1861 are taken from the Reports of the Immigration Agent, V. & P.N.S.W.L.A., 1858-9, vol. 2, p.356; V. & P.N.S.W.L.A., 1861, vol. 2, p. 667; V. & P. N.S.W.L.A. 1863-4, vol. 2, pp. 1134-5, 1142. Immediate departures for Melbourne have not been included in the figures as presented here.

33. Census for 1861, V. & P.N.S.W.L.A., 1862, vol. 3, p. 31.

cleared the debt from their goldmining earnings.³⁴ In China, they were organised into groups of between 30 and 100 men, under the supervision and control of a "headman". The "headmen" were men of some wealth, and were sometimes appointed from important lineages in the same area as the members of the group.³⁵ This kin-oriented migration resulted in a considerable degree of communal care, and a general outlook of thrift and hard work, that the lineage might be advanced. The emphasis on group welfare, and group cohesiveness and purpose, meant that most Chinese immigrants, although poor, arrived reasonably clothed and fed.³⁶ It contributed also towards their noticeably quiet and orderly behaviour on embarkation, in the city, and on the goldfields.

Although the "headman" had no legal means of binding his Chinese charges to their contract to repay their passage money, he usually experienced little difficulty in doing so. It was in the Chinese interest to stay within the Chinese sub-community for at least a year (often the length of contract) to gain expertise, information, and physical and social

34. Serle, op.cit., p. 320.

35. Ching-yan Choi, op.cit., p. 40.

36. Evidence of H.G. Alleyne, Health Officer of the Port of Sydney, to Select Committee on the Chinese Immigration Bill, 1858, p. 341.

sustenance. Within the Chinese community the "headmen" developed contacts invaluable to the Chinese miner. There were also extra-legal controls in the form of family associations and other organisations, although there is little evidence that in New South Wales, where numbers were lower and the Chinese more scattered, that highly-developed organisations, of the kind reported in Victoria, existed.³⁷

Chinese mining methods do not appear to have differed significantly from those of the Europeans, except that they worked almost solely on alluvial surfaces in the first four years, and frequently, although by no means always, worked abandoned diggings.³⁸ This seems to have been so for several reasons. Firstly, such methods could be learned quickly, requiring little knowledge of mining technology, and so were particularly useful to the inexperienced miner. Secondly, Chinese moved around in much larger groups than did European diggers, and so were less mobile. This made them less

37. Evidence of Asst. G.C. Cloete to Select Committee on the Chinese Immigration Bill 1858, p. 336; see Rev. W. Young, Report on the Condition of the Chinese Population in Victoria, V. & P.N.S.W.L.A., 1868, vol. 3, p. 1276.

38. See, for example, S.M.H., 17 March 1860, Adelong Mining Journal and Tumut Express, 9 October 1858, 9 and 16 December 1859; Braidwood Observer, 20 July 1860. See also D.F. Mackay, op.cit., pp. 134-6; Evidence of Asst. G.C. Cloete to Select Committee on the Chinese Immigration Bill 1858, p. 336.

likely to make new discoveries and more likely to persist in an established area as long as possible. Thirdly, they frequently did not have the capital outlay for anything other than the simplest methods of mining, and fourthly, the enterprise to the Chinese was not an adventure or a risk, but a necessity which held out the prospect of hard work for a limited period. Only when the Chinese gained in experience and capital did they invest in wealthy claims.³⁹ Europeans constantly complained of Chinese wastefulness with water, a valuable and quite often scarce commodity. While many of the complaints were undoubtedly based on the fact that the Chinese used water at all, it seems to be true that Chinese did use more water than did Europeans. The painstaking washing of partially worked ground involved more water usage than did the working of new fields or the practice of deep shaft mining.⁴⁰

The Chinese both joined in the big "rushes" and worked on small residual goldfields. In each case they lived in their own camp villages, and often had their own traders and

39. D.F. Mackay, op.cit., p. 133-7.

40. See Petition from European miners at Tambaroora to Governor, enclosed in McLean to Sec. Lands, 22 March 1858, Lands I.L., no. 58/930, encl. with 58/1028 (A.O. 3586); see also S.M.H., 22 June 1858.

businessmen who frequently ordered their goods direct from Sydney.⁴¹ Chinese very rarely worked for Europeans - at Kiandra in 1860 some Chinese became carriers on foot for Europeans, along roads which had become impassable for any vehicle, but the experiment was short lived.⁴² Certain of the small residual goldfields became popular with the Chinese. Chinese centres appeared in the late 'fifties at many places, including Rocky River, Adelong, Tambaroora, Sofala, Braidwood, and on the Meroo.⁴³ In 1860 the numbers of Chinese on New South Wales goldfields began to increase as many came north from Victoria to the new finds at Kiandra and Lambing Flat, and also to escape the Victorian License laws which were discriminatory against Chinese, and which were, from January 1859, rigorously enforced.⁴⁴

41. D.F. Mackay, op.cit., p. 308.

42. Alpine Pioneer, 24 August 1860; Empire, 4 August 1860; S.M.H., 17 and 21 August 1860.

43. Evidence of Cloete to Select Committee on the Chinese Immigration Bill 1858, p. 335; D.F. Mackay, op.cit., pp. 133-7; Adelong Mining Journal, 9 October and 9 December 1859; Albury Telegraph and Federation Journal, 1 and 29 May, 5 and 12 June 1858; B.F.P., 8 February 1860; Clarence and Richmond Examiner, 29 November 1859; Empire, 21 July 1859; Mudgee Newspaper, 3 August 1858; S.M.H., 5 April, 20 May, 30 June 1859.

44. Adelong Mining Journal, 2 March 1860; B.F.P., 8 February, 25 April, 23 May, 21 July, 8 August, 5 September 1860; Braidwood Observer, 28 April, 6 June 1860; Empire 12 June 1860; S.M.H., 17 February 1860; Griffin, G.C. to Sec.Lands 11 June 1860, Lands I.L. no.60/1924, (A.O. 3611). Re Victorian law, see Serle, op.cit., pp. 330-1.

III

European diggers on the goldfields were hostile to the Chinese as a group. The individual Chinese scattered on the diggings before 1856 had attracted little attention,⁴⁵ but a dramatic change occurred when they began to arrive in large groups in mid-1856. Both newspapers and gold commissioners commented on the strong and immediate European digger hostility. For a very short time the initial reaction was one of curiosity, a curiosity which quickly turned into dislike. As the first large groups passed through the New South Wales countryside in July 1856 they were met everywhere with interest and astonishment. When a group of about 140 camped at Bathurst in early July, the local paper recorded that "their uncouth appearance and strange attire attracted general attention" such that "their camp has been visited by almost every person in the township".⁴⁶ The newspaper regarded them as "an interesting and picturesque group" who had become "quite the lion of the place". These Chinese were not in fact the first Chinese to arrive at the diggings around Bathurst, and it seems clear that it was their large numbers and distinctive social behaviour which heightened the curiosity.

45. Pyke, op.cit., pp. 63, 68.

46. B.F.P., 12 July 1856.

When a second group camped near Bathurst, many townsfolk went to watch them cooking and eating, "to witness the novelty of the proceedings".⁴⁷ Later, when the two groups arrived at the Stoney and Louisa Creek diggings they "excited much merriment by their grotesque appearance as they marched in long single file, carrying, on their bamboos 'swags'".⁴⁸ Another group, on its way to Rocky River excited "laughter and astonishment" in Maitland,⁴⁹ and found that "their singular appearance was the subject of admiration to a tribe of youngsters" in Armidale.⁵⁰

Yet even while such interest was being shown, some were concerned that the clashes which had occurred in Victoria would be repeated in New South Wales.⁵¹ Between 1856 and 1861 these fears were to be borne out only in part, as the clashes were few, short-lived, and not especially violent. The most violent clash was that at Rocky River in August 1856,

47. S.M.H., 2 August 1856.

48. S.M.H., 11 August 1856.

49. Maitland Mercury, 24 July 1856.

50. Maitland Mercury, 21 August 1856; Armidale Express, 16 August 1856.

51. Stoney Ck. report in S.M.H., 11 August 1856.

where the Europeans assembled and rushed the Chinese away from the mining area and their own camp by force.⁵² Some Chinese ran to the Commissioner's camp for protection, and the Commissioner himself was threatened by the European miners that if he valued his own security he would not enquire into the matter.⁵³ Despite this warning, three Europeans were eventually apprehended and tried at Maitland, where one was found guilty and two released.⁵⁴ After this clash there were no further violent hostilities, especially as the Rocky River diggings began to decline.⁵⁵ Anti-Chinese feeling at Rocky River remained high for several years, petitions opposing Chinese immigration from the area being presented to the Assembly in 1857 and 1858.⁵⁶

Throughout 1857 relations between Europeans and Chinese on the goldfields were generally quiet, although in February

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- 52. Maitland Mercury, 9, 11 and 23 September 1856; S.M.H., 8, 10, 24 September 1856.
 - 53. Buchanan, G.C., to Sec. Lands, 31 August 1856, (copy), Armidale Gold Commissioner's Letter Book, 1856-1860, (A.O. 4/5475).
 - 54. Maitland Mercury, 23 September and 13 November 1856.
 - 55. Buchanan to Sec. Lands, 31 December 1856, Lands I.L., no. 57/157 (A.O. 3566).
 - 56. See Rocky River petition, 1857, in V. & P.N.S.W.L.A. 1857, vol. 1, p. 603; Rocky River petition, 1858, in V. & P.N.S.W.L.A. 1858, vol. 2, pp. 947-8.

about 200-300 Europeans kept a group of 30-40 Chinese off the Mudgee goldfields.⁵⁷ Then, in 1858, when Chinese immigration rose to over 10,000, greater friction developed between Chinese and Europeans on the Western goldfields, where about 5000 Chinese were now concentrated. On 11 March 1858 miners at Tambaroora drove the Chinese away, the source of the dispute being a claim that Chinese used and wasted valuable water.⁵⁸ Two days later a miners' meeting was held at Tambaroora, expressing opposition to the Chinese and formulating a petition to the Government opposing the Chinese on the grounds that they wasted water, and would exhaust the diggings and bring disease, but not making any special request for Government action.⁵⁹ Further collisions on this goldfield were averted by the coming of rain, and the departure of many Chinese from the goldfield.⁶⁰

In 1858 bad feeling against the Chinese was reported

57. Empire, 23 February 1857. In September, an attempt at Sofala to have a petition adopted opposing the immigration of Chinese, failed - Empire, 6 October 1857.

58. Empire, 19 March 1858; S.M.H., 20 March 1858.

59. McLean, G.C. to Sec. Lands, 22 March 1858, Lands I.L., no. 58/930, encl. with 58/1028 (A.O. 3586).

60. Foster, G.C., to McLean, G.C., 5 April 1858, Lands I.L. unnumbered, encl. with 58/1095 (A.O. 3586).

at Louisa Creek,⁶¹ Tuena Creek,⁶² and at Adelong.⁶³ Petitions opposing the Chinese and calling for the prohibition of Chinese immigration were sent from the Meroo, Turon, and Rocky River diggings in June 1858.⁶⁴ But as the New South Wales goldfields again began to decline, hostilities died down until the Kiandra rush of mid-1860. At Kiandra, hostility to the Chinese was high, exacerbated by the high hopes held for the goldfield and its subsequent failure. Europeans again complained of Chinese wastage of water, and of their "dirty habits".⁶⁵ To avert a collision Commissioner Cloete moved the Chinese camp a mile away from the European camp, a degree of official segregation not commonly practised.⁶⁶

The attitude of the Lands Department, in charge of

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- 61. G.C. at Louisa Ck. to McLean, G.C., 3 May 1858, Lands I.L., unnumbered encl. with 58/1449 (A.O. 3587).
 - 62. Report of Griffin, G.C., 23 August 1858, printed in J.N.S.W.L.C., 1858, vol. 3, p. 320.
 - 63. Albury Telegraph and Federation Journal, 5 June 1858.
 - 64. Rocky River petition, 1858, loc.cit.; Meroo petition, 1858, V. & P.N.S.W.L.A., 1858, vol. 2, p. 947; Turon petition, J.N.S.W.L.C., vol. 3, p. 303.
 - 65. Alpine Pioneer, 31 August 1860; S.M.H., 21 August 1860.
 - 66. Braidwood Observer, 7 July 1860; Alpine Pioneer, 31 August 1860; S.M.H., 7 July 1860.

goldfields administration, was that collisions must be prevented, and the Chinese protected. Late in 1857 the Department wrote to Assistant Commissioner Lynch on the Murrumbidgee goldfields that he would have to rely on tact "in dealing with this influx of Chinese who may perhaps, judiciously managed, lead to a fuller development of our mining resources than heretofore has taken place".⁶⁷ After the disturbance at Tambaroora, local commissioners were instructed that Chinese and European living areas should be kept separate, and domestic water specially reserved.⁶⁸ The Government, however, opposed on the grounds of expense one commissioner's suggestion that there be an increase in the numbers of police on troublesome goldfields, and suggested instead the appointment of special constables in times of crisis.⁶⁹ The Department adhered to this policy even after the commissioner informed it that the Chinese were so unpopular

67. Sec. Lands to Lynch, G.C., 5 August 1857 (copy), Lands to Gold Commissioners, 1857-60, re no. 57/2686 (A.O. 4/6854).

68. McLean, G.C., to Sec. Lands, 16 March 1858, Lands I.L. no. 58/841, encl. with no. 58/1028 (A.O. 3586); McLean G.C. to Sec. Lands, 22 March 1858 (see also attached memo), Lands I.L., no. 58/930, encl. with 58/1028 (A.O. 3586).

69. Meeting of Exec. Council, 29 March 1858, Exec. Council Minute Book, minute no. 58/14L (A.O. 4/1536); Sec. Lands to McLean, 29 March 1858 (copy), Lands to Gold Commissioners, 1857-60, re no. 58/930 (A.O. 4/6854).

that nobody could be relied on to enlist as special constables should a collision occur.⁷⁰ Government policy, however, was not to be put to a serious test until the events at Lambing Flat in 1861.

Miner hostility was expressed towards the Chinese on a number of grounds, the most common of which were their "wasting of water" and "taking the gold". These complaints revealed that the Chinese were automatically perceived as outsiders, regarded not as people like other British and Europeans with whom the commodities of water and gold had to be shared, but as people with whom the Europeans would have to compete for these commodities. This view of the Chinese as aliens and outsiders was assumed immediately on contact, the Rocky River collision, for example, having occurred very quickly after first contact. It was not the product of substantial differences in mining methods, for these were, especially in the early years of contact, not very dissimilar.

The differences between the Chinese and Europeans which did count, which served to mark off the Chinese in the eyes of the Europeans as a distinct and unwelcome group, were differences in behaviour and social organisation, and,

70. McLean to Sec. Lands, 3 April 1858, (see also attached memo) Lands I.L., no. 58/1028 (A.O. 3586); Sec. Lands to McLean, 13 April 1858, Lands to Gold Commissioners 1857-60 (copy), re no. 58/1028 (A.O. 4/6854).

especially, in appearance. These differences, however, were not so much an irritation in themselves as the representation of "otherness", the sign that Chinese had no right to economic resources in a British colony. Under conditions of close contact and economic competition, European miners objected to everything the Chinese did - their grounds for objection to the Chinese, the Meroo miners said in their petition in 1858, were so numerous as to be impossible to list.⁷¹ One correspondent at Rocky River had attacked the miners for being "brutal and ungenerous in persecuting a body of strangers on account of those trifling peculiarities to which they are subject, and which do not in any way interfere with the proceedings of others".⁷²

Because the Chinese were seen as an outside and alien group, their use of economic resources was necessarily seen as an action tending to displace Europeans from the use of those resources. The fear that Chinese would exhaust the goldfields and so render them useless to Europeans was expressed in the miners' petitions to the Government. The Tambaroora petition expressed a fear that Chinese would exhaust the

71. Meroo petition, 1858, loc.cit.

72. Maitland Mercury, 23 September 1856.

goldfields,⁷³ and the petition from the Meroo concentrated on the fact that the Chinese were taking the gold. The Chinese, it said, "are now stripping these goldfields of their wealth, to the injury of the Colonists". The Rocky River petition of 1858 expressed the fear that the European miners would be swamped by the Chinese - the miners were, they said, "determined, at all hazards, to maintain British supremacy in this Colony, and keep the Mongolians within proper bounds".⁷⁴ Both the Meroo and Rocky River petitions argued that a £10 entry tax, as then being proposed by the Assembly, would not keep the Chinese out, and that complete prohibition was the only answer.

Chinese were sometimes opposed for their introduction of disease. Early in June 1860 a scare arose among the European miners around Braidwood that some Chinese at nearby Major's Creek had leprosy, a scare which was so strong that it was believed long after being rejected by four officially appointed doctors.⁷⁵ The Braidwood Observer noted that the vast

73. Petition Tambaroora Miners to Governor, March 1858, loc.cit.

74. Rocky River petition, 1858, loc.cit.

75. Griffin, G.C., to Sec. Lands, 11 June 1860, Lands I.L. no. 60/1694 (A.O. 3612); Griffin, G.C., to Sec. Lands, 29 June 1860 (copy), Lands I.L., no. 60/1843, encl. with no. 60/2571 (A.O. 3612).

numbers of Chinese in the area meant that "a general feeling of insecurity has been engendered by their presence".⁷⁶ Other objections made were that the Chinese were heathen and immoral. In these petitions there was little explicit reference to the notion of "racial inferiority" as such, the emphasis being on their difference, their undesirable and unpleasant habits and characteristics, and most of all on their lack of claim to work the goldfields rightfully belonging to Europeans. A detailed articulation of inferiority, as distinct from dislike, came first not from the goldfields but from other sections of the community which were not in direct contact with the Chinese. Only later, in 1861, was such a detailed articulation expressed in any frequency by the diggers themselves.

IV

Outside the goldfields, debate over Chinese immigration was carried on in city and country newspapers, and in the legislature. Before 1861 three separate Bills to restrict Chinese immigration were debated in the legislature. The first, a private member's Bill, was debated in the Assembly in November 1857, the second, a Government Bill, in the

76. Braidwood Observer, 20 June 1860.

Assembly from April to June 1858 and in the Council in July and October 1858, and the third, also a private member's Bill, in the Assembly in October 1860. The first and third Bills did not pass through the Assembly, while the second passed through the Assembly but was thrown out by the Council. The fate of these three Bills indicated that, given the obstructionist attitude of the Council, restrictive legislation would succeed only when the Government wholeheartedly supported such legislation and was both prepared, and in a position, to take strong action to insist on its passing through the Council. The situation was complicated by the fact that the relation between the two Houses was itself a matter of political dispute, which came to a crisis in 1861.⁷⁷ Only in that year was the dominance of the elected Assembly clearly established, and the importance of the Chinese issue accepted by the Government.

Between 1856 and 1860 two clearly opposed positions emerged in newspaper and legislative debate. On the one hand, many in the Assembly, and many newspapers, most notably the Empire and the Bathurst Free Press, argued that Chinese must be excluded because they were a danger to the colony. The

77. See P. Loveday, "The Legislative Council in New South Wales, 1856-1870", H.S., vol. 11, no. 44 (April 1965), pp. 481-95.

European miners, they argued, disliked the Chinese, a dislike founded on "natural prejudice". Because of this the presence of the Chinese was likely to lead to friction as it had in Victoria, and the exclusion of Chinese would prevent the possibility of collision and social conflict. More generally, they argued that the Chinese were undesirable as an immoral, filthy, idolatrous, and unchristian people. They would contaminate the British character of the country, and, should intermixture occur, threaten the purity of the Anglo-Saxon race. They would inevitably form an inferior group in society, and as such threaten the equality on which colonial society must be based. They must necessarily remain apart, and could not assimilate, an inability which lay in their racial inferiority - they were physically puny and ugly, and did not have the necessary mental and moral capacity to adopt the habits of British civilisation.

In opposition to this, some members of the Assembly, most in the Council, and some newspapers, especially the Sydney Morning Herald, argued that the Chinese should not be excluded, because they were economically valuable, fairly civilised, and harmless. The opposition to them of the European miner was unworthy and ill-judged. The Chinese, they thought, were not particularly immoral. Some argued that the Chinese could assimilate into colonial society, others simply

that they could at least become useful labourers, and that if they remained inferior and distinct, this was not a matter for concern to the society at large. Many of those opposing restrictive legislation felt that while large numbers of Chinese might be unassimilable and a danger to the British character of the colony, the small numbers New South Wales had so far experienced could be easily absorbed, and were of no danger.

The broad outlines of these two positions had already been established in newspaper debate when Robert Jamieson's Bill was debated in November 1857. The Sydney Morning Herald led off the debate when in June 1855 it discussed the recently passed Victorian restriction Act.⁷⁸ It astutely noted that as a result of this Act, Chinese would be diverted to the New South Wales goldfields. It hoped that New South Wales would solve any problems caused by the European miners' dislike of Chinese through administrative control rather than legislative action of the Victorian kind. Yet even the Herald was a little disturbed: "It is impossible to deny that the vast flood of Chinese emigration has opened a new and not entirely agreeable prospect before the inhabitants of British origin..."⁷⁹

78. S.M.H., 15 June 1855.

79. S.M.H., 27 June 1855.

When Chinese began entering New South Wales by sea from May 1856, the Herald welcomed them for their economic value, as they would be useful in expanding the New South Wales goldfields which had suffered so much in comparison with those of Victoria.⁸⁰ Working class objections to the Chinese as cheap labour, said the Herald, should not be relevant in this case, as the Chinese "have not come to compete with any class of labourers, in any ordinary form of industry". And the economic value of the Chinese to the colony was great - "the Chinaman's gold will be quite as useful as the gold of the most thorough Anglo-Saxon, and what he can carry home will be a trifle indeed compared with what he will expend in the country". Consequently, the worker would simply have to surmount "any unchristian prejudice which is moreover wrong to 'the rights of man'".

In January 1857 the Herald added that, within limits, and these "limits" indicated ultimately a fear of swamping by an alien group, Australia needed population for prosperity.⁸¹ Because population from Britain did not come in large numbers, Australia, if she were to become great, could not afford to be exclusive. Later, in June 1857, it remarked that the

80. S.M.H., 9 July 1856.

81. S.M.H., 21 January 1857.

Chinese were acceptable because they were industrious, and quiet, and "China had her philosophers, her statesmen, and her literati, when our ancestors were painted savages".⁸² When it learnt of the Buckland River riot in Victoria of 4 July 1857, in which a minority of European miners had driven Chinese away from a goldfield by force, several Chinese being killed in the process, the Herald was forced to allow that some legislation might be necessary to cope with similar riots in New South Wales, if they occurred.⁸³ But the Herald defended the Chinese diggers and attacked the "American agitators" it said had masterminded the Buckland River riot. Later it suggested that while the Chinese, because of their economic value, should not be excluded, it might be necessary, because of their "undoubted heathen vices", their lack of females, and their possible interference with European miners, to separate them off into distinct, Chinese-only goldfields.⁸⁴

In response to news of growing tension on the Victorian goldfields, the argument that New South Wales ought to restrict Chinese immigration first appeared in newspapers in mid-1857. A letter signed "Turn 'Em Out", which appeared in the Empire

82. S.M.H., 5 June 1857.

83. S.M.H., 14 July 1857.

84. S.M.H., 21 August 1857.

on 26 May, was one of the first to argue for their exclusion, on the grounds that "they are a curse to the country, a beastly immoral lot of liars, thieves, and in several instances murderers, under the most revolting circumstances; ample proofs of their rascality have I had on the goldfields".⁸⁵

The Bathurst Free Press entered the debate with a strongly anti-Chinese editorial on 24 June.⁸⁶ It argued that the debasing vices, filth, treachery, and dishonesty of the Chinese would "lower the tone of morals, and blunt the feelings of the European population". The Chinese took gold out of the country, and remained separate while in the colony, lacking integration into the British community.

In a second editorial the Bathurst Free Press grappled with the conflict between "enlightenment" and "self interest".⁸⁷ The view that a general feeling of liberalism and enlightenment should not keep the colony from excluding Chinese was made clear in the statement: "It is one thing to entertain a friendly and benevolent feeling towards the human race generally, and another to make the Red Indian or the Esquimaux an inmate of your dwelling". The principles of free trade,

85. Empire, 26 May 1857.

86. B.F.P., 24 June 1857.

87. B.F.P., 1 July 1857.

it argued, could not be invoked to oppose exclusion, as such principles did not refer to the immigration of populations. If they did "human beings would be degraded into chattels". In line with an earlier remark about "bastard liberalism", the leader remarked that "it would be toleration run mad to import into the social constitution of any community, habits, practices, and modes of thought which are utterly at war with the morality equally insisted upon by every Christian creed. 'Charity begins at home'".

The assumptions underlying the sharp denunciations of the Chinese in this editorial were finally explicated in "Eastern races are inferior to those of the Western world". They can never assimilate into European communities because of their dissimilarity and their inferiority. The argument was couched very much in terms of the future, the destiny of the people of Australia to become, like the Americans before them, a "restless, progressive race, great in their Anglo-Saxon characteristics, laws, and institutions, great in their civil and religious liberty, and powerful in their love of freedom". Colonial society, said the Bathurst Free Press, would be marred if it included a vast majority of "tawny skins and pig tails", for the "brawny shoulders and muscular arms" of the Briton were just as important as his intelligence, free spirit, and Christian faith. The Chinese, by contrast, had a

"puny stature and fragile build", and were, in short, a semi-savage race, contemptible and barbarous, a "festering mass of animal existence", animated by no "great, ennobling principle". Here the B.F.P. enunciated clearly the racist principle of the relation between physical make-up and moral and mental advancement. The Australian colonies, it continued, faced a severe problem because, while distance impeded migration from the mother country, it was not sufficient to impede Chinese migration. "These millions are ready to swarm to any land which offers superior advantages to their own...nothing will prevent the flood-tide of her population from settling in upon these shores". Numerically predominant Chinese communities, which were filthy, immoral, and idolatrous, would be created.

The Empire, in response to the Buckland River riot, opposed the use of force by the European diggers, but concluded that the best means of preventing such riots was the exclusion of Chinese from the colony.⁸⁸ In weighing the opposing claims of the open "liberal" policy, and of "self defence", the Empire reached the formula that a free people could not exclude "any class of foreigners except on some ground of demonstrated incapacity of such class to

88. Empire, 23 July 1857.

amalgamate with it". The incapacity, it recognised, lay essentially with the European diggers, whose hatred of the Chinese was based not on reason but on prejudice. On the other hand, the Chinese, by not bringing females, had made themselves unassimilable and transitory.

The Australian Banner said of the Buckland River riot that the Chinese, because of their vast numbers and "horrible vices", caused discontent wherever they went.⁸⁹ "Two people so utterly opposed to each other in all their habits, laws, notions, and religious opinions, cannot be expected to incorporate...force and violence must be the consequences". Since Chinese were so clearly inferior, they must, said the Banner, be excluded. European contempt for the Chinese, it thought, was based on the physical inferiority of the latter: "Their very exterior is...calculated to produce a feeling of contempt. They bear in their features as much of the monkey as the man, so that their faces are indexes of minds low, animal-like, and licentious". The Illawarra Mercury agreed that Chinese, because of their lack of honour and European values, were unfit to mix with Europeans, but also felt that it would be more in accord with the dictates of international morality to discourage rather than prohibit Chinese immigration.⁹⁰

89. Australian Banner, 1 August 1857.

90. Illawarra Mercury, 10 August 1857.

Interest in the problem then strongly declined, as the Buckland River riot lost impact, and, with the drop in Chinese immigration into New South Wales in 1857, the number of Chinese on the colony's goldfields remained small. Only the Yass Courier, on 17 October 1857, continued to insist that the issue was important. The Chinese, it said, summing up most of the previously advanced arguments, were physically puny, barbarous, idolatrous, aliens, enemies, had little sympathy for British institutions, moral codes, habits, and religion, and would contaminate and poison the social system in the colony. European diggers, as had been shown in Victoria, held deep-rooted prejudices against the Chinese, and the likelihood of a collision between the two races was therefore great.

In an atmosphere where most still considered that the colony was unlikely to experience the problems then facing Victoria, Jamieson's Bill was debated on 10 November 1857.⁹¹ Jamieson's Bill was modelled on the Victorian and South Australian Acts, except that it exempted from payment of the tax those Chinamen who came accompanied by their wives, and provided for an additional assessment tax on the Chinese then resident in the interior. Jamieson was concerned that their

91. S.M.H., 11 November 1857

numbers might continue to increase, and with their immorality. He found, however, that his Bill was not to be supported by the Cowper ministry. Cowper's two month old ministry could not risk a defeat on the Chinese Bill, which appeared likely since amongst Cowper's own supporters there was uncertainty over the urgency and importance of the issue. Few believed that disturbances were likely in New South Wales. These doubts were expressed in the debate, and Jamieson agreed to withdraw the Bill for lack of support.

It was not until Chinese immigration to New South Wales substantially increased in 1858 that liberal politicians in the Assembly seriously considered the problems such an immigration might pose for the social, political, economic, and racial character of the colony. The arrival of 2,249 Chinese within 23 days in February 1858 gave the issue a reality it had not had in November 1857.⁹² One shipload of 968 Chinese was greeted with hostility and stone throwing from about 100 Sydney youths.⁹³ Newspaper concern was revived, on a larger scale than before, and most sympathised with the growing apprehension of European miners on the colony's

92. Report of Immigration Agent for 1858, V. & P.N.S.W.L.A., 1858-9, vol. 2, p. 356.

93. S.M.H., 13 February 1858.

goldfields.⁹⁴ Bell's Life in Sydney feared the Chinese would take over the goldfields, driving Europeans back into the general workforce, and thus lowering wages.⁹⁵ The Bathurst Free Press, commenting on the disturbance at Tambaroora of 12 March, said the issue had now become a practical one, as the diggers had clearly indicated they would clash with "a race with whom they have little more in common than with a race of baboons or a tribe of ourang-outangs".⁹⁶ "Cosmopolitan dogma" and "bastard liberalism", it said, should be rejected in favour of "self protection".

The Government had already decided to take action. The Immigration Agent had drawn its attention to the large numbers of Chinese arriving under conditions difficult to control as the vessels were not subject to the Imperial Passenger Act.⁹⁷ He suggested that the problem of overcrowding and probable disease would have to be dealt with locally. The Executive

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94. B.F.P., 27 February 1858; Empire, 4 March 1858; Maitland Mercury, 20 February 1858; Weekly Times, 13 February 1858.
95. Bell's Life in Sydney, 6 March 1858.
96. B.F.P., 20 March 1858.
97. Meeting of Exec. Council, 1 March 1858, Exec. Council Minute Book, minute no. 58/11 (A.O. 4/1536).

Council then debated the issue at some length.⁹⁸ It agreed that a local Act could compel the conformity of Hong Kong ships with the Imperial Passenger Act. Further, a tax could be enforced to cover new costs incurred by the necessity of dealing with Chinese disease, and by new administrative tasks such as providing interpreters.

In accordance with this decision, Charles Cowper on 8 April 1858 brought a Chinese Immigration Bill before the Assembly.⁹⁹ The Bill provided for a tax of £3 on all Chinese immigrants, and a limitation of Chinese immigration to one Chinaman per two tons of the ship's register. The Bill was similar in form to the Victorian Act of 1855, but where that Act had been clearly restrictive in imposing a £10 tax and a limitation of one Chinaman per ten tons of the ship's register, Cowper's Bill was very much less so. Indeed, the purpose of the Bill was very unclear. With such mild restrictions proposed, it could be seen either as a Bill aimed primarily at preventing overcrowding on Chinese immigrant ships and seeking revenue to cover extra costs incurred by Chinese immigration, or as a Bill designed to restrict the flow of Chinese immigrants.

98. Ibid.

99. S.M.H., 9 April 1858.

Such were the confusions over the Bill, and the increased interest in the Chinese question, that its second reading was very protracted, and vigorously debated.¹⁰⁰ The issue had become a complex one for the liberal politicians, since they were involved both in testing their strength in the House, and in defining their policy on the issue. For Cowper's immediate supporters in the Ministry, the mildly restrictive Bill seemed satisfactory, in that it might check Chinese immigration without involving the explicit exclusiveness of the Victorian Bill, a copy of which had only six months before received such little support in the House. The addition of a large number of new members in the elections of February 1858, although many were liberal, might not necessarily guarantee a lessening of opposition to severe restrictive measures. Further, they and Cowper probably had in mind the likely attitude of the Upper House, and would have preferred a mild Bill with some chance of final success.

The compromise measure of the Ministry, however, turned out to be unpopular with both pro- and anti-Chinese members. In the debate on 9 April 1858, Lee and Suttor opposed the Bill on the grounds that it was too exclusive - that the Chinese, being useful on the goldfields, ought not to be

100. See S.M.H., 10 April, 21 May, 19 and 30 June 1858.

discouraged in any way.¹⁰¹ Weekes, Deneihy, Parkes, Williamson, Macleay, and Macarthur opposed the Bill as not sufficiently exclusive. Yet even amongst those holding the latter position, there was some doubt expressed whether the colony had yet received sufficient Chinese to pose a clear danger. With the debate in a state of some confusion, it was adjourned until 20 May.

When the debate resumed, four distinct positions emerged.¹⁰² The first opposed the Bill on the grounds that it would hamper Chinese immigration, which was economically useful. Exponents of this view - Lee, Suttor, Forster, Bowker, Hodgson, and Hay - were extremely vocal and eloquent. Forster argued that the Chinese could be included into colonial society. If the criterion of inclusion was "the use of the land" - the criterion by which the English had claimed their right to take the land from the Aborigines - then Chinese met that criterion. They were industrious and civilised, as were the British. Forster did agree that should the Chinese rise above one quarter of the total population, their presence would be dangerous, the danger implied being that a larger number could not be assimilated but would remain apart, and

101. S.M.H., 10 April 1858.

102. S.M.H., 21 May 1858.

even become dominant. But as long as their numbers remained below this level, he said, the Anglo-Saxons, being morally and physically superior, had little to fear. Bowker, Hodgson, and Hay stressed Chinese peaceableness and economic usefulness. Hay's belief in Anglo-Saxon racial superiority and consequent global destiny was expressed in his statement that "the spirit of the Anglo-Saxon race would gradually, but surely, spread itself over the whole of the regions of the East. They had not left their homes in the old world to come here to isolate themselves from the rest of the world, they were not destined to be a small isolated community, but to be the nucleus of the grandest civilisation..." Hay's vision was imperialist and ethnocentric (their civilisation was "much inferior, indeed, to ours"), but these impulses led him to conclude that Chinese immigration was desirable rather than otherwise .

The second position, argued by Marks, Owens, Jenkins, and Dickson, like the first, did not object to Chinese immigration, and opposed "anti-Chinese prejudice", but accepted the financial purpose of the Bill at face value. Martin, Flood, Thornton, Murray, Richardson, and Jones put a third position, emphasising the restrictive nature of the Bill, and supporting it on an anti-Chinese basis. They argued that the Chinese were unable to assimilate into an

Anglo-Saxon community because of their inferiority, and would have a degrading and demoralising effect on that community. This group argued that the Chinese were not economically useful as claimed, because they took their gold back to China. The fourth position, argued by Smith and Tooth, was a virulently anti-Chinese one, opposing the Bill on the grounds that it was so mild that it would be useless. Smith argued that Chinese immigration was subversive of the intention that the colony should be a haven for the multitudes of Europe. The duty of the House was to ensure "the protection, security, and progression of the European race" in the colony, a task which would be rendered impossible by Chinese immigration. If this principle were admitted, he said, then the only logical Bill was a totally prohibitory one.

The Bill was then passed in principle by 23 votes to 11, the second (pro-Chinese) and third (anti-Chinese) groups combining to defeat the more strongly pro-Chinese (first) and anti-Chinese (fourth) groups.¹⁰³ Debate on the Bill clause by clause was then adjourned. Throughout June the Chinese continued to arrive in very large numbers, almost 3,500 arriving within 26 days.¹⁰⁴ An anti-Chinese citizen's

103. Ibid.

104. Report of Immigration Agent for 1858, p. 356.

committee was formed, petitions were presented to both Houses, and newspaper debate continued.¹⁰⁵ The Bill went into committee on 18 June.¹⁰⁶ Cowper moved that the proposed poll tax be raised from £3 to £10. In support of this amendment a whole range of anti-Chinese arguments was presented. Weekes argued that Chinese immigration would inhibit the obviously more desirable British immigration. Thornton stressed the all male character of the immigration as its chief danger, and Robertson and Parkes expressed concern that the offensive morals of the Chinese would contaminate the morals of the British inhabitants of the colony, Parkes describing the Chinese as "an inferior and degraded race". Macarthur and Weekes felt that the glory of the colony lay in its "true British character", which would be endangered by Chinese immigration, and feared that the population of the colony would become "semi-Asiatic".

The move for a £10 tax was opposed by Cox, Suttor,

105. Re committee, see S.M.H., 15 June 1858. Petitions presented included one signed by 2469 citizens of Sydney to L.A., N.S.W.V. & P. L.A., 1858, vol. 2, p. 943; another signed by 327 citizens of Sydney to L.C., J.N.S.W.L.C., 1858, vol. 3, p. 299; from Rocky River, and the Meroo, loc.cit.; and from miners on the Turon, J.N.S.W.L.C., 1858, vol. 3, p. 303. For newspaper comment see B.F.P., 26 June 1858; Empire, 16, 17, 19, 22, 23, 26 and 29 June 1858; Northern Times, 23 June 1858; S.M.H., 22 and 25 June 1858.

106. S.M.H., 19 June 1858.

Owen, Bowker, Piddington, and Lee. Suttor and Owen stressed the value of the Chinese as consumers, and Lee and Cowper stressed their value as employees. Owen felt the Bill expressed "prejudice", Bowker that it was "class legislation", and Lee that it was "unEnglish". Piddington felt that the only social harm caused by the Chinese was their lack of women. The f10 amendment was then passed by 20 votes to 15.¹⁰⁷ Yet the Cowper Government was clearly unhappy about a too restrictive Bill, and was able to carry the House with it to defeat by 24 votes to 16 an amendment that the tonnage limitation be lifted from one Chinaman per two tons of a ship's register to one per ten tons.¹⁰⁸

The Legislative Council then debated the Bill on 21 and 28 July 1858.¹⁰⁹ The Council, with its strong pastoralist representation, was unlikely to pass the Bill, for pastoralists traditionally saw Chinese as useful sources of labour, and as "inoffensive". The Solicitor General, Lutwyche, presented the Bill as a financial and regulatory rather than a restrictive Bill.¹¹⁰ Arguments were given

107. Ibid.

108. S.M.H., 30 June 1858.

109. S.M.H., 22 and 29 July 1858.

110. S.M.H., 22 July 1858.

both for and against the Bill, and it was agreed, in the absence of substantial information concerning the effects so far of the Chinese in New South Wales, to set up a Select Committee investigating opposing claims.¹¹¹ While the Committee was in progress, the Council ordered to be printed the August reports of the Gold Commissioners, which revealed that hostility to the Chinese on some goldfields was high.¹¹² The Select Committee Report, however, presented to the Council on 16 September 1858, concluded that much of the Bill was unfounded and unnecessary.¹¹³ As a result on 29 October 1858 the Council rejected the Bill by 17 votes to 4.¹¹⁴ Since July, with Chinese immigration temporarily ceased, and with an abatement of feeling on the goldfields, newspaper and general public interest in the issue had sharply subsided. The Council was under no pressure from the Government or public opinion to pass the Bill, and its rejection of the Bill aroused little comment.¹¹⁵ Temporarily, those who

111. S.M.H., 29 July 1858.

112. J.N.S.W.L.C., 1858, vol. 3, pp. 319-20.

113. J.N.S.W.L.C., 1858, vol. 3, pp. 325-6.

114. S.M.H., 30 October 1858.

115. Only the Goulburn Herald, 10 November 1858, and the Mudgee Newspaper 23 November 1858, appear to have complained.

advocated restriction were defeated.

The depression of the New South Wales goldfields throughout 1859, the moving on of most of that year's 2,628 Chinese arrivals to Victoria, and the lower number of arrivals in any case, were reflected in a corresponding lack of public or political interest in 1859 in the Chinese question either in country centres, on the goldfields, or in Sydney. In the elections of April 1859 the Chinese issue was rarely mentioned.¹¹⁶ Interest revived in early 1860 when greater numbers of Chinese, together with Europeans, came from the Victorian to the New South Wales goldfields. Newspaper comment increased, and in the Assembly, Forster, the new Colonial Secretary, was asked whether his Ministry would bring in a Bill to regulate Chinese immigration.¹¹⁷ Forster, one of the most outspoken opponents of the earlier Bills, naturally refused.

On 9 March 1860, another new ministry was formed by Robertson. With a potentially more anti-Chinese ministry in power, moves for the passing of a restriction Bill again were

116. For exceptions see election meetings reported in S.M.H., 3, 16 and 17 June 1859; B.F.P., 23 April 1859; and Tamworth Examiner, 22 June 1859.

117. Entry for 14 February 1860, V. & P.N.S.W.L.A., 1859-60, vol. 2.

made. One of the new members, John Lucas, decided to bring in a private member's bill to revive the issue. The attitude of the Robertson ministry, however, was that while it approved a Bill to restrict Chinese immigration, and the imposition of a tax on Chinese immigrants to meet the extra costs incurred by them, it did not want to introduce it until the Land Bills were through, and the reconstruction of the Upper House achieved.¹¹⁸

Despite ministerial coolness, Lucas was given leave to introduce his Bill, and on 4 May 1860 it passed its first reading.¹¹⁹ The Bill was modelled on the Victorian Act, but, like Jamieson's Bill of 1857, provided that Chinese married couples would be exempted from its provisions. The Bill did not come up for a second reading that session,¹²⁰ but the Assembly did, on 15 June 1860, pass a resolution that a £10 tax on Chinese immigrants was justified.¹²¹ After a parliamentary recess, Lucas again moved, on 2 October, that the House consider his Bill.¹²² After a long debate, in which

118. Illawarra Mercury, 28 August 1860; see L.A. debate reported in S.M.H., 3 October 1860.

119. S.M.H., 13 April and 5 May 1860.

120. The second reading debate of 11 May was purely over problems of procedure, see S.M.H., 12 May 1860.

121. S.M.H., 16 June 1860.

122. S.M.H., 3 October, 1860.

Robertson, Martin, Darvall, and Plunkett all opposed Chinese immigration generally but argued that the issues of land distribution and the powers of the Upper House were more pressing, the House agreed by 21 votes to 16 to continue with the Bill. It again agreed to do so on 19 October, but without ministerial support it was clear that the Bill was to be given low priority.¹²³ The Bill was not discussed again before the events at Lambing Flat in 1861.

Despite the overwhelming interest in the struggle over Robertson's Land Bills the Chinese issue had continued during 1860 to be a subject of debate. In the elections of December 1860, waged essentially over the land issue, some candidates made their position concerning Chinese clear in their election speeches, and many more were forced to do so in response to questions.¹²⁴ Indeed, the interest in the Chinese issue of those attending election meetings was very high. On 5 December at an election meeting in East Sydney, Parkes spoke at some length on the subject. He said the issue was not one of competition or "cheap labour", as the Chinese came only for

123. S.M.H., 20 October 1860.

124. See election meetings reported in S.M.H., 27 November to 18 December 1860.

gold.¹²⁵ The objection, he said, was rather to their "alien character" and their vast numbers. At the same meeting, Faucett defended the Chinese amid uproar. At one meeting in early December Kemp was confronted by a placard asking: "Will you vote for Mr Kemp and Chinese Immigration ?", and his view that restriction was not yet necessary was met with cries of "What about the mixed race?", and "Will you let them marry white women?"¹²⁶ In the course of the election, of those speeches recorded in the Sydney Morning Herald, 23 candidates favoured Lucas's Bill, 5 opposed it, and 5 wanted it in a milder form.¹²⁷ The Sydney Morning Herald commented on the frequency with which violent anti-Chinese sentiments had been expressed in the elections.¹²⁸

Throughout the discussion from 1858 to 1860 four questions had been particularly important. The first was whether the Chinese would or could assimilate into colonial society. The Herald had argued they could, and in April 1858 had cited as proof the example of Henry Leau Appa, a Chinese merchant from Melbourne then visiting Sydney, who was

125. S.M.H., 6 December 1860.

126. S.M.H., 12 December 1860.

127. S.M.H., 27 November to 18 December 1860.

128. S.M.H., 19 December 1860.

naturalised, educated, spoke English, and knew Christianity.¹²⁹

The Empire had disagreed, insisting that Chinese could never amalgamate, and that the presence of a degraded class in any community was destructive to the liberties of that community.¹³⁰

Daniel Deniehy in the Assembly in October 1860 had argued in a similar vein: "...whenever there was present any degraded caste...it was prejudicial to liberty and social development ...it was impossible for that equality of all in public opinion to exist as in the mother country".¹³¹ The argument remained fairly theoretical, for as yet the colony had not experienced Chinese in great numbers, or for very long.

A second important question was that of whether the Chinese threatened their British nationality. Opponents of restrictive legislation tended to see this as purely a question of numbers, while supporters saw any Chinese as a danger, and also stressed that the probability of Chinese coming in large numbers was very great. The question of

129. S.M.H., 1 April 1858.

130. Empire, 10 April 1858. See also Empire, 23 July 1857.

131. S.M.H., 3 October 1860; see also speech by Lucas in the same debate; see also Australian Banner, 1 August 1857.

national character had been mentioned again and again.¹³² The Sydney Dispatch, for example, had defended the Bill of 1858 against those who described its exclusive character as "unEnglish" with the argument that it was "thoroughly English and eminently conservative, inasmuch as it aims at maintaining the British character of the colony".¹³³ The Empire had spoken of "the duty of guarding our nationality from annihilation".¹³⁴

Equally important was the third question, that of racial purity, of defending the people of the colony from a degradation of their "Anglo-Saxon" or "European" race.¹³⁵ The Bathurst Free Press had emphasised their racial character described variously as "Anglo-Saxon", "European", or "Caucasian", even more than their nationality as British.¹³⁶ In response to those who argued that to be consistent they ought to impose a tax on French and Germans as well, it

132. See speeches of Martin, and Smith in L.A. debates, reported S.M.H., 21 May 1858; of Macarthur, in L.A. debate, reported S.M.H., 19 June 1858; of J.D. Lang in L.A. debate, reported S.M.H., 3 and 20 October 1860; see also Empire, 17 June 1858.

133. Sydney Dispatch, 3 July 1858.

134. Empire, 10 April 1858.

135. See, as examples, speeches of Martin and Smith in L.A. debate, reported S.M.H., 21 May 1858.

136. B.F.P., 24 June and 1 July 1857, 27 February 1858.

exclaimed: "What ! No difference between Caucasian and Mongolian?"¹³⁷ One letter to the Empire had asked: "We who are the soul and chivalry of the Anglo-Saxon race with its Norman spirit, who are the founders of a new empire and so accountable to prosperity, why should be suffer Asiatics?"¹³⁸ The Sydney Morning Herald had expressed surprise at the racial consciousness exhibited in the petitions from the Meroo and Rocky River goldfields; they revealed, it said, that amongst diggers a "pride of birth and social superiority comes out as strongly as ever it does among dukes and lords".¹³⁹ Lucas, in presenting his Bill, had argued that, apart from the Chinese danger to wages, the question was one of "the pollution of the pure Anglo-Saxon blood...by allowing its admixture with this degraded race".¹⁴⁰ In that same debate, Deniehy had feared the effects of "the infusion of a barbarian element into our population". In response to this debate a letter signed "New South Wales" in the Sydney Morning Herald attacked Lucas for his emphasis on the "purity" of blood or race.¹⁴¹

137. B.F.P., 26 June 1858.

138. Letter signed GRMT, Empire, 29 June 1858.

139. S.M.H., 2 September 1858.

140. Debate reported in S.M.H., 3 October 1860.

141. S.M.H., 16 October 1860.

This, the letter argued, was not a meaningful concept, for "superiority" depended as much on environment as on "race". Few, however, agreed with this argument, and purity of race continued to be a matter of some concern.

The fourth matter of major concern in the debates between 1858 and 1860 had been the problem of Chinese "immorality", and the threat that the Chinese would demoralise as well as racially degrade the European colonists. Opponents of restrictive legislation had argued that there was no proof that the Chinese were immoral; although not usually seen as morally equal to Europeans, Chinese were by this group regarded as "inoffensive" and well-behaved.¹⁴² Yet for the supporters of restriction the question of Chinese immorality required no immediate proof; it was simply an undeniable fact, a necessary product of their racial inferiority and their "heathenism". As one letter writer to the Empire had said, Chinese morals were "frightful", and unchangeable: "Their heathenish doctrine is innate in them. It mixes with their very vitals, and so has become part and parcel of their nature".¹⁴³ The Chinese, said the Empire in June 1858, were

142. See speeches by Forster, Owen, Hay, Dickson, in L.A. debate reported in S.M.H., 21 May 1858; speech by Blake in L.A. debate, S.M.H., 3 October 1860.

143. Empire, 29 June 1858.

"lower in the scale of morals" even than the convicts had been, in their own country exhibiting such vices as infanticide, suicide, perjury, fraud, theft, and having little regard for life.¹⁴⁴ Such immorality, many agreed, must inevitably harm the colonists, especially the working classes, and the European women with whom they might attempt to mix. As Flood summarised it, their presence necessarily had "a degrading and demoralising effect".¹⁴⁵

This was the situation, then, just prior to the violent clashes between Chinese and European diggers at Lambing Flat in January 1861. Up to this point little pressure had been forthcoming from the goldfields for a Bill to restrict Chinese immigration. The main concern had been expressed by certain liberal politicians and newspapers, and the argument had, as in the earlier indentured labour debate, centred around the issues of the moral, social, national, and racial effects of an "alien" and "degraded" race on British colonial society. Without the clear "proof" from those in contact

144. Empire, 22 June 1858.

145. In L.A. debate, reported in S.M.H., 21 May 1858. For other examples see B.F.P., 27 February 1858; Bell's Life in Sydney, 6 March 1858; Weekly Times, 13 February 1858; speeches by Thornton ("a moral scab in the midst of the social flock") in S.M.H., 21 May 1858 and Lucas in L.A. debate, S.M.H., 3 October 1860.

with the Chinese that the latter were a disruptive or demoralising social force, the anti-Chinese argument had tended to be too theoretical, and too future oriented, to be politically effective. The necessary "proof" and the consequent provision of a sense of urgency, was provided by the Lambing Flat riots in 1861.

CHAPTER FIVE

THE LAMBING FLAT RIOTS AND THE RESTRICTION OF CHINESE IMMIGRATION, 1861

Towards the end of 1861 the New South Wales legislature passed a Chinese Immigration Act, which set out to limit Chinese immigration to New South Wales. The single most important stimulus for action by the Ministry and for the acquiescence of the Legislative Council was the occurrence of the Lambing Flat riots in January and June of that year. These riots hastened the formation of an anti-Chinese consensus in New South Wales, and adherence to the exclusionist solution to difficulties posed by Chinese immigration. The prediction of one writer made the previous year - that "the [first] large, paying goldfield discovered in this colony will be the battlefield and the grave of the Chinese question" - had for a time at least, come true.¹ In general, the riots played an important part in the development of a racist ethic in Australian culture and politics.

The importance of their role in these developments is now generally superficially recognised. An editorial in the

1. Letter from J.H. West to Empire, 24 February 1860.

National Times on 28 June 1971, for example, stated:

"Australia's racist history is inseparable from the great moments of her history - it was born when the Aborigines were dispossessed and exterminated, it was confirmed when the Chinese were massacred at Lambing Flat, it was enshrined as the cardinal policy of the Labor Movement in the 1890's.... It is part of our legend". There is, moreover, now a body of historical writing on the riots, outlining the sequence of events and arguing for their significance in Australian history. Twentieth century historical interest in the riots began with T.A.Coghlan's Labour and Industry in Australia in 1918, and was intensified from the mid-'fifties as a result of the rise in interest in "racial prejudice" from that time.² After Coghlan's account, the riot was discussed very briefly by a number of historians, including Myra Willard (1923), Russel Ward (1958), Manning Clark (1963) and Humphrey McQueen (1970).³ A more detailed account was given by William Bayley in 1956, and the most detailed accounts by

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2. T.A. Coghlan, Labour and Industry in Australia (London 1918), vol. II, pp. 777-781.
 3. Willard, op.cit., pp. 32-3; Russel Ward, The Australian Legend (Melbourne 1966, first printed 1958), p. 131; Manning Clark, A Short History of Australia (Sydney 1963), pp. 125-6; McQueen, A New Britannia, p. 45.

D.L. Carrington in 1960 and P.A. Selth in 1971.⁴ Other recent discussions of the riots are by R.B. Walker (1970) and C.A. Price (1969).⁵

Willard and Ward account for the riots in terms of "jealousy", and, more fundamentally, the defence of cultural and economic standards. The other accounts, including the more detailed ones of Bayley, Carrington, and Selth, fall within the ambit of the school stressing the function of racial prejudice in the opposition to the Chinese. The argument of this chapter is that the riots involved both the defence of cultural norms, and the assumption of the racial inferiority of the Chinese, and that racial dislike and fear of the effects of the Chinese on colonial life led in this period to major violence only under conditions of competition for an increasingly scarce economic resource. The assumption by some historians that the "economic and cultural" and

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4. Bayley, op.cit., pp. 22-33; D.L. Carrington, "Riots at Lambing Flat, 1860-1861", R.A.H.S.J. & P., vol. 46, pt. 4 (October 1960), pp. 223-243; P.A. Selth, The Government, the Chinese, and the Europeans at the Burrangong Goldfields, 1860-61 (B.A. Hons thesis, A.N.U. 1971). Selth's account is very detailed, drawing on many of the same sources as used here. I would like to acknowledge my debt to his work, and my gratitude for his permission to read his thesis.
 5. R.B. Walker, "Another Look at the Lambing Flat Riots, 1860-1861", R.H.A.S.J. & P., vol. 56, pt. 3 (September 1970), pp. 193-205; C.A. Price, loc.cit., pp. 36-39.

"racial prejudice" explanations of such riots are mutually exclusive is ill-founded and unnecessary, for racial dislike both lay at the basis of many of the cultural and economic fears, and was further intensified by them.]

The effects of the riots were the passing of the first New South Wales restriction act, and the implanting of a lasting conviction that Chinese and Europeans could not co-exist. So conclusive a proof of this last were the riots felt to be that years later, even after a sixteen year period of relatively harmonious co-existence, the riots were cited as proof that such co-existence was impossible.⁶ Such an interpretation of the historical significance of the riots does not depart from existing historical opinion, as expressed by Coghlan, Bayley, Carrington, Walker, and Selth. What this chapter contributes to the historical discussion of the Lambing Flat riots is a more precise discussion of the relation between the riots on the one hand, and public opinion and legislative action on the other. Miner agitation is seen generally not as having created liberal and parliamentary concern, but as having provided the immediate stimulus and proof of disruption which that concern required if it were to

6. Speech by Angus Cameron in L.A., 30 April 1878, reported in S.M.H., 1 May 1878.

effect restrictive legislation.

The goldfield at Lambing Flat was, apart from the abortive rush to Kiandra, the first substantial goldfield discovered in New South Wales for some years, and perhaps the most numerously attended of them all. Some quartz reefs were later discovered, but throughout 1860 and 1861 the digging at the Flat was mainly for alluvial gold. The area it covered was large, consisting of a number of separate digging areas, including Chance Gully, Stoney Creek, Spring Creek, and the Wombat.⁷ It was, as many said, a "poor man's goldfield", able to sustain a large number of diggers, but not the making of fortunes.

By the time the goldfield was proclaimed on 27 November 1860, anti-Chinese feeling was already apparent, the Yass Courier commenting on 21 November that the Chinese "are exceedingly unpopular on this goldfield".⁸ All the conditions for antagonism were present. For both Europeans and Chinese

7. Griffin, G.C. to Sec. Lands, 1 November 1860, Lands I.L. no. 60/5781 (A.O. 3618). Note that after 27 November the goldfield was formally known as the "Burrangong Goldfield", but the earlier name of Lambing Flat continued to be used by many interchangeably with Burrangong. I have used the technically incorrect term "Lambing Flat" to refer to the whole goldfield, in keeping with the historical tenacity of the term.

8. Yass Courier, 21 November 1860.

the last few years of mining had been disappointing, and to both Lambing Flat presented new hope. Both groups flocked to the goldfield in large numbers, and to Europeans it seemed that the presence of the Chinese on this goldfield, on which many of them now relied so heavily, was a danger to their livelihood. There was also a shortage of water, with all the conflicts that always brought, and the shortage, as Commissioner Griffin who visited the goldfield in November recognised, would become more serious as the summer progressed.⁹

Violent clashes between Europeans and Chinese occurred in November and December 1860.¹⁰ Europeans were, however, unsuccessful in driving and keeping the Chinese away, those Chinese who were temporarily driven off always returning.¹¹ Throughout January 1861 the exodus of both Chinese and European diggers to Lambing Flat, from goldfields all over Victoria and New South Wales continued,¹² the number of miners there by the end of the month reaching a figure variously

9. Griffin, G.C. to Sec. Lands, 1 November 1860, loc.cit.

10. Yass Courier, 3, 17, 21, 24 November, 5 and 12 December 1860; Carrington, loc.cit., p. 229.

11. Yass Courier, 2 January 1861.

12. B.F.P., 12 and 23 January 1861; Yass Courier, 23 January 1861.

estimated as between 9,000 and 15,000.¹³ Rumours spread amongst the European diggers that the Chinese intended to assemble, armed, to withstand any European attack and to claim Lambing Flat as a Chinese goldfield.¹⁴ Late in January several Europeans called a mass meeting to discuss and resolve the issue.¹⁵

On the afternoon of 27 January 1861, about 1500 miners and traders from various parts of the diggings assembled at the Lambing Flat township, many armed with sticks and obviously seeing the meeting as a prelude to action.¹⁶ The chairman, Charles Allen, a prominent storekeeper, defined the purpose of the meeting as one of deciding whether Burrangong (Lambing Flat) was to be a European goldfield or a Chinese territory.¹⁷ A second speaker, Stewart, warned that thousands of Chinese were on their way to Lambing Flat, and asked the meeting: "Shall we as men and British subjects stand tamely and allow

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13. See Braidwood Observer, 2 February 1861 and B.F.P., 26 January 1861.
 14. Yass Courier, 23 January 1861.
 15. Yass Courier, 2 February 1861; B.F.P., 2 February 1861 (extract from a copy of the "Prologue" to the Miner, the newspaper on Lambing Flat which began publication on 2 February 1861).
 16. B.F.P., 2 February 1861.
 17. Yass Courier, 2 February 1861.

the bread to be plucked from the mouths of ourselves, our wives, and children by those pig-tailed moonfaced barbarians...?"¹⁸

As there was no Government protection from the Chinese, he said, they would have to protect themselves. In his speech he referred to the Chinese as "monkeys" and gave considerable emphasis to the difficulty of bringing the Chinese within the jurisdiction of the courts, because of their inability to swear acceptable oaths. He concluded on a rousing note: "Let us assert our rights before God and man - in the clear face of day - like free-born Britons - and prevent ourselves from being trampled to the dust like dogs".¹⁹ The meeting agreed that the Chinese had to be driven away, and a debate followed over whether the "Johns" should be given time to clear out of their own accord. The speakers, however, could not be heard because of the excitement generated when the majority decided on instant action. Before the debate could be resolved the band led off to the Chinese encampment at Little Spring Creek.²⁰

The Chinese had, meanwhile, heard of the impending rout and begun packing and leaving. Carrying their belongings

18. B.F.P., 2 February 1861.

19. Ibid.

20. Empire, 4 February 1861.

they hurried before the attacking party.²¹ Europeans lined the creek bed along which they fled, shouting and intimidating, the band playing the whole time. The Chinese were forcibly evacuated from Blackguard Gully in the same way, physical violence rendered unnecessary by the Chinese lack of resistance. A tent or two was burned. Altogether that day about 1500 Chinese were forced off.²² They fled to other goldfields, and to various places of between six and eight miles from the diggings.²³ Here they waited, and although some seemed frightened they were anxious in general to return to Lambing Flat.²⁴

Commissioner Dickson was powerless to interfere. Once the forcible evacuation of the Chinese was completed, however, he did take prisoner of a drunken European who had "galloped over" two or three Chinese who had remained behind to gather their belongings.²⁵ The European diggers, whose numbers

21. B.F.P., 2 February 1861.

22. S.M.H., 30 January 1861. The B.F.P., on 2 February 1861 said 2 - 3000 were driven off, but this appears to be exaggerated.

23. Braidwood Observer, 9 February 1861; B.F.P., 6 February 1861; Yass Courier, 13 February 1861.

24. B.F.P., 6 and 9 February 1861; Yass Courier, 13 February 1861.

25. Braidwood Observer, 6 February 1861.

had risen during the afternoon to about 4000, went to Dickson's quarters and insisted on the man's release.²⁶ Dickson yielded and released the man on bail, finally discharging him with a reprimand the following day.²⁷

The miners, who had thus far achieved their purpose, and who were to gain extraordinary publicity for, and interest in, their cause, returned to mining. The most active formed a Miners' Protective League. This League was to become the cause for consternation of all those who feared the destruction of law and order. It was to be identified with conspiracy and evil, and many later attacks on events at Lambing Flat attacked the League rather than the miners as a whole. It held its first meeting on 31 January, when about 80 miners and storekeepers attended.²⁸ This was not quite the mass movement of four days earlier - and its smaller numbers coincided with the expression of a broader range of aims. Stewart spoke, defending the League in general terms, and insisting on the necessity for the union of all miners who, he felt, had similar interests on a wide range of issues. They were neglected and despised, even though they were "the prop,

26. Ibid.; Yass Courier, 2 February 1861.

27. Yass Courier, 2 February 1861.

28. Miner, 2 February 1861.

the stay of the colony". Clearly the League hoped to see the anti-Chinese agitation as a prelude to the expression of other grievances.

Commissioner Dickson had gone to Yass to get reinforcements.²⁹ On 2 February, Captain Zouch, Superintendent of the Southern Mounted Patrol, and fifteen police, arrived at the Flat.³⁰ The Chief Commissioner of the Southern Goldfields, Cloete, also arrived, to take over from Dickson.³¹ Cloete's instructions from Robertson, the Secretary for Lands, were to protect the Chinese: "The law must be upheld - the Chinese must have the same justice and protection extended to them as other people..."³² Cloete was not eager to carry out these instructions,³³ and asked Robertson in a telegram whether it would suffice to reinstate the Chinese only on the

29. B.F.P., 2 February 1861.

30. Memo attached to telegram from Cloete, G.C. to Sec. Lands, 30 January 1861, Lands I.L. unnumbered, encl. with no. 61/1964 (A.O. 3626).

31. Apparent from Cloete to Sec. Lands, 4 February 1861, Lands I.L., 2 unnumbered telegrams, encl. with no. 61/1964 (A.O. 3626).

32. Memo attached to telegram from Cloete to Sec. Lands, 30 January 1861, loc.cit.

33. Telegram from Cloete to Sec. Lands, 30 January 1861, loc.cit.

old diggings.³⁴ Robertson replied that the law must be upheld, though Cloete would not be obliged actually to encourage the Chinese to return to their former areas.³⁵ Cloete advised a League deputation, which visited him on 3 February, to petition the legislature for a redress of their grievances.³⁶ The League took his advice and circulated a petition demanding Government protection from the Chinese. On 7 February Cloete forwarded the petition, with 3,394 signatures, to Robertson, and said that he would do nothing to resettle the Chinese "until the Government settle the petition matter".³⁷

Robertson presented the Lambing Flat petition to the Assembly on 12 February, but it caused no interest or debate, and was not printed.³⁸ This total lack of interest by the Assembly in a petition, the outcome of which the whole community

34. Cloete, G.C. to Sec. Lands, 4 February 1861, Lands I.L. unnumbered telegram, encl. with no. 61/1964 (A.O. 3626).

35. Memo attached to telegram from Cloete to Sec. Lands, 4 February 1861, loc.cit.

36. Miner, 6 February 1861; Braidwood Observer, 13 February 1861; Selth, op.cit., p. 11.

37. Cloete to Sec. Lands, 7 and 8 February 1861, Lands I.L. unnumbered telegrams encl. with no. 61/1964 (A.O. 3626); Miner, 6 February 1861.

38. Entry for 12 February 1861, V. & P.N.S.W.L.A., 1861, vol. 1; S.M.H., 13 February 1861.

at Lambing Flat, including the Chinese, the Commissioner, and the police, breathlessly awaited, seems surprising.³⁹ The more anti-Chinese members in the Assembly had, however, gained an assurance four days before that Lucas's Bill would again be debated, and the Ministry was not particularly anxious to yield, or appear to yield, to pressure from Lambing Flat in its attempts to solve the "Chinese difficulty".⁴⁰

In the Miner, the newspaper on Lambing Flat, two letters appeared debating the issue of whether the miners had been justified in driving the Chinese away. These letters revealed two opposing styles of politics, and two different conceptions of how political change occurred. In them the belief that dissent must remain "constitutional" opposed a more pragmatic notion of what was likely to solve immediate problems and change government attitudes. Each accepted democracy, but each had different notions of how political change should be effected between elections. One letter, signed "AMZ", argued that the Chinese deserved protection under British law, that the destruction of property and the preventing of the Chinese from working was unEnglish, and that any change should be sought by petition.⁴¹ Charles Allen replied that

39. Selth, op.cit., p.11; Cloete to Sec. Lands, 7 and 8 February 1861, loc.cit.

40. S.M.H., 9 February 1861.

41. Miner, 9 February 1861.

petitions never changed anything, that American independence had not been won through petition, that the grievance had had to be removed immediately, and that the miners had "an excellent species of protest".⁴²

The situation at the Flat remained tense. Gradually, the Chinese began returning, and by 16 February some had taken up their former areas and 2000 more were camped a small distance away, obviously indignant about their treatment and eager to return.⁴³ In response, the League called several meetings, all orderly, at the diggings on 16 February.⁴⁴ These meetings saw the growth of support for the League, and the reiteration by League speakers that they ought to be concerned not only with the Chinese problem, but also with other problems facing the diggers. The unity of purpose of the preceding weeks had revived radical hopes.

At Stoney Creek there was a meeting of 700-800 Europeans, chaired by James Torpy, an Irishman who had been a digger for several years but was now a hotelkeeper.⁴⁵

42. Miner, 13 February 1861.

43. Miner, 16 February 1861.

44. Cloete to Sec. Lands, 18 February 1861 Lands I.L., unnumbered telegram, encl. with no. 61/1964 (A.O.3626).

45. Miner, 20 February 1861.

Stewart spoke, saying that the Chinese were objectionable, and had no right to be on the goldfields at all. He defended the "roll up" as a political method, seeing it, in their present situation, as the only means of achieving justice. The "roll up", however, must be accompanied by strong organisation through a body such as the League, since "if not physical, we must at least use moral force". Issues other than the presence of the Chinese, he said, should also concern the League and the miners.

Spicer gave a virulently anti-Chinese speech. The Chinese were, he said, present in vast numbers, squeezed the Europeans out, wasted water, and could not be witnesses in the courts. He pointed out that nobody of their assembled motley group liked the Chinese, and a voice in the crowd cried out: "Not even the blackfellow likes them". He emphasised that Zouch and Cloete had tried to be on the side of the miners. One hundred new members joined the League at the end of the meeting, and the writer of the only opposition expressed in the town so far, the man who had written the letter signed "AMZ", came forward to state that he now joined the anti-Chinese cause.

A second meeting attracting about 500 people was held at Spring Creek.⁴⁶ Here the League attempt to develop a

46. Ibid.

wider political programme was even more evident. Charles Allen said the League was concerned not only with the Chinese question but also with the "wholesale neglect and misrule which affects the miner and the mining interest". He saw the League as springing up everywhere throughout the goldfields, and beyond that to "every working man in Australia". "Labour shall have its due weight in our parliament...being the only wealth of any country, it must and it shall have its corresponding power". He listed the basic issues as the Chinese, lack of police protection, postal communication, representation, choice of own commissioners, gold duty, and mutual aid for the sick. Other speakers also presented the issue as a "class" question. Fitz argued that Wentworth's coolies, Towns's Chinese, and the goldseeking Chinese were all in the interests of squatters, merchants, and shippers. The anti-Chinese and anti-squatter movements were, he thought, one. Harrison said the Chinese had been introduced as cheap labour to degrade the working man. Their coming meant unemployment, and squeezing Europeans off the diggings, through their liberal use of water, their ignorance of the law, and their peculiar manners and customs.

The position of the League at the Flat was a peculiar one. While it was undoubtedly popular, and had assumed leadership of the anti-Chinese movement among the diggers,

its calls for a movement based on a wide range of issues were unsuccessful. It represented a radicalism born of the pre-goldrush era, couched in terms of opposition to the squatters, and to "cheap labour", which were not very relevant to the individualistic miners. To such miners the Chinese issue did not invoke other issues because the Chinese were seen not so much as cheap labour or tools of the squatters as an alien, inferior, and despised people whose use of the goldfields meant there was less gold available for the European miner. Nor, at Lambing Flat itself, was the movement confined to the miners, or to "labour". Some of the leading anti-Chinese spokesmen were storekeepers, and Cloete commented to Robertson on 18 February: "The feeling against the Chinese [is] not confined to the common classes but [is] equally strong amongst the more respectable persons".⁴⁷

Then, on 18 February, a group of returning Chinese were attacked.⁴⁸ Two Europeans crossed Blackguard Gully to the Chinese camp, the 50 or 60 Chinese rushed them, the Europeans began a cry of "Roll Up", and a fight, in which sticks, boulders, tufts of grass, and fists were used, ensued.

47. Cloete to Sec. Lands, 18 February 1861, loc.cit.

48. Miner, 20 February 1861. See also B.F.P., 20 and 22 February 1861.

Some tents were burnt, and the Chinese driven off. This time, with the extra police available, Zouch, Cloete, Dickson, and seven police went to Blackguard Gully and arrested fifteen Europeans. A crowd of 4-5,000 then gathered around the police camp and demanded their release. The prisoners were released on bail at sundown. The next morning Zouch and Cloete held a hearing against the accused. Chinese witnesses were called, and sworn in, as was usual, by breaking a plate or by blowing out a candle. Cloete, frightened by the generally violent atmosphere, dismissed the charges against the fifteen men on the grounds of insufficient evidence.⁴⁹ That day more Chinese were attacked and a cartload of their goods burnt in the town. All Chinese servants in the town had been driven away.⁵⁰ At Wombat, Chinese were attacked, and their pigtails cut off and fastened onto long poles. After these attacks many Chinese again struck camp at Roberts's sheep station at Currawang, panic stricken by the skirmishes and meetings.⁵¹

Cloete on 19 February sent an account of the whole

49. Cloete to Sec. Lands, 19 February 1861, Lands I.L. unnumbered telegram, encl. with no. 61/1964 (A.O.3626).

50. S.M.H., 26 February 1861.

51. Miner, 20 February 1861.

affair to Robertson, and argued that two companies of soldiers would be necessary if the Chinese were to stay on the Flat.⁵² He feared the gatherings of diggers in the town which were increasingly frequent, and several days later expressed a fear particularly of the meetings of the League. The League, he said, would be "likely to arrogate other powers to itself and backed at the moment as we saw by 5,000 diggers, might become dangerous and attempt intimidation in other places".⁵³ On the same day, Zouch telegraphed the Inspector General of Police, requesting 300 troops and 100 police, if the re-instatement policy were to be enforced.⁵⁴ Official attempts to arrest and convict offenders had so far proved a farce, without a sufficient police force to sustain them

The Executive Council met on 25 February to consider the situation.⁵⁵ It agreed to send all available forces to Lambing Flat, as well as a Special Commissioner of high rank to investigate the situation. On 25 February 165 troopers 9 officers, and 42 police were sent from Sydney, and 25 police

52. Cloete to Sec. Lands, 19 February 1861, loc.cit.

53. Cloete to Sec. Lands, 22 February 1861, Lands I.L. unnumbered telegram, encl. with no. 61/1964 (A.O. 3626).

54. Meeting of Exec. Council, 25 February 1861, Exec. Council Minute bk, minute no. 61/9H (A.O. 4/1540).

55. Ibid.

ordered to leave Kiandra for Lambing Flat,⁵⁶ and on 27 February it was announced that Cowper would be the investigating Special Commissioner, to leave for Lambing Flat that day.⁵⁷ On 26 February the first direct Chinese immigrants to New South Wales for 1861 arrived in Sydney from Hong Kong.⁵⁸

Reaction to the riot of 27 January and to the meetings and disturbances of 16, 18, and 19 February, as expressed in newspaper editorials and letters printed in newspapers, was centred around two problems - first, whether the miners were justified in objecting to the Chinese, and second, whether they should have asserted their view of the matter in the way they did. The Sydney Morning Herald and the Maitland Ensign argued strongly that the objection to the Chinese was the product of "stupid prejudice" since the Chinese, described by the Ensign as "although heathens, a civilised race", posed no threat to the European diggers.⁵⁹ Most papers, however, thought the digger hostility to the Chinese was justified. A letter writer to the Bathurst Times thought miner opposition to the Chinese, based as it was on "prejudice", was natural

56. See speech by Cowper in L.A., reported S.M.H., 27 February 1861.

57. L.A., S.M.H., 28 February 1861.

58. Report of Immigration Agent, V. & P.N.S.W.L.A., 1863-4, vol. 2, p. 1142.

59. S.M.H., 31 January 1861; Maitland Ensign, 2 February 1861.

understandable, and praiseworthy.⁶⁰ The Maitland Mercury thought the Chinese were an irritation to European miners, through their "clannish proceedings", their refusal to report their finds to Europeans, and their keeping together in large groups.⁶¹ It advocated special laws for Chinese diggers to prevent future collision.

The Empire was concerned that the Chinese could not be assimilated, and that the Europeans were in danger of being swamped by an inferior race.⁶² The Yass Courier in the same vein described the issue as one of "civilisation and its free institutions", as the Chinese had now proved themselves "unfit to be welded in as a link in the chain of British society".⁶³ The Goulburn Herald agreed that the Chinese must be excluded since they could be accepted neither as equals nor inferiors - they were simply not equals and could never be assimilated, and accepting them as inferiors would "form the basis of a system of semi-slavery most injurious to the country and to the people".⁶⁴ "The eye alone", it said,

60. Bathurst Times, 9 February 1861.

61. Maitland Mercury, 14 February 1861.

62. Empire, 14 February 1861.

63. Yass Courier, 23 February 1861.

64. Gouldburn Herald, 27 February 1861.

"declares the Caucasian to be physically and mentally superior to the Mongolian". All these arguments had been heard before; they were now argued by more papers and with greater force.

The second question was whether the miners had used proper methods to express their grievances. The Sydney Morning Herald thought the January riot was the product of political agitators and the democratic spirit,⁶⁵ illustrating both the faults of liberal democracy as represented by the Cowper government, and "the brutal temper which prevails among the migratory bands of diggers".⁶⁶ After the mid-February disturbances it changed its argument a little, and now saw that a democratic political system, rather than being associated with riots and mob rule, could be seen as a means of opposing violent or illegal means of dissent. The miners, it said, would alienate public support from their cause, and, in any case, "when we have popular institutions, no-one advocates irregular action". It blamed the disturbances on "a turbulent minority".⁶⁷

Those who sympathised with the miners' opposition to the Chinese, and advocated immediate legislation to restrict

65. S.M.H., 31 January 1861.

66. S.M.H., 11 February 1861.

67. S.M.H., 21 February 1861.

Chinese immigration, also opposed the miners' use of violence.

The Empire feared a growth in violence if the Chinese were not removed, and thought the miners should have expressed their opposition to the Chinese by constitutional means.⁶⁸

"Ultimately", it said, "the only guarantee for individual liberty is the due observance of laws". It later opposed those miners who "armed themselves against the safeguards of society".⁶⁹ The Bathurst Free Press thought the mid-February

disturbances revealed an increased intention to injure, and that more police must be sent to Lambing Flat,⁷⁰ and the

Braidwood Observer agreed with the Herald that the meetings had been inspired by "dangerous demagogues".⁷¹ All newspapers advocated action of some kind to suppress the violence, and most, apart from the Herald and the Maitland Ensign, argued that the only ultimately effective action was the exclusion of the Chinese.⁷²

Cowper arrived at Lambing Flat on 2 March to find thousands of Chinese waiting just outside it. He was immediately

68. Empire, 8 February 1861.

69. Empire, 21 February 1861.

70. B.F.P., 19 February 1861.

71. Braidwood Observer, 27 February 1861.

72. See Goulburn Herald, 6 and 27 February 1861; Empire 8 and 14 February 1861; Yass Courier, 23 February 1861.

confronted with a League manifesto, which he found "stuck to every gum tree".⁷³ This manifesto listed both economic and non-economic grievances against the Chinese.⁷⁴ Their use of the goldfield was described as a threat to the livelihood of the European miners, whose dependence on Lambing Flat, now that the old goldfields had been exhausted, was very pressing. Chinese took up areas abandoned by Europeans, which meant Europeans could not return to those areas if necessary, and, moreover, wasted water and polluted domestic water. The Chinese, the manifesto said, were "a hostile race, whose habits and customs are repugnant to all civilised men, and who are tainted with a terrible and dangerous disease" (meaning leprosy). The manifesto stressed the necessity for "a clear plan of action", "some decided course". It then generalised to other issues - postal communications, police, land ("our public lands are locked up in such a way that no poor man can buy it"), and religion, and concluded on the note that the labouring classes should be united into "one grand harmonious confederation". It defined its membership as "men of all nations, except Chinamen", and called finally for "equality, fraternity and glorious liberty" and the advancement

73. Miner, 6 March 1861.

74. Ibid.

of the race. Here was the key to an outlook which was at once egalitarian and racially exclusive. Equality was only to be extended to those who could live harmoniously together, to those whose interests were in common. Equality depended on civilisation, on shared aspirations and assumptions.

Cowper addressed the diggers at Stoney Creek on Tuesday 5 March.⁷⁵ It was a large meeting, and revealed no abatement of anti-Chinese feeling. Cowper told the diggers that their "complaints will be considered", and that the Chinese were undoubtedly "pests and nuisances". He insisted, however, that the diggers not take the law into their own hands, and that until the law was changed it would have to be upheld and the Chinese reinstated. He then went through the League manifesto point by point - the diggers, he said, had not been neglected, and extra police protection was arriving.

Cowper himself seems to have been worried by the strength of anti-Chinese feeling, and the contempt for the law it produced. He wrote to Robertson, "I am acting rather stiffly", and "I admit the aspect of affairs makes me anxious".⁷⁶

75. Ibid. ; see also Col. Sec. to Sec. Lands, 7 March 1861, Lands I.L., unnumbered telegram, encl. with no. 61/1964 (A.O. 3626).

76. Col. Sec. to Sec. Lands, 6 March 1861, unnumbered telegram, encl. with no. 61/1964 (A.O. 3626).

Confidentially, he wrote in a second letter, he thought the presence of the Chinese when there was a scarcity of water posed severe problems, and he really thought the Chinese ought to be kept off.⁷⁷ If the task of re-establishing the authority of the Government and discrediting the League had not existed, he wrote, it would be far simpler to keep the Chinese off. He pressed Robertson for his opinion, and appeared undecided what to do.⁷⁸ Robertson's telegraphed reply enclosed a copy of a letter from Commissioner McLean at Bathurst which suggested that segregation of Chinese and Europeans would help prevent collisions.⁷⁹ McLean thought most of the European complaints against the Chinese were not justified, based really on "simple antipathy", but agreed that the Chinese posed problems through language difficulties and their lavish use of water.

Armed with this suggestion, Cowper spoke to 2000-2500 miners at Spring Creek on 9 March.⁸⁰ His address was preceded

77. Col. Sec. to Sec. Lands, 7 March 1861, loc.cit.

78. Ibid.

79. Col. Sec. to Sec. Lands, 8 March 1861, Lands I.L. unnumbered telegram, encl. with no. 61/1964 (A.O. 3626).

80. Col. Sec. to Sec. Lands, 11 March 1861, Lands I.L. unnumbered telegram, encl. with 61/1964 (A.O. 3626); Miner, 13 March 1861.

by speeches from League leaders. Stewart introduced Cowper in a laudatory fashion, describing him as "the best friend to the working classes as a legislator of the colony". Stewart then outlined their objections to the Chinese - they never discovered new fields, worked for bosses, used up old holes, would not reason, and did not let their finds be known to Europeans. He attacked them also for their lack of females and expressed fears of the possibility of miscegenation. The Chinese, in short, were uncivilised. Miners, he warned Cowper, would "never tolerate the companionship of Chinamen". Torpy also warmly welcomed Cowper as the leader of a "great, liberal, progressive government", and begged him to keep the Chinese off Lambing Flat. The field was in danger from the scarcity of water, and, he said, it must be saved as it was the first big goldfield for some time. Spicer did not so much request as demand that Cowper keep the Chinese off - if he did not, he threatened, the miners could not be good loyal subjects.

Cowper's reply was an ambiguous one. He admitted the diggers had some grievances, but admonished them for exaggerating their extent. He told them they should petition the Government rather than take the law into their own hands, a suggestion which was met with loud expressions of dissatisfaction and cries that they had already petitioned. Cowper then pointed out that Chinese had never worked in the

same areas as Europeans, but mainly at Blackguard Gully, where they would soon be reinstated. This announcement, refusing as it did the request of the League speakers, caused such an uproar and confusion that Cowper was unable to finish his speech. But Torpy concluded the meeting by moving support for the liberal Government and confidence in Cowper's ability to solve the Chinese problem. The motion was carried unanimously, indicating the exertion of pressure on Cowper to carry out what the miners believed he was willing and able to do.

Cowper had played a difficult game. On the one hand he had successfully, if temporarily, gained digger confidence through his anti-Chinese statements, leading most to believe that he could and would solve their problem. On the other, his policy that the Chinese would be reinstated at Blackguard Gully was intensely disliked. Cowper himself was confident of the success of his visit, in that he had apparently prevented further outbreaks of miner lawlessness without having refused the legal protection to the Chinese to which they were entitled. He wrote to Robertson and Colonel Kempt that the initiative had been wrested from the diggers and the League and transferred to its proper place, the Government.⁸¹

81. Col. Sec. to Colonel Kempt, 11 March 1861, and Col. Sec. to Sec. Lands, 11 March 1861, both unnumbered telegrams encl. with 61/1964 (A.O. 3626) .

As he saw it, the processes of democracy had been revitalised and restored.

His attempt, however, to placate the diggers and at the same time restore the Chinese to the Lambing Flat gold-fields led to a considerable amount of criticism from all sides. The Sydney Morning Herald regretted his anti-Chinese statements, and the Empire his decision to reinstate the Chinese.⁸² His discrediting of the League, at least amongst observers outside Lambing Flat, was nevertheless fairly successful. The Yass Courier said the League had defied the authority of the state, and had harmed its cause by not confining itself to the Chinese issue, especially as the diggers as a whole were interested only in its anti-Chinese platform.⁸³

While Cowper was attempting to restore order at Lambing Flat, the Assembly had debated the second reading of Lucas's Bill on 8 March.⁸⁴ In moving the Bill, Lucas argued that if passed earlier it would have forestalled the events at Lambing Flat. The only possible outcome of the Chinese presence, he said, was disturbance and expense. Races could only accommodate to one another by becoming tyrants or slaves.

82. S.M.H., 13 March 1861; Empire, 15 March 1861.

83. Yass Courier, 6 March 1861. See also B.F.P., 13 April 1861.

84. S.M.H., 9 March 1861.

In the ensuing debate only O'Brien, a pastoralist, opposed the Bill on the grounds that it was "class legislation", and defended the moral character of the Chinese. Redman was confused, conceding the force of both "the law of nations" and "self defence". Hoskins, formerly a miner, attacked the Chinese in every respect. Parkes stressed the Chinese inability to become assimilated, and their threat to "our very existence as a nation". Buchanan, a working-class member, said the Chinese immigration was harmful to the working classes, and "had originated in some deep-laid scheme of selfishness", the parties who had brought it about having done so "solely for the purpose of paralysing British labour in the colony, so as to enable them to amass large fortunes at the expense of the industry of the working classes". Yet Buchanan's objections were not solely economic, for he also referred to Chinese immorality, and asked whether anyone in the House would "like to see his sister or his daughter married to a Chinaman".

When the debate resumed on 12 March most speakers were again in favour of the Bill.⁸⁵ Love adopted the apocalyptic style popular at Lambing Flat: "The question comes to this - whether this should be in future a Chinese or a British colony".

85. S.M.H., 13 March 1861.

Events at Lambing Flat, he said, had proved that Chinese and Europeans could not mix. When Dickson argued that all men were equal before God, Allen replied that it must be recognised that the Anglo-Saxon race was superior. The search for a proper justification for restricting Chinese entry to the colony was clearly evident. Gray, for example, said that as a general rule they had no right to exclude a particular race "unless it could be shown that there was danger to be feared from the immigration of that race". Robertson thought there was such a danger to the colony, and that in legislating they should be governed primarily by the principle of self defence. Markham opposed any suggestion that the colony was obliged to allow Chinese to enter because Britain was then forcing her way into China. The difference, he argued, lay in the fact that whereas the British took with them into China the virtues of civilisation, and improvements such as railroads, telegraphs, and religion, the Chinese who came to the colony brought only vice, immorality, and loathesome diseases. The arguments for excluding the Chinese in this debate were rather varied, but generally revolved around the twin issues of Chinese immorality and inability to be assimilated. The Bill, which included a clause preventing the Chinese from becoming naturalised, was then passed on 13 April.⁸⁶ The Government had been forced to allow through

86. S.M.H., 14 April 1861.

a Bill which was somewhat untimely (given the continuing struggle over the Land Acts), because of the strength of anti-Chinese feeling in the House, and the sense of urgency created by the events at Lambing Flat.

By the time the Bill reached the Legislative Council on 2 May, however, this sense of urgency had already eased. On 20 March Cowper had reported to the Assembly on the results of his visit to the Flat.⁸⁷ He had, he said, stressed to the miners the necessity to uphold the law, had expressed no opinion on Chinese immigration, and had stressed the protection of the Chinese. He did not mention that he had assured the miners that their complaints would be considered, and that the Government desired action to restrict Chinese immigration. He then assured the Assembly that the Chinese had been reinstated at Lambing Flat.

The process of reinstatement had in fact begun the previous week. The military had arrived on 11 March, making a total of 290 military and police at the Flat, and in the following weeks the Chinese were reinstated at Blackguard Gully, and only at Blackguard Gully, under military and police

87. S.M.H., 21 March 1861.

protection.⁸⁸ By 18 March there were fifty Chinese at the Gully, by 24 March one hundred, and by 30 March six hundred.⁸⁹ Because of the presence of the military, the miners could do little to keep them off, and instead expressed their opposition to the return of the Chinese at a meeting at Spring Creek on 31 March.⁹⁰ The meeting of 3000 European diggers discussed Cowper's report to the Legislative Assembly. Cameron and Torpy accused Cowper of double dealing, of saying one thing at Lambing Flat and another in Sydney. There was some talk of further resistance by force, though other speakers emphasised the need for "moral force", and suggested sending a miners' delegation to Sydney to put their case. Yet nothing came of the meeting, no delegation was sent, and the miners appeared to have been beaten. Tension, however, began to ease when during April and May the Chinese began leaving Blackguard Gully, which was now waterless and yielding little gold, for other goldfields including the Murrumburrah and

88. Miner, 27 March 1861; re numbers of police see Cowper's speech to L.A. reported S.M.H., 27 February 1861; re reinstatement see Cowper's speech to L.A. reported S.M.H., 27 March 1861; Selth, op.cit., p. 18.

89. S.M.H., 23 and 29 March 1861; B.F.P., 30 March 1861; Miner, 27 March 1861; Cloete to Sec. Lands, 1 April 1861, Lands I.L., unnumbered telegram, encl. with no. 61/1964 (A.O. 3626).

90. Miner, 3 April 1861.

Gulf Diggings.⁹¹ Chinese also discovered gold at a new area at Native Dog Creek, and thousands of Chinese left Lambing Flat for the new find.⁹² Europeans at the same time found that Stoney Creek and Spring Creek were giving out, and went either to a new area at Lambing Flat, called the New Rush, or to other goldfields.⁹³ All was now quiet at the Flat, the continued presence of the military guaranteeing the prevention of further collisions.⁹⁴

In this situation, the argument that the exclusion of the Chinese from the colony was necessary to prevent further violence had lost its force. The Legislative Council, in keeping with its attitude in 1858, rejected Lucas's Bill on 2 May.⁹⁵ The Council debate was short and perfunctory, most

91. Yass Courier, 13 April 1861; Cloete, G.C. to Sec. Lands, 6 April, 5 May, and 14 May, Lands I.L., all unnumbered telegrams, encl. with no. 61/1964 (A.O. 3626).

92. B.F.P., 27 April and 1 May 1861; Keightley, G.C., to McLean, G.C., 10 May 1861, Lands I.L., unnumbered, encl. with McLean to Sec. Lands, undated, no. 61/1497 encl. with no. 61/1964 (A.O. 3626).

93. Cloete to Sec. Lands, 5 May 1861, Lands I.L., unnumbered telegram, encl. with no. 61/1964 (A.O. 3626).

94. Ibid.; Cloete to Sec. Lands, 1 May 1861, Lands I.L., no. 61/1350, encl. with no. 61/1806 (A.O. 3625).

95. S.M.H., 3 May 1861.

members arguing that the Chinese were economically valuable, and, as Johnson put it, "no lower than French or Germans". This rejection of the Bill was the Council's last act before its dissolution at the end of its five year appointment, on 13 May 1861. Thus by mid-May the miners and the anti-Chinese politicians had failed to effect the legislative solution they desired.

Cowper and Robertson were not very perturbed by the defeat of Lucas's Bill in the Council, a defeat which they had fully expected. Even before the Bill was sent to the Council they had initiated an alternative plan of action to prevent further outbreaks at Lambing Flat. On 16 April a Bill to amend the law relating to the management of the goldfields was introduced.⁹⁶ The purpose of this Bill was to empower Gold Commissioners to keep Chinese away from troublesome goldfields. It was hoped that this would prove an effective method of preventing conflict, and enable the withdrawal of the military, whose presence at Lambing Flat was of considerable expense to the Government.⁹⁷ If the Lambing Flat situation could be quietened, the pressure on the Ministry to push through

96. S.M.H., 17 April 1861. For copy of Bill see S.M.H., 18 April 1861.

97. Meeting of Exec. Council, 22 April 1861, Exec. Council Minute Bk., minute no. 61/17J (A.O. 4/1540).

a Chinese Restriction Act would be lessened. The matter could then be deferred until after the Ministry had forced the Council to assent to the Land Bills.

The Bill provided that Chinese receive not a "miners' right" but a "mining registration ticket". This ticket would confer the same rights as a miners' right but only on goldfields specifically declared open to Chinese. In debate in the Assembly on 24 April the Bill was objected to by some on the ground that if the Chinese were to be in the colony at all, they were best confined to the goldfields.⁹⁸ Parkes argued that the objection to Chinese entry into the colony was based on an objection to the creation of "a separate and distinct class in our community", and that this Bill would reinforce that distinctness. Despite these objections, the Bill was accepted by both the Assembly and the Council, but its final form had not been determined when the session ended on 10 May.⁹⁹ In this circumstance the Executive Council decided to implement the provisions of the Bill, even though it had not become law, and instructed Gold Commissioners to demarcate those fields where Chinese should be kept off, and

98. S.M.H., 25 April 1861.

99. S.M.H., 24 April, 4,8,9,10,11 May 1861.

to issue Chinese with special mining tickets.¹⁰⁰

The new regulations were put to the test at the goldfield at Native Dog Creek. The local Commissioner, McLean, saw that the Chinese success there would attract an influx of Europeans who would try to drive the Chinese off.¹⁰¹ Both Cloete and McLean suggested the military be kept in the area to prevent collision, and insisted that the new regulations for separation, on which Cowper and Robertson so heavily relied, would not be sufficient to prevent conflict without the backing power of the military.¹⁰² On 22 May trouble did break out at Native Dog Creek. An altercation over claims occurred in which the Europeans lost, and were forced to leave.¹⁰³ They decided to go back the next day with added numbers in another attempt to drive the Chinese away. About eighty Europeans, some armed, then rounded up the Chinese and drove them four miles to some other workings. One European shot at the Chinese, who retaliated and drove the Europeans back. Both Chinese and Europeans were hurt.

100. Meeting of Exec. Council. 10 May 1861, Exec. Council Minute Bk., minute no. 61/20B (A.O. 4/1540).

101. McLean to Sec. Lands, 15 May 1861, Lands I.L. no. 61/1576, encl. with no, 61/1964 (A.O. 3626).

102. Ibid.; Cloete to Sec. Lands, 14 and 22 May 1861, Lands I.L. unnumbered telegrams, encl. with no.61/1964 (A.O. 3626).

103. McLean to Sec. Lands, 26 May 1861, Lands I.L. no.61/1678, encl. with no.61/1964 (A.O.3626); B.F.P., 25 and 29 May 1861.

Commissioners Keightly and McLean then forcibly confined the Chinese and Europeans into separate areas, with the assistance of several troopers.¹⁰⁴

The new element in this clash was the quite overwhelming majority of Chinese, and the Chinese determination to resist and counter-attack. McLean wrote to Robertson that it was impossible to reserve new goldfields for Europeans except where large numbers of Europeans got there first.¹⁰⁵ He insisted that the new regulations must involve the appointment of additional staff, as they essentially involved keeping Chinese off most goldfields. Despite the apparent proof that regulations by themselves did little to prevent conflict, the military left Lambing Flat on 24 May.¹⁰⁶

Almost immediately tensions were revived at the Flat. The Europeans had evacuated Stoney Creek, Spring Creek and the Wombat, for a new area at Tipperary Gully.¹⁰⁷ The Native Dog diggings began to fail, and throughout June the Chinese

104. McLean to Sec. Lands, 26 May 1861, loc.cit.; Bathurst Times, 25 May 1861.

105. McLean to Sec. Lands, 27 May 1861, Lands I.L. encl. with no. 61/1678, encl. with no. 61/1964 (A.O. 3626).

106. S.M.H., 21 June 1861; Selth, op.cit., p. 26.

107. Braidwood Observer, 12 June 1861; Empire, 29 June 1861; Miner, 22 June 1861; S.M.H., 21 June 1861.

began to flow back to Lambing Flat, occupying areas now abandoned by Europeans.¹⁰⁸ They began also to work a new area at Back Creek, where they did well.¹⁰⁹ Europeans, seeing Chinese do well in areas they themselves had abandoned unsuccessfully tried to drive the Chinese away from those areas.¹¹⁰ Thousands more Europeans, drawn by news of how well Europeans were doing at Tipperary Gully and how well Chinese were doing at the old places and at Back Creek, began to flood back to Lambing Flat.¹¹¹ All the old gullies, and the new, were filled with miners.

The earlier situation had been recreated. The Chinese and Europeans were again working in large numbers at the Flat, though in different areas. The military had gone, and, with Zouch and Cloete returned to their normal duties, there were only two inexperienced commissioners, George O'Malley Clark and J.I. Lynch, and about twenty police, on the field.¹¹²

108. McLean to Sec. Lands, 5 June 1861, Lands I.L. no. 61/1832, encl. with no. 61/2546 (A.O. 3627); Braidwood Observer, 12 June 1861; Yass Courier, 3 July 1861; S.M.H. 21 June 1861; Miner, 22 June 1861.

109. Clear from Yass Courier, 3 July 1861.

110. Miner, 22 June 1861; Yass Courier, 26 June 1861; Empire, 8 June 1861.

111. Empire, 29 June 1861.

112. S.M.H., 2 July 1861.

Into this restless situation came news on 24 June of the arrival of almost 1500 new Chinese immigrants in Sydney on 16 and 17 June.¹¹³ Once again the Europeans at Lambing Flat determined to drive the Chinese away from the area, and gain Back Creek and the old areas for themselves.

The riot which resulted was larger and more violent than that of 27 January and is now generally thought of as the Lambing Flat riot. The League was now defunct, and the precise means whereby the gathering was called together is unclear.¹¹⁴ It was a riot born of extreme frustration, the increased degree of violence and looting indicating that its solutions were immediate, and not incorporated into any wider scheme of political debate and action.

By 10 a.m. on Sunday 30 June about 2000-3000 Europeans, armed with pick handles and some guns, had assembled at Tipperary Gully, with the express purpose of driving off the Chinese once and for all.¹¹⁵ English, Irish, and American flags were flown, and a banner carried with a Eureka Cross

113. Report of Immigration Agent, V. & P.N.S.W.L.A. 1863-4, vol. 2, p. 1142; see Empire, 29 June 1861; Miner, 3 July 1861; Yass Courier, 26 June and 3 July 1861.

114. S.M.H., 2 July 1861; Yass Courier, 6 July 1861.

115. The following account is drawn from four sources - Miner, 3 July 1861; S.M.H., 2 July 1861; Empire, 5 July 1861; B.F.P., 6 July 1861.

painted in the centre and the words "Roll Up, Roll Up" down the sides, and "No Chinese" across the top and bottom. Some Chinese in the immediate area were beaten up and their pigtails cut off. The crowd then marched on to a Chinese camp six miles from the Flat. Nine hundred Chinese took flight, 40 tents were burnt, and tools, clothing, furniture, and food destroyed. The procession then went to Back Creek where the same thing happened. But at Back Creek, while six police and the Commissioner watched, a group of 1200 Chinese were caught as they fled, and forced to drop their swags, which were then burnt in six or seven bonfires. The Chinese were rounded up, struck with bludgeons and whips, and pulled by their pigtails up against the saddles of horses and their pigtails, with the skin attached, cut off. The procession then re-formed and returned to Lambing Flat, now flying a new flag, a Chinese silken sign appended to the corners of which were pigtails cut off from the heads of the Chinese. Scores of pigtails were in the possession of others in the crowd. The Chinese fled to Roberts's station at Currawong, and many Europeans also left after the riot, fearing arrest.¹¹⁶ That night all was still, the place lately occupied by the Chinese now dark and desolate, with the exception of the fires

116. S.M.H., 4 July 1861.

still burning with Chinese property.¹¹⁷

The Government did not immediately respond, hampered by the fact that the junior commissioners on the scene were slow to supply it with an official account of events.¹¹⁸ On 4 July Commissioner Griffin was ordered to go to the Flat to assist Lynch and Clark.¹¹⁹ Griffin arrived at the Flat on 11 July, but could do little.¹²⁰ He posted notices around the diggings, simply requesting that no more brutal acts take place, and felt that any attempt to make arrests would result in further collision .¹²¹ Although Superintendent Zouch had arrived several days before with extra police, bringing the number to over 50, this number, Griffin considered, was still insufficient to take action.¹²²

117. Empire, 5 July 1861.

118. See Lynch, G.C. to Sec. Lands, 3 July 1861, Lands I.L. no. 61/2248, encl. with no. 61/2597 (A.O.3627). This was sent by ordinary mail and had still not been received by 12 July 1861. See also Lynch to Sec. Lands, 3 July 1861, which reached Cloete on 12 July, and forwarded by Cloete to Sec. Lands, 12 July 1861, Lands I.L., no. 61/2330, encl. with no. 61/2597 (A.O. 3627).

119. Cloete to Sec. Lands, 4 July 1861, Lands I.L., unnumbered telegram, encl. with no. 61/1964 (A.O. 3626).

120. Griffin G.C. to Sec. Lands, 12 July 1861, forwarded by Cloete to Sec. Lands, 16 July 1861, Lands I.L. no. 61/2390 (A.O. 3626).

121. Ibid .

122. Ibid.; S.M.H., 8 July 1861; Selth, op.cit., p. 34.

Despite their numerically weak situation, the police on 14 July arrested three men for participating in the riot.¹²³ A showdown between miners and police, after a fortnight's indecision, resulted. At 6 p.m. that evening a procession of about 700-1000 miners marched from Tipperary Gully to the troopers' camp, with guns firing and drums beating.¹²⁴ The men gathered, shouting, at a distance of about 50 yards from the camp. The police refused the request of a deputation that the three men be released on bail. Zouch and Griffin mingled with the crowd, begging and entreating that the miners disperse.¹²⁵ At about 10.30 p.m. a "determined move" was made towards the lock-up, in response to which the troopers charged and the footpolice fired.¹²⁶ This time the crowd rapidly dispersed. Many were wounded by the swords of the troopers, and some were trampled by horses.¹²⁷ William Lupton, a miner, was shot dead, and another man, James Kilpatrick,

123. Griffin to Sec. Lands, 16 July 1861, Lands I.L. no. 61/2399 encl. with no. 61/2597 (A.O. 3627).

124. Ibid.; B.F.P., 17 July 1861; Yass Courier, 17 July 1861; S.M.H., 17 July 1861.

125. Griffin to Sec. Lands, 16 July 1861, Lands I.L. no. 61/2399, encl. with no. 61/2597 (A.O.3627).

126. Ibid.

127. Yass Courier, 17 July 1861.

badly injured by sword cuts.¹²⁸ Sergeant Brennan and Constable Stewart were slightly wounded.¹²⁹ A second charge was made by the troopers, but the crowd was not finally dispersed until 2 a.m.¹³⁰

Although the police had successfully withstood the attack on their camp, they now realised that they had made their move too early. The next day, after releasing the three men on bail,¹³¹ they, together with the Gold Commissioner, bank managers, the unpopular Sydney Morning Herald correspondent, the editor of the Miner, and several storekeepers, left the Flat.¹³² The departed officials went to Yass, from where they urgently requested the sending of troops to the area.¹³³ Lambing Flat was now entirely without representatives of authority, and on 17 July the Executive Council agreed to

128. Miner, 17 July 1861.

129. Yass Courier, 17 July 1861.

130. Ibid.

131. Miner, 17 July 1861.

132. Braidwood Observer, 20 July 1861; Miner, 17 and 20 July 1861; S.M.H., 17 July 1861; Yass Courier, 17 July 1861; Griffin to Sec. Lands, 16 July 1861, Lands I.L., no. 61/2597 (A.O. 3627).

133. Griffin to Sec. Lands, 16 July 1861, Lands I.L. unnumbered telegram, encl. with 61/1964 (A.O. 3626).

declare martial law at the Flat, to send substantial numbers of troops and marines , and to ensure that further arrests were made.¹³⁴ The troops left Sydney that day, watched by 800-1000 people.¹³⁵

All was now calm at the Flat. Spicer, Cameron, and other members of the old League were again prominent, urging co-operation, reverence for the law, and abstinence from plunder. On 16 July 4000 diggers attended Lupton's funeral, in a solemn ceremony.¹³⁶ Spicer in his funeral address urged the miners to defend property and their rights. On 19 July two meetings were held, one by miners, and the other by merchants and traders.¹³⁷ The miners agreed to form a Vigilance Committee of twelve men to keep law and order, to appoint two assessors to deal with mining disputes, and to send two delegates, Torpy and Baker, to Sydney to present a memorial putting their case to the Governor, Sir John Young. This meeting saw the re-establishment of order on the basis of the moral authority of the League men on the goldfield.

134. Meeting of Exec. Council, 17 July 1861, Exec. Council Minute Bk., minute no. 61/32 (A.O. 4/1540).

135. S.M.H., 18 July 1861.

136. Yass Courier, 20 July 1861; Braidwood Observer, 24 July 1861; Empire, 18 July 1861.

137. Yass Courier, 27 July 1861; Miner, 20 and 21 July 1861.

The merchant and traders' meeting similarly drew up a petition opposing the Chinese, and elected a storekeeper, Henry Greig, to take it to Sydney.

Seventeen days after the riot at the police camp, the military arrived at the Flat.¹³⁸ Immediately four more men were arrested, some for the riot of 30 June and others for that of 14 July.¹³⁹ At a meeting at Tipperary Gully that evening the miners agreed to attempt no further resistance to the reinstatement.¹⁴⁰ Spicer, Cameron, and Stewart had disappeared, and warrants for their arrest, and that of Torpy, on his way to Sydney, were issued.¹⁴¹ Torpy was arrested in Sydney on 5 August but allowed out on bail.¹⁴² On Saturday 3 August about 200-250 Chinese were escorted from Roberts's station and reinstated at Back Creek, the Europeans who had moved in there since 30 June being turned

138. Colonel Kempt to Sec. Lands, 3 August 1861, Lands I.L. unnumbered telegram, encl. with 61/1964 (A.O. 3626).

139. S.M.H., 5 August 1861; Braidwood Observer, 10 August 1861; Cloete to Sec. Lands, 3 August 1861, Lands I.L. unnumbered telegram, encl. with no. 61/1964 (A.O.3626).

140. Empire, 8 August 1861.

141. Empire, 5 August 1861; Cloete to Sec. Lands, 3 August 1861, loc.cit.

142. Empire, 7 August 1861.

off.¹⁴³

Both the 30 June and 14 July riots stimulated immense interest in city and country newspapers. The first riot suggested the seriousness of miner objection to the Chinese, and that violence was inevitable when the two races came together. The anti-police riot of 14 July confirmed this conviction, and it was generally felt that the presence of Chinese had brought about a disintegration of law and order within a peaceful community. Most newspapers now considered restrictive legislation to be urgently necessary.

The riot of 30 June was universally condemned by pro- and anti-Chinese newspapers alike. The Empire feared the riot would harm rather than advance the anti-Chinese cause by discrediting it,¹⁴⁴ but in fact the feeling and argument of the miners - that Chinese should be kept off the goldfields and out of the colony - was accepted even while their methods - rioting and violence - were rejected.¹⁴⁵ As before, some attempted to argue that the riot had been caused not by the miners themselves, but by the

143. Cloete to Sec. Lands, 4 August 1861, Lands I.L. unnumbered telegram, encl. with no. 61/1964 (A.O.3626). See also Goulburn Herald, 10 August 1861 and Empire 14 August 1861.

144. Empire, 3 July 1861.

145. See Yass Courier, 3 and 10 July 1861, B.F.P., 10 July 1861.

"loafers" and "foreigners" frequenting the goldfield.¹⁴⁶

The Golden Age thought the riot was caused by a "savage lawless mob", who were scum, scattered, and mingled with foreigners, a prowling, idle class of hangers on, loafers, vagabonds, youths".¹⁴⁷ In a similar vein the Sydney Morning Herald added that the rioters had contradicted all that was English - progress and civilisation.¹⁴⁸ After the riot of 14 July the Herald remarked that the leading miners were "not British subjects, but consist of those violent men, who, with the most exaggerated notion of their own rights and liberties, are always ready to attack authority and rush into seditious courses".¹⁴⁹

Attacks were made on the Government for its mishandling of events at Lambing Flat, and for its slowness to take action after the riot of 30 June. The Bathurst Times lamented the lack of protection offered to the Chinese, and said that the non-action after the riot showed that "brute force reigns supreme, prejudice excuses plunder, bludgeon and torch are the symbols of authority".¹⁵⁰ Newspapers including the

146. Empire, 3 July 1861; Yass Courier, 6 July 1861.

147. Golden Age, 11 July 1861.

148. S.M.H., 6 July 1861.

149. S.M.H., 17 July 1861.

150. Bathurst Times, 10 July 1861.

Freeman's Journal, the Southern Courier, and the Newcastle Morning Herald attacked the Government for being weak and vacillating on the matter.¹⁵¹ All, including the strongly anti-Chinese Bathurst Free Press and Yass Courier, urged that the ringleaders be punished, and most followed this up with a demand that legislation be quickly passed.¹⁵²

These criticisms were intensified after the riot of 14 July. The Freeman's Journal, the Maitland Mercury, and the Newcastle Morning Herald blamed Cowper.¹⁵³ The Yass Courier and the Bathurst Free Press both argued that the seat of the blame lay with the Legislative Council which had rejected the restriction Bill.¹⁵⁴ The Sydney Morning Herald felt that the riot proved the failure of democracy, which by keeping everyone at a common level, excluded the best men from politics and filled the offices of the state with inferior people.¹⁵⁵

The June and July riots, and the news of large numbers

151. Freeman's Journal, 6 July 1861; Southern Courier, 5 July 1861; Newcastle Morning Herald, 10 July 1861.

152. B.F.P., 10 July 1861; Yass Courier, 10 July 1861.

153. Freeman's Journal, 20 July 1861; Maitland Mercury, 20 July 1861; Newcastle Morning Herald, 20 July 1861.

154. Yass Courier, 20 July 1861; Bathurst Free Press, 20 July 1861.

155. S.M.H., 22 July 1861.

of Chinese immigrants entering Sydney in May, June, and July 1861, stimulated for the first time the holding of anti-Chinese meetings in Sydney. A committee which met on 29 July to convene a public meeting on the question decided that it would dissociate itself from the violence of the riots, call for law and order, assert that the anti-Chinese cause was essentially a law-abiding and nationally imperative one, and support the liberal Government against the conservative Upper House.¹⁵⁶

The resulting meeting on 31 July was crowded.¹⁵⁷ On the platform were eight M.P.s, four aldermen, a minister of religion, Torpy and Baker from Lambing Flat, and four other well known gentlemen. The Mayor was in the chair. The organisers had at least already achieved their first goal of respectability. Speeches justifying the exclusion of the Chinese were made all night. The issue was presented by all speakers in the widest terms - New South Wales must be an Anglo-Saxon community, the moral and intellectual development of the country was at stake, and the Chinese endangered this development because two alien peoples could never live harmoniously together. It was considered impossible to admit

156. S.M.H., 30 July, 1861.

157. S.M.H., 1 August, 1861.

the Chinese as equals, as they were inferior, and impossible to admit them as inferiors, as this endangered the development of a progressive and democratic society.

Many argued that they did not want an American Civil War to occur in New South Wales. Some asked how the colony could admit Chinese to its juries, to the franchise, and to intermarriage. Windeyer thought "a native savage [meaning the Aborigines] could be civilised, but a semi-civilised man like the Chinese could not". He then moved a resolution which, he said, expressed true love of constitutional liberty, and the desire of true democrats to uphold democratic institutions. The resolution, which was carried unanimously, said: "The immigration of Chinese to this colony is most impolitic and injurious, and that inasmuch as their social habits are repulsive to ours, they are a continued source of irritation, which tends to alienate the affections of people from our institutions and jeopardise public peace, and injure the character of this colony as a field for immigration of British enterprise and industry".

Similar meetings were held in the city on 5 August, and in Paddington on 9 September.¹⁵⁸ On two goldfields, Rocky River and Major's Creek, meetings were held in September and

158. S.M.H., 6 August 1861; Empire, 12 September 1861.

resolutions passed, the Rocky River meeting passing a further resolution that Chinese at least be prohibited from the goldfields.¹⁵⁹ The similarity of the resolutions from these various meetings suggested a certain amount of organisational liaison between them. A petition praying for legislative action to restrict Chinese immigration was circulated in Sydney and presented, with 5,239 signatures attached, to the Assembly on 18 September¹⁶⁰

Political activity remained at a high level at Lambing Flat. In Sydney on 5 August the Governor had refused to receive the miners' petition presented by Torpy and Baker, but had agreed to accept the traders' petition, presented by Greig, on the grounds that the signatories of the latter petition had not been involved in the riots.¹⁶¹ Greig had stood by the miners, and withdrawn the traders' petition in protest. When Torpy and Baker returned to the Flat a meeting of 1200 to 1500 miners gathered on 24 August to welcome them.¹⁶² Baker reported on the rejection of their petition, but reiterated

159. Empire, 16 September 1861; Major's Ck. petition, encl. in Col.Sec. to Sec. Lands, 12 September 1861, Lands I.L. no. 61/3318 (A.O. 3629).

160. S.M.H., 19 September 1861.

161. Empire, 7 August 1861.

162. Miner, 28 August 1861.

that he still preferred constitutional means to the use of force. Torpy told the meeting of the strength of anti-Chinese feeling in Sydney, and read out a letter from Spicer, who was in hiding, suggesting they establish liaison with the organisers of anti-Chinese agitation in Sydney. The letter was listened to "with breathless attention", and followed by cheer after cheer for Spicer and Cameron.

The trials of the ten men so far charged with rioting were held in Goulburn on 17 and 18 September. The jury acquitted the five men tried on the first day, and the judge had to prevent the expression of applause which broke out when the verdict was given.¹⁶³ The next day four of the five men were acquitted, only Owen, one of the members of the deputation which had approached the police camp on 14 July, being convicted and sentenced to two years gaol.¹⁶⁴ Stewart and Cameron were later arrested, but the charges against them, and against Torpy, were dropped.¹⁶⁵ Spicer was finally arrested in November, tried in March 1862, and sentenced to

163. Goulburn Herald, 18 September 1861.

164. Goulburn Herald, 19 September 1861.

165. Yass Courier, 9 and 16 September, 6 November 1861; Empire, 13 November 1861; Cloete to Sec. Lands, 19 August 1861, Lands I.L. unnumbered, encl. with no. 61/1964 (A.O. 3626).

two years imprisonment.¹⁶⁶

Parliament reopened on 3 September. The Assembly was virtually unchanged, but the Council was a new one. After the expiration of the old Council on 13 May, a list of 21 nominees for the new Council had been drawn up jointly by Cowper and Governor Young. In compiling this list Young had agreed that the new Council would have to be selected so that it gave the ministry a working majority, and would in particular pass the Land Act.¹⁶⁷ In his opening speech to the two Houses, Young referred to the necessity for Parliament to solve the Chinese problem, considering it as scarcely less important than the Land question.¹⁶⁸ A report from Lambing Flat was delivered to the Assembly. In reply both Houses accepted the need for some kind of legislation on the matter.

The Assembly had first to decide how to regulate the goldfields, that further collisions might be prevented. Wilson moved on 10 September that the Assembly pass a Bill excluding the Chinese from the goldfields.¹⁶⁹ This motion

166. S.M.H., 23 November 1861; Miner, 4 December 1861; Selth, op.cit., pp. 46-7.

167. Loveday, "The Legislative Council in N.S.W." pp. 489-94.

168. S.M.H., 4 September 1861.

169. S.M.H., 11 September 1861.

was lost by 33 votes to 11, most arguing that to force the Chinese off the goldfields would merely relocate the area of inevitable conflict. The Assembly preferred to it the solution of segregation into different goldfields of the Chinese and European miners, proposed by the Goldfields Act Amendment Bill which had been debated in the previous session. This Bill was again debated, and passed, on 11 September.¹⁷⁰ In speaking to the Bill Cowper said that Chinese and Europeans had already been administratively separated - the purpose here was to translate this into law. Chinese must be kept away from troublesome goldfields.

The Assembly then came, on 25 September, to discuss a Government Bill to restrict the immigration of Chinese to New South Wales.¹⁷¹ There was very little opposition to it in the House, and popular support for it was such that even conservatives Forster and Morris said that while they opposed it they would give in to the will of the majority. The Bill was passed without division, and the clause prohibiting the Chinese from naturalisation passed by 28 votes to 2. This clause marked a widespread acceptance of the belief that the Chinese were unable to be assimilated into colonial society,

170. S.M.H., 12 September 1861.

171. S.M.H., 26 September 1861.

and that those already in the colony were there only on sufferance, never as potential citizens. It revealed also a particular fear that Chinese, through the vote, could subvert the colony's political life.

The real test was to be whether the Bill would be passed by the Council. On this occasion the Council gave way because of strong public feeling on the issue, the threat to order presented by the Chinese, and because of its weakened position after the struggle over the Land Acts. Yet Council opposition on the grounds of the Bill's breaking of the principles of free trade, and of Chinese economic usefulness, was still strong, and the vote at the second reading on 9 October was equal.¹⁷² The decision to proceed with the Bill was made only on the casting vote of the President, who was, ironically enough, that leading exponent of Chinese indentured labour in the 'forties, W.C. Wentworth. His motivation is not easy to understand, as he did not speak in the debate. Perhaps he was concerned primarily with the standing of the Upper House, and felt that it could not afford at this point another confrontation with the Assembly. In opposing such a popular measure, the House would have lost credibility and respect. In any case, Wentworth himself had

172. S.M.H., 10 October 1861.

never been free from racial fears, and Chinese who were not in fact providing cheap labour were not at all indispensable.

The Bill finally passed its second reading in the Council on 17 October.¹⁷³ At the third reading on 23 October Darvall, who does not appear to have been present at the second reading debates, attacked the Bill vigorously, supported by Holden, Gordon, and Manning.¹⁷⁴ Darvall's speech was long and eloquent, mentioning the economic value of the Chinese to the colony, their social harmlessness, and their high degree of education. Restriction on the grounds of "antipathy", he said, was unprincipled, and for the Council to pass such a Bill would be "submission to a clamour". After several speeches emphasising the dangerousness of the Chinese to colonial society, the opponents of the Bill realised they were in a minority and did not force a division. The Council also passed the Goldfields Act Amendment Bill, and both Bills received the Governor's assent on 27 November 1861.¹⁷⁵

Thus the solutions reached to the problems posed by the Lambing Flat riots had been firstly the decision to keep

173. S.M.H., 18 October 1861.

174. S.M.H., 24 October 1861.

175. Entry for 27 November 1861, J.N.S.W.L.C., vol. 8.

Chinese away from goldfields particularly coveted by Europeans, and secondly, and more importantly, the decision to place a limit on Chinese immigration. The latter solution was advocated and generally accepted, not only as an immediate answer to the riots but also as a policy embodying beliefs about the future of the colony in the long term. The riots, that is to say, had provided both a sense of urgency to an issue - that of Chinese immigration - which had already been a matter of concern for some years, and a stimulus to thorough, lengthy and general debate in the community on that issue.

The situation created by Chinese immigration into New South Wales had suggested a number of possibilities to colonists. The first was that the Chinese could be of economic value without causing any danger to the character and future of the colony. This position had been argued in 1861 especially by the Sydney Morning Herald and the Council. Some had argued that the Chinese were a civilised people, Reverend William Ridley in a lecture on 2 September describing them as a settled, populous, and civilised nation, developed in the practical arts and agriculture, and exhibiting "marvellous laws and customs".¹⁷⁶ They had, he said with praise, respect for parents, age, and conservatism. A letter

¹⁷⁶. S.M.H., 4 September 1861.

from 80 ministers of religion, published in the Herald on 21 September had defended the Chinese on the grounds that they "though a pagan, are a civilised people". Anti-Chinese legislation, they said, was "at variance with the laws of God...since God made of one blood all the nations of men, who are common in their origin and fall".¹⁷⁷ The Sydney Morning Herald itself had gone so far as to say that the Chinese could be assimilated into colonial society. It was possible, it said, to graft onto the Chinese "the fruitbearing element of European thought and practice".¹⁷⁸ It went further, and attacked the "mock liberals" for believing that "certain races were born to be oppressed, and that others were born to be their oppressors. They believe that men have different rights according to the colour of their skin".¹⁷⁹

Others argued on very different grounds that Chinese could be of economic value without endangering the character or morality of the colony. William Forster in the Assembly, for example, accepted notions of Anglo-Saxon racial superiority

177. S.M.H., 21 September 1861.

178. S.M.H., 12 August 1861.

179. S.M.H., 13 September 1861.

as throughly and explicitly as any other member of the House, but to him such a situation was an argument for rather than against the entry of Chinese. Since the Anglo-Saxon race was superior it had a duty to "spread itself over the globe... to disseminate that civilisation over the world...spreading themselves among the barbarous nations of the earth, and gradually blotting them out.... It was a process certain and inevitable, such as they witnessed in the vegetable world".¹⁸⁰ In any conflict of interest between Chinese and Europeans, therefore, the latter, as a superior race must inevitably win, and thus had no reason to exclude the former.

The view, however, that Chinese need not be feared, either because they were civilised or because they were only an inferior race, was not a popular one. Most colonists now believed that the Chinese were firstly not of economic value, but rather an economic threat, and were secondly a danger to the character and future of the colony. The view that the Chinese threatened the livelihood of European diggers, was, of course, heard most frequently on Lambing Flat itself, but was received sympathetically by most newspapers and in the Assembly. As an alien and inferior people, they agreed, the Chinese should not be allowed access to economic resources desired by

180. Debate, reported in S.M.H., 27 September 1861.

Europeans. The Chinese, moreover, could not be assimilated into colonial society, and were destined inevitably to stand apart and below. On the one hand, the Chinese were simply unable to assimilate; on the other, the Europeans in contact with them would naturally refuse to accept them. As Torpy had put in to a meeting at Lambing Flat: "We will unite with the Americans, Germans, Laplanders and even Africans, but we will not amalgamate with the Chinese".¹⁸¹

Chinese could not only not be included - they were also likely to degrade the European population. The Chinese, said the Bathurst Free Press, threatened "positive national retrogression".¹⁸² Colonists had been horrified in June 1861 by reports of Chinese cohabitation with European women, and of their Anglo-Chinese offspring, at the Liberty Plains settlement eleven miles from Sydney.¹⁸³ The Goulburn Herald had considered that this evidence of cohabitation marked the beginning of the degradation of the population through the admixture of a "lower type".¹⁸⁴ The Empire had described the settlement as a "scene of vice, filth, and social

181. Miner, 28 August 1861.

182. B.F.P., 17 August 1861.

183. Goulburn Herald, 5 June 1861; Empire, 6 June 1861.

184. Goulburn Herald, 5 June 1861.

degradation", and feared the degradation which "these idolatrous Mongolians are bringing upon us". The questions of race and morality were inextricable, for the connection between Chinese men and European women degraded the latter, produced half castes, and destroyed "every social virtue which makes us proud of our Anglo-Saxon race and institutions."¹⁸⁵

[The Chinese had thus been opposed as an outside and inferior group. The belief in Chinese racial difference and inferiority had both predetermined the view that they were outsiders, and added to that view a belief that, being incapable of assimilation, they were destined always to remain outsiders, and being capable to degenerating the Anglo-Saxon race and the British colonial community, to be outsiders of a dangerous kind. While both Aborigines and Chinese had been believed to be racially inferior, unable to assimilate with British colonial society, the Aborigines had usually been thought capable of degrading only themselves, while the Chinese had been thought capable of degrading the whole British community.

The predominant position was racist, liberal, progressive, and democratic. The liberalism of most commentators and members of the legislature, and the radicalism of the Miners' Protective League, had both involved an objection to

185. Empire, 6 June 1861.

the Chinese but it was within the terms of the former, rather than the latter, that the anti-Chinese position was generally accepted. This peculiarly colonial liberalism strongly emphasised community, homogeneity, identity of values, and conformity in moral and political assumptions. Different interests in society, such as capital and labour, had to work in conformity, all had at least to believe in democracy, progress, development, and free enterprise. Groups who could not be seen as being, or possibly being, part of this community had necessarily to be excluded.

CHAPTER SIXTHE YEARS OF CO-EXISTENCE: CHINESE AND BRITISH COLONISTS
1862-1877

In the years following the passing of the Chinese Immigration Restriction Act of 1861, the strength of anti-Chinese feeling declined. For a period of about sixteen years the Chinese and Europeans co-existed in the colony in an atmosphere of comparative calm and goodwill. The agitation culminating in the Chinese Immigration Restriction Act of 1961 had suggested that the necessary conditions for active opposition to the Chinese to the extent of effecting their exclusion were, first, an actual or potential extensive Chinese immigration; second, a high degree of Chinese use of an economic resource in common with Europeans; third, a form of social organisation among Chinese guaranteeing their difference and separateness; and fourth, substantial organisation and activity by those Europeans directly affected by economic contact. As each of these four conditions ceased to prevail, active dislike of the Chinese declined, and restrictive legislation, in 1867, was repealed.

After 1861 Chinese immigration to the colony virtually ceased, and this, coupled with their extensive emigration from

the colony, resulted in a halving of their numbers between 1861 and 1871. Chinese no longer came into direct conflict with Europeans, as they either worked on goldfields no longer coveted by Europeans or entered occupations such as market-gardening not sought by Europeans. They ceased to live and work in large groups, and now worked in small groups or as isolated individuals, becoming so scattered that there were few identifiable centres of Chinese communal life. Chinese generally became individually known, less anonymous, and more familiar. Since they no longer came into direct economic conflict with a particular group of Europeans, the organised centres of resistance to them on the goldfields fell away. With fears of their effects on colonial society consequently lessened, since the Chinese no longer appeared to threaten the development of the colony as a whole, or the livelihood of a group of colonists in particular, the Chinese who remained in New South Wales were the objects of little hostility either from those in direct contact with them, or from the legislature. In general, although they were never fully accepted by Europeans, they were usually tolerated, and, in a limited way, valued for their services.

The chief threat to harmonious relations in these years was the European fear of Chinese "immorality", and especially of the possibility of sexual contact between Chinese men and European women. This was rarely a matter of

concern in the 'sixties, but was increasingly so in Sydney in the 'seventies, when the Chinese city population began to increase, and to form, once again, into large distinctive groups. In such a situation Chinese maintained a distinct identity and recreational life, with their own centres, gambling, and opium smoking, and became, as they had been on the goldfields, anonymous, unknown, and unfamiliar. Fears of "immorality" were further stimulated by reports of such immoralities in the 'seventies in California and Queensland.

During this entire period the belief in Chinese racial inferiority was partially independent of the fluctuations in fears and hostilities, and partially related to them. The belief in British racial superiority, being partly an a priori assumption born of long standing colonising and culture contact experience, continued to be held throughout the period, and the Chinese accordingly judged as inferior. Yet the strength of the belief depended also on the degree of conformity of the non-British group to British civilisation, and on the degree of conflict of interest between the British and non-British group. For most of this period the Chinese exhibited a certain conformity with British cultural expectations, and ceased to conflict with British interests when they no longer sought the use of an economic resource in common with them. Accordingly, the belief in their inferiority was not as strong as it had been earlier. When they seemed

again to exhibit social characteristics not liked by Europeans, their racial inferiority was proclaimed frequently and in strong terms.

I

The Chinese Immigration Restriction Act of November 1861 was the first guarantee of a reduction of Chinese immigration into New South Wales. The Act came into force on 28 February 1862, after which time a £10 poll tax was levied on every Chinese immigrant, and shipping companies were unable to land more than one Chinese immigrant per ten tons register of the ship.¹ The news quickly reached Chinese ports and almost immediately Chinese emigration for New South Wales ceased. In 1862, 593 Chinese arrived in New South Wales before the Act became law.² Two ships, the Virginnie and the Pons O'Elu arrived in mid March, with a further total of 429 Chinese immigrants, and were forced to pay the tax.³ Probably the shipping agents had hoped these two ships would arrive before the Bill became law. The Pons O'Elu, arriving

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1. An Act to Regulate and Restrict the Immigration of Chinese, (22 November 1861), 25 Vic. No. 3.
 2. Report of the Immigration Agent, V. & P.N.S.W.L.A., 1863-4, vol. 2, p. 1151.
 3. Ibid.; B.F.P., 29 March 1862.

on 15 March 1862, was the last ship to bring Chinese goldseekers to New South Wales. In the following five years, until the repeal of the Act in 1867, only 693 Chinese arrived by sea into New South Wales.⁴ Of these, only 84 came directly from China, most of the rest returning to New South Wales from unsuccessful goldmining attempts in Queensland.

The New South Wales Act was not nullified, as the earlier Victorian Act had partially been, by any attempts to introduce Chinese goldseekers into New South Wales via an unrestricted port. There were, at first, some attempts to bypass the Act by landing Chinese immigrants at Brisbane, who would then travel overland to the New South Wales goldfields.⁵ This practice, however, was not repeated after June 1862. The reason for this, and for the virtual cessation rather than the mere reduction of Chinese immigration direct to New South Wales, was the rapid decline of the New South Wales goldfields from 1862 onwards. The Lachlan was the scene of the last goldrush, in late 1861 and early 1862, and by September 1862 goldseekers were leaving New South Wales for Otago, New Zealand, and for other colonies.

4. Reports of Immigration Agent, in V. & P.N.S.W.L.A., 1863-4, vol. 2, p. 115; 1864, vol. 1, p. 627; 1865, vol. 2, p. 232; 1866, vol. 1, p. 207; 1867-8, vol. 2, pp. 435, 451.

5. Wynyard Times, 24 June 1862.

The decline of the New South Wales goldfields as an attraction to Chinese is reflected in the substantial Chinese emigration from the colony in this period. Between 1862 and 1867, 5092 Chinese left New South Wales by sea, 4034 of them for Hong Kong, 770 for Queensland, and 115 for New Zealand.⁶ The high excess of departures over arrivals meant that where there had been between 14,000 and 15,000 Chinese in the colony in late 1861, there were only 7,220 in 1871.⁷ It is not surprising, then, that Europeans ceased to fear a massive Chinese immigration.

The decline of the goldfields led also to a lessening of hostility between those Chinese and Europeans remaining on the goldfields. No longer were Chinese taking gold that Europeans thought ought to be kept for themselves, since most Europeans became convinced that there was virtually no gold left. In the 'sixties European diggers who chose to stay in New South Wales were generally forced to abandon the ideal of the independent digger, and either to leave goldmining for ever

6. See fb. 4.

7. The figure for 1861 is calculated from the census of April in that year in V. & P.N.S.W.L.A., 1862, vol. 3, p.31, together with statistics on Chinese arrivals between April and December 1861, in Report of Immigration Agent, V. & P.N.S.W.L.A., 1863-4, vol. 2, p. 1151. The figure for 1871 is that calculated in the census of that year, V. & P.N.S.W.L.A., 1872, p.1141.

or to become wage-earners for mining companies. Chinese were now to be found principally on those fields found hopeless, and abandoned, by Europeans. Chinese were skilled in earning a living from virtually worked-out fields, and during the 'sixties persisted with the unmechanised alluvial methods of old, although some did turn to deep-sinking.⁸ Chinese found that as one goldfield after another was practically deserted by Europeans, they were welcomed by local traders and businessmen, hoping for a revival of trade.

Although the clashes and disputes of earlier years were disappearing, life for the Chinese on the goldfields still had its difficulties. They appeared frequently in the courts on minor charges, such as stealing, selling spurious gold, and being without a licence.⁹ Many of their appearances in court concerned crimes committed by one Chinaman upon another,¹⁰ and it was evident that many more internal disputes were dealt with not in the courts but through the adjudication

8. D.F. Mackay, op.cit., pp. 135-7.

9. For examples, see Wynyard Times, 8 April 1862; Lachlan Observer, 11 June 1862; S.M.H., 15 May 1866.

10. Teale and Garrett to Governor, 15 October 1862, C.S.I.L., no. 62/5107, encl. with 62/5833 (A.O. 4/3482; Braidwood News, 8 January 1864; J.H.L. Scott, Police Magistrate, Tambaroora, to Col. Sec., 30 June 1868, C.S.I.L., no. 68/3677 (A.O. 4/629); S.M.H., 13 June 1871.

of certain Chinese, usually Sydney businessmen.¹¹ One deterrent against Chinese taking internal matters to court was the inadequate supply of interpreters, the result largely of a government decision to employ no permanent interpreters, and to pay for interpreting services on a day-to-day basis.¹² This caused severe difficulties, as men known locally as liable to interpret were engaged in other occupations and not easily obtainable.

During the 'sixties the Chinese had occasionally to encounter some hostility and ill-feeling from European miners who still resented Chinese attempts to use a goldfield in common with them. There was some restiveness amongst European miners at Stoney Creek in January 1862,¹³ and in April 1862 there was a collision at Jembaicumbene at which Chinese were

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11. Insp. Gen. Police, to Col. Sec., 13 November 1863, C.S.I.L., no. 63/6329 (A.O. 4/511). These Sydney Chinese also helped goldfields Chinese put their case before the Sydney authorities. See Molison and Black to Sec. Lands, 6 February 1863, Lands I.L., no. 63/1670 (A.O. 3653); Molison and Black to Col. Sec. 26 August 1862, C.S.I.L., no. 62/4222, encl. with no. 62/4285 (A.O. 4/3476).
 12. See full correspondence on this matter placed at C.S.I.L., no. 69/8158 (A.O. 4/673); also Police Magistrate, Bathurst, to Col. Sec., 3 January 1863, C.S.I.L., no. 63/158 (A.O. 4/494); A. Chong, Nerrigundah, to Col. Sec., 16 March 1864, C.S.I.L., no. 64/1800 (A.O. 4/522).
 13. Goulburn Herald, 22 January 1862.

kept away from disputed claims, and some severely hurt.¹⁴ During 1863 there were rumours of intended European attacks on Chinese at Kiandra¹⁵ and at Stoney Creek near Bathurst,¹⁶ and in 1864 there was some isolated and individual fighting, including a fight between Chinese and two Europeans in a public bar at Long Creek near Mudgee,¹⁷ and an attempt by two Europeans to smother a Chinaman in one of the holes at Lambing Flat.¹⁸ The only real racial clash after that at Jembaicumbene in April 1862 was at the Napoleon Reef Diggings, Glanmire, on 22 March 1866, when Europeans "thrashed a lot of Chinamen, drove them off a portion of the diggings, and ...set fire to their huts".¹⁹

Chinese during the 'sixties had to face an additional harassment - their exclusion under the Goldfields Act Amendment Act of 1861 from any goldfield where officials feared European

14. B.F.P., 14 May 1862.

15. Police, Cooma to Insp. Gen. Police, 7 April 1863, C.S.I.L., no. 63/1926 (A.O. 4/498).

16. McLean to Sec. Lands, 2 September 1863, Lands I.L., no. 63/5115, (A.O.3660).

17. Mudgee Liberal, 14 January 1864.

18. Deniliquin Chronicle, 17 December 1864; S.M.H., 10 March 1866.

19. Official of Dept. Public Works to Parkes, 23 March 1866, Parkes Correspondence, vol. 32, p. 286 (A902).

miners might still attack them. This probably had its intended purpose of preventing racial clashes, but it also meant the exclusion of Chinese from the better goldfields. Further, because of the fact that the Act was framed so that Chinese could only be allowed on those goldfields which were specifically declared as open to them in regulations under the Act, there were administrative difficulties in having goldfields declared "open" as soon as the likelihood of conflict disappeared. A series of proclamations made between 1861 and 1865, declaring such goldfields open to Chinese was unable to keep pace with the changing situation, and usually goldfields were in fact open to Chinese long before the official proclamation.²⁰

In only two areas did the Act effectively exclude Chinese for any length of time. These were the Lachlan and Burrangong (Lambing Flat) goldfields, in the early 'sixties the richest fields in the colony. Yet these fields too were declining, and as increasing numbers of Europeans abandoned them, the exclusion of Chinese became more difficult to justify. At the end of November 1862 the Lachlan Observer reported

20. See bundles of correspondence between gold commissioners and the Department of Lands located at Lands I.L., no. 65/2369 (A.O. 3685), no. 65/3993 (A.O. 3689), and no. 66/1832 (A.O. 3700). Also Government Gazette, 24 December 1861, 26 February 1864, 23 August 1864, 23 June 1865.

the sudden collapse of the Lachlan diggings and township.²¹
 On 24 August 1863 a memorial praying that the Chinese be admitted to the Lachlan goldfield was sent from Chinese and Europeans to the Colonial Secretary.²² Commissioner McLean on 4 September 1863 suggested that Chinese be still kept from fresh leads, but be allowed onto existing workings. This suggestion was accepted by the Lands Department.²³ On 18 September 1863 the Forbes Local Court forwarded a report which argued that the introduction of Chinese onto the Lachlan goldfield was an "absolute necessity", as the future of the goldfield depended on fresh capital and labour, which, since Europeans would no longer work on the goldfield, only Chinese could provide.²⁴ McLean again insisted that Chinese be kept from new leads, and in accordance with his position, large parts, but not all, of the Lachlan goldfield were declared open to Chinese on 26 February 1864.²⁵ Chinese were later allowed

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21. Lachlan Observer, 22 November 1862.
 22. Williamson to McLean, 24 August 1863, encl. with McLean to Sec. Lands, 4 September 1863, Lands I.L., no. 63/5231, encl. with no. 65/2369 (A.O. 3685).
 23. McLean to Sec. Lands, 4 September 1863, loc.cit.
 24. Forbes Local Court to Browne, G.C., 18 September 1863, Lands I.L., no. 63/5741, encl. with no. 65/2369 (A.O. 3685).
 25. McLean to Sec. Lands, 19 September 1863 (see also attached memo), Lands I.L., unnumbered, encl. with no. 63/5741, encl. with no. 65/2369 (A.O. 3685).

onto all parts of the declining goldfield.

The exclusion of the Chinese from the Burrangong goldfield was maintained several years longer. Here the hostilities were bitter and lasting, and the several attempts of Chinese and local traders to gain access for the Chinese to the goldfield met with little success. Although, or perhaps because, Chinese had been excluded from large parts of this goldfield throughout 1861, and were expressly excluded from access to much of the goldfield by proclamation in December 1861, Burrangong remained an attraction to Chinese for several years.

Early in 1862 order was maintained at Burrangong through police and military restriction of Chinese to particular areas. These areas could not sustain a large Chinese population, so that although in February 1862 there had been 4,000 Chinese at Little Wombat, Burrangong, by May of that year they were forced to leave for other goldfields.²⁶ Numbers and hostilities seemed to have declined sufficiently to allow the departure of the military on 31 July 1862.²⁷ In September there was an exodus of European diggers for New Zealand,²⁸ and in the same

26. B.F.P., 12 February 1862, Burrangong Courier, 10 May 1862.

27. Burrangong Courier, 2 August 1862.

28. B.F.P., 5 November 1862.

month the boundaries of the Europeans-only areas were redefined and marked by a ploughed furrough.²⁹

With the European population of the goldfield declining the Chinese became increasingly restive at being kept off. Chinese unsuccessfully petitioned the Colonial Secretary for an extension of their boundary in February and July 1863, May 1864 and May 1865.³⁰ European traders and sympathisers sent similar petitions in October 1863 and early in 1866,³¹ and a letter signed "Viator" published in both the Sydney Morning Herald and the Burrangong Argus in February 1866 argued that, since Europeans had practically abandoned the field, Chinese ought to be allowed on to it.³² The Government

29. Burrangong Courier, 6 September 1862.

30. Memorial from Burrangong Chinese to Col. Sec., c.9 February 1863, Lands I.L., no. 63/768, encl. with no. 65/2369 (A.O. 3685); Petition John Huansing to L.A., undated, probably July, Lands I.L., no. 63/3646, encl. with no. 65/2369 (A.O. 3685); Petition from Chinese at Burrangong, encl. in Cloete to Sec. Lands, 17 May 1864, Lands I.L., no. 64/2704, encl. with no. 65/2369 (A.O. 3685); Petition from Chinese at Burrangong encl. in Morris Asher to Sec. Lands, 26 May 1865, Lands I.L., no. 65/2983, encl. with no. 66/2649 (A.O. 3701).

31. Morris Asher to Sec. Lands, 29 January 1866, Lands I.L., no. 66/729, encl. with no. 66/2649 (A.O. 3701); Chairman, Local Court, Burrangong, to Sec. Lands, 22 October 1863, Lands I.L., no. 63/6388, encl. with no. 65/2369 (A.O. 3685), printed in V. & P.N.S.W.L.A., 1863-4, vol. 3, pp. 1133-4.

32. Burrangong Argus, 3 March 1866.

rejected these petitions and arguments, still fearing that a collision was possible.³³ When Chinese began to transgress their boundaries in 1864 and 1865, many were fined or gaoled.³⁴ Over 1500 Europeans at Burrangong petitioned in 1864 for a stricter enforcement of the law,³⁵ and some complained again in 1865 that the law was still not being strictly enforced.³⁶ On 31 March 1866 the Burrangong Local Court called a public meeting to oppose all attempts to allow the Chinese on Burrangong.³⁷ From this meeting emanated two

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33. Cloete to Sec. Lands, 8 March 1863, Lands I.L., no. 63/1353; Cloete to Sec. Lands, 1 August 1863, Lands I.L., no. 63/4380; Cloete to Sec. Lands, 24 August 1863, Lands I.L., no. 63/4861, all the above encl. with no. 65/2369 (A.O. 3685); Fitzpatrick to petitioners, 11 December 1863, printed in V.& P.N.S.W.L.A., 1863-4, vol. 3, p. 1134.
34. Clark, G.C. to Sec. Lands, 16 and 24 July 1864, Lands I.L., both at no. 64/3791, encl. with no. 65/2369 (A.O. 3685); Clarke to Sec. Lands, 31 July 1865, Lands I.L., no. 65/4784, encl. with no. 66/2649 (A.O. 3701); Clarke to Sec. Lands, 19 September 1865, Lands I.L., no. 65/6360 (A.O. 3693); Burrangong Argus, 16 September 1865.
35. Petition from Inhabitants of Burrangong to Sec. Lands, 10 August 1864, Lands I.L., no. 64/4183, encl. with no. 65/2369 (A.O. 3685).
36. William R. Byron, to Sec. Lands, 10 July 1865; Lands I.L., no. 65/4291, and ? September 1865, Lands I.L., no. 65/6232, both encl. with no. 66/2649 (A.O. 3701); O'Shanassy to Sec. Lands, 4 September 1865, Lands I.L., no. 65/5963 encl. with no. 65/6360 (A.O. 3693).
37. Burrangong Argus, 7 April 1866.

petitions, one from five miners and a storekeeper,³⁸ the other signed by 816 miners.³⁹ The Burrangong Argus described the Local Court meeting as a pathetic failure,⁴⁰ but feeling at Burrangong seems to have been sufficiently high for Rodd, member of the Assembly for the Lachlan, to feel it necessary to promise a meeting of his constituents at Burrangong in early June that he would do all he could to keep the Chinese within their boundaries.⁴¹

After years of disagreement on the issue, Chinese were finally allowed access to the Burrangong. This was the result of legislative rather than administrative change. On 31 July 1866 Wilson gave notice of intention to introduce a new Bill to amend the Goldfields Act Amendment Act of 1861.⁴² This Bill, framed primarily to deal with quite different problems associated with the changes in the New South Wales goldfields, contained no reference to the exclusion of Chinese from any goldfield. Speaking to the Bill on 9 August 1866,

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- 38. Letter from John Simpson et al. to Sec. Lands, 31 March 1866, Lands I.L., no. 66/2390, encl. with no. 66/2649 (A.O. 3701).
 - 39. Petition from Miners to Sec. Lands, 4 April 1866, Lands I.L., 66/2649, (A.O. 3701).
 - 40. Burrangong Argus, 7 April 1866.
 - 41. Burrangong Argus, 2 June 1866-
 - 42. Entry for 31 July 1866, V. & P.N.S.W.L.A., 1866, vol.1.

Wilson said that miners generally wanted Chinese to be allowed onto all goldfields, and on only one goldfield (alluding to Burrangong) had objections to the proposal been made.⁴³ In debate there was little discussion of this aspect of the Bill, the only objection, on the grounds of a possibility of collision, being made by Garrett.

The Bill passed both Houses, and in consternation a meeting was called in Young (Burrangong) on 8 September 1866 to petition the Governor to withhold assent to the Bill.⁴⁴ But the meeting consisted of only about fifty miners, and there was insufficient pressure for any exemption of Burrangong from the provisions of the Bill. On 27 September the Bill received assent, and was to become law on 1 January 1867.⁴⁵ Although the Chinese appear to have been somewhat apprehensive of a collision when they entered the Burrangong goldfield, no collision occurred when they began to stream onto the goldfield in January 1867.⁴⁶ Organised opposition from the European miners was headed off by the discovery of gold at Grenfell

43. S.M.H., 10 August 1866.

44. S.M.H., 10 September 1866.

45. Entry for 27 September 1866, V. & P.N.S.W.L.A., 1866, vol. 1.

46. E.G. Dickinson to Sec. Lands, 31 December 1866, Lands I.L., no. 66/9873 (A.O. 3711).

in November 1866. After years of coveting the Burrangong goldfield, the Chinese found that they could earn less from it than they had expected. The 2000 who went there in January 1867 had dwindled to 700 by June, and in August they continued to leave for other goldfields.⁴⁷ The Burrangong correspondent to the Mining Record and Grenfell Advertiser was forced to admit in June 1867 that Burrangong had not become a Celestial Eldorado as had been expected, and that the dreams of affluence for the traders in the area had been baseless.⁴⁸

Thus a pattern, so much more easily accomplished in other areas, had finally been established at Burrangong. The goldfield declined, Chinese and Europeans worked the remaining field in harmony, and Chinese began entering other occupations with little objection from the townsfolk. The conflict at Burrangong in the mid-sixties over the issue of Chinese entry, later described by the Burrangong Argus as a situation where "the community was split into two factions, the Pro-Chinese Party and the Anti-Chinese Party",⁴⁹ had been based on persistent

47. The Mining Record and Grenfell General Advertiser, 15 June and 31 August 1867.

48. The Mining Record and Grenfell General Advertiser, 15 June 1867.

49. Burrangong Argus, 7 August 1875.

animosities. An important feature of the situation had been that whereas in 1861 traders and storekeepers had played a substantial and often leading part in the anti-Chinese agitation, in 1864 and 1865 they led the opposition to it. Where in 1861 they had felt their livelihood depended on the European community, and where they had shared the miners' fears of swamping and immorality, in 1864 and 1865 they saw that their livelihood was now more dependent on the Chinese, and that the fears of swamping and immorality were now groundless.

A notable feature of this period was the entry of Chinese into occupations other than goldmining. Although by 1871 eighty percent of Chinese still lived in goldfields areas, many of these had left mining and become storekeepers, market gardeners, and hawkers.⁵⁰ Their entry into market gardening in particular became increasingly noticeable during the 'sixties and 'seventies. In the 'sixties, townships where Chinese market gardens were established included Orange, Deniliquin, Hay, Young, Forbes, Bathurst, and Carcoar. By May 1865 the

50. Charles Price, "The Doors Close Against the Chinese: 1870-1888, being part 3 of a project entitled "Coloured Immigration in the White Pacific: 1836-1970 (with special reference to the White Australia Policy)" - mimeograph of paper delivered at seminar of R.S.S.S., A.N.U., 21 October 1971, p. 41.

Deniliquin Chronicle could remark that the Chinese were fast proving the most enterprising market gardeners in the colony. Nearly every country paper to hand, it said, was giving notice of the operations of Chinese market gardeners in its locality.⁵¹

One of the first Chinese market gardens established in New South Wales was at Orange in about August 1863.⁵² The garden was remarked on by the local newspaper for its success, its use of intensive methods, and its provision of cabbages, rock melons, and parsley to the township. Late in 1864 one of the largest and most enduring market gardens was established at Deniliquin, probably by Chinese from Victorian goldfields. This garden was described by the Deniliquin Chronicle in some detail, and it is likely that most Chinese market gardens were run along similar lines.⁵³ The garden consisted of a closely fenced paddock in the township, of nearly four acres, of which one acre was then under crop. It was situated near a lagoon, rented at £20 per annum, and worked by four Chinese.

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51. Deniliquin Chronicle, 13 May 1865. Note that many of the newspapers to which the Chronicle probably referred are no longer obtainable.
52. Extract from Western Examiner, 9 April 1864, in S.M.H., 13 April 1864.
53. Deniliquin Chronicle, 31 December 1864.

Their system depended on frequent watering by hand, a thousand buckets of water a day being brought from the lagoon. They differed from English gardeners in their close planting, frequent watering, and in their placing of manure on top of, rather than below, the soil. All these measures prevented the soil from becoming too hot and dry, a difficulty which had discouraged European gardening in such areas. This garden at Deniliquin grew lettuces, onion, radishes, small plants for salads, peas, French beans, broad beans, turnips, melons, cucumbers, pumpkins, and marrows.

By April 1865 a Chinese market garden had been established at Hay,⁵⁴ and in September 1865 the Burrangong Argus reported that Chinese market gardens in the Burrangong area (probably at Wombat) had "long supplied vegetables" to the people of Young.⁵⁵ People were coming to Burrangong from Yass and Goulburn for their vegetables, and Chinese in September 1865 began taking their produce from Burrangong and selling it at Wagga Wagga. By August 1866 another garden had been established in the Burrangong area, at Spring Creek, consisting of eight acres, and being worked by fifteen Chinese in four parties.⁵⁶ In these gardens irrigation was based on wells, and "shaped alleys" to disperse the water. At this

54. Deniliquin Chronicle, 22 April 1865.

55. Burrangong Argus, 9 September 1865.

56. Burrangong Courier, 1 September 1866.

time 45,000 cabbages were growing in these gardens. Market gardens were also established at this time on the Lachlan (1866), at Bathurst (1867), and at Carcoar (1868).⁵⁷ By 1867 J.D. Lang could refer in the Assembly to the economic usefulness of the Chinese as exemplified in their "extensive horticulture".⁵⁸

As market gardeners the Chinese were not usually thought of as competing with Europeans. There is no record in this period of an apprehension that Chinese were under-selling or ousting English market gardeners. In practice their gardens were established in areas where there was a severe shortage of vegetables and where their produce was eagerly sought and never boycotted by Europeans. Rather, they were seen as participating in an admirable diversification of the economy, and in farming, as with the Germans, their activities could only be welcomed. One newspaper in 1864 went so far as to welcome the benefits of "Asiatic experience".⁵⁹

Fears of Chinese had fallen to a low level. In such an atmosphere some began to argue for the repeal of the 1861

57. Speech by Forlonge in debate in L.A., 20 September 1867, reported in S.M.H., 21 September 1867; S.M.H., 8 October, 1867, and 9 June 1868.

58. S.M.H., 21 September 1867.

59. Deniliquin Chronicle, 31 December 1864.

Act. Repeal was argued for on several grounds - the economic usefulness of Chinese immigrants, the undesirability of the restrictive Act on the grounds that it contravened the "free intercourse between nations" in general and the spirit of the Anglo-Chinese treaty of 1860 in particular, the groundlessness of fears of their danger to the social fabric of the community, and, finally, the irrelevance and lack of necessity for such an Act in a changed situation where Chinese no longer sought to enter the colony in large numbers. Only the last arguments was new, but it was so compelling that, combined with the others, it laid the basis for a successful movement for repeal.

The first suggestion to this end was made in the Legislative Council, always unhappy about the 1861 Act, by Gordon on 20 December 1865.⁶⁰ Gordon asked whether the Government intended to repeal the Act, but Attorney General Plunkett replied that it did not. Initiative then came from outside Parliament, when two petitions for repeal of the Act were gathered early in 1866. One was signed by 691 clergymen, magistrates, merchants and others, and described the Act as "repugnant to the spirit of the age we live in, in contravention of the commercial principles which obtain amongst all

60. S.M.H., 21 December 1865.

civilised nations".⁶¹ The petitioners were concerned that such an Act was regarded with disfavour by England, and that, in particular, it contravened the Anglo-Chinese treaty of 1860. In the terms always used by the pro-Chinese speakers of earlier years, they described the Chinese as honest, sober, and industrious, and said some had proved to be good merchants and employers. Further, they said, and here perhaps was the crux of the matter for the commercial signatories at least, the Act interfered with trade between China and New South Wales. The second petition, from 125 Chinese residents, argued along much the same lines.⁶² It emphasised the law-abiding nature of the Chinese, their desire "to live in peace and harmony with all classes", their economic value as consumers, revivers of declining goldfields, domestic servants, employers, and storekeepers. The Act, they said, contravened the Treaty, and they particularly objected to the stigma the law placed on Chinese residents, an unwarranted stigma in view of their "acknowledged habits of sobriety and industry, and acquaintance with the mechanical arts and sciences".

These petitions were championed by J.D. Lang, himself originally a pro-restrictionist. He presented them on

61. V. & P.N.S.W.L.A., 1865-6, vol. 2, p. 233.

62. Ibid., pp. 235-6.

28 March 1866,⁶³ and gained leave to bring in a private repeal Bill on 31 July 1866.⁶⁴ Despite the granting of leave, it was by no means clear whether the Assembly generally favoured repeal. The Sydney Morning Herald on 1 August 1866 could not predict the outcome, but spoke in favour of repeal, a line consistent with its earlier stand. In argument on the matter it opposed racist criteria, just as it had done in 1861. One should distinguish between peoples, it said, on the basis of the standard of "civilisation" attained, and not on the basis of "varieties of colour and shade". Moreover, while one could judge the degree of superiority of a civilisation for any one particular time, one could not make such a judgment for all time, as the fortunes of peoples changed, some being in the forefront of civilisation at one time, and others at other times. Thus India and China had been great "when our forefathers were painted savages", and the Egyptians, "even while they had the lineaments of a negro", had once been an intelligent and powerful people. Even though the Chinese had now for a long time been arrested by a stereotyped civilisation, they were now likely, because of European penetration, to again become "high in the ranks of

63. S.M.H., 29 March 1866.

64. S.M.H., 1 August 1866.

civilised nations". In any case, those in New South Wales had always been law-abiding, sober, persevering, and thrifty, and as such a value to colonial society. Finally, argued the Herald, to exclude the Chinese was "unEnglish" and "unChristian".

In his speech opening the second reading debate on the Repeal Bill on 14 August 1866, Lang argued for repeal on somewhat more limited grounds than those of the Herald or of the two petitions.⁶⁵ He made three points only - the changed situation where Chinese no longer desired to enter the colony in large numbers rendered the Act unnecessary; the Chinese were proving to be economically valuable to the colony as a whole and were not a danger to the economic conditions of the working man; and the Chinese did not present a moral danger as had been feared. He had in fact been pleased to marry a number of Chinese to European women. Although he had himself supported the 1861 Act at the time because he had then thought there was a real danger of Chinese swamping the British in the colony, this danger had now passed.

Those who spoke in the debate in support of repeal employed one or more of the arguments given by Lang, the two petitions, and the Sydney Morning Herald. Support for repeal

65. S.M.H., 15 August 1866.

came chiefly from pastoralists and some businessmen in the Assembly. They emphasised the economic value of the Chinese, both as market gardeners and as workers on deserted goldfields. Joseph, a merchant, and Forlonge, a pastoralist, argued that the price of labour should be lowered and that if the Chinese had this effect they were to be welcomed. De Salis, a pastoralist, stressed the need to extend trade with China, and thought that a revival of Chinese immigration could help to effect this. Forlonge, and Caldwell, a grocer, said the Chinese were of no moral harm, and Ryan, another pastoralist, agreed they were sober and industrious. Both Joseph and William Forster attacked the Act as a disgrace to the statute book, because of its restriction of the free intercourse between nations.

Yet the Bill did not at this stage meet with the favour of the majority of members, or of the Parkes-Martin government. An attack was mounted on Lang's Bill, on three grounds - that the Chinese were economically harmful, and morally dangerous, and the Act did not contravene international moral principles. On the charge of economic harm Lucas said that the presence of the Chinese favoured employing rather than working class interests, and Garrett described the Bill as essentially "a revival of the demand for coolie labour". Donnelly, a goldminer and member for the western goldfields,

said their use of old goldfields was harmful and not beneficial to Europeans. Parkes said Chinese were of no economic advantage.

In reference to the charge of Chinese immorality, Lucas described Chinese as "filthy", Cummings described them as immoral, uneducated, and noted for their ill treatment of females, and Donnelly said they were "retrograde", ignorant of religion, thieves and vagabonds, and treated women badly. Parkes in particular, stressed their inability to contribute to the morality of the country because of their different religion, social habits, civilisation, and especially their lack of women. Parkes's reasons were somewhat different from the usual charge that Chinese would seek, and thereby degrade, European women. Rather, he said, European women would refuse to marry them, and thus they would be unable to contribute to the task of populating the country, to participate in that essential foundation for colonisation and progress, the spreading of "all the associations and connections of family life".

On the third ground, of international relations, Lucas pointed out that as the Act had been allowed by the British government, it could not be in contravention with the Anglo-Chinese treaty. Incorporating all these was a fourth argument, that the Chinese endangered the general interest and future of the colony. Parkes, as before, put the case

in its most general form. The point was, he said, as Lang himself has once said thirty years earlier, that the colony could only accept people on the basis of equality, an equality which had only been established in the colony with some struggle. British freedom demanded that the population, "from the humblest to the highest should be free and equal, socially and politically". The Chinese could never be accepted on this basis - they were alien in all ways, and would inevitably be in the position of a "dependent class". This was a well established general argument, based on an abstract view of the Chinese, still derived more from the notion of Chinese as cheap or indentured labourers rather than from analysis of the actual position of Chinese in colonial society at that time.

It was evident in this debate that speakers on both sides saw the Chinese as inferior. Forlonge said that while "he admitted that they were an inferior race...that was not a reason for excluding them". Forster developed this point: the British were superior, and therefore could not "fear competition with Chinese or with any other race". The opposers of repeal saw this inferiority as a reason for exclusion - it presented a moral danger in itself, and made their acceptance as equals impossible. In any case, as Parkes said, it was their duty to preserve the British character of the colony.

Yet, if the arguments were familiar, the atmosphere had changed. Without immediate proof of interracial conflict and incompatibility, the debate lacked the urgency and heat of earlier years. The vote on the Bill was close, being lost only by sixteen votes to eighteen, and the Herald saw this as a sign that the Bill would eventually be passed.⁶⁶ In a leader commenting on the defeat of the Bill the Herald added some further arguments for repeal.⁶⁷ The Chinese, it said, had in practice proved to be independent rather than servile, and would be enlightened, and converted to Christianity, by life in the colony. They were not, after all, very different from the colonists themselves. These words stimulated a reply from the Herald's old enemy on the matter, the Empire, which applauded and reiterated Parkes's arguments in the debate, stressing the full range of economic, moral, social, and national considerations.⁶⁸

A year later, Lang tried again. In the intervening year, the goldfields had further declined, and the Goldfields Act Amendment Act had been altered so that aliens could no longer be excluded from certain fields, with no ill effects

66. S.M.H., 16 August 1866.

67. S.M.H., 20 August 1866.

68. Empire, 20 and 21 August 1866.

from this change having been evident. The Chinese had further entered into market gardening, and more had left the colony. Lang reintroduced the Bill on 3 September 1867,⁶⁹ and in the second reading debate on 20 September 1867, substantially repeated his arguments of the preceding year, especially the argument that the Chinese were economically valuable.⁷⁰ A debate rather similar to that of the previous year ensued, with Lucas, R. Stewart, and Parkes stressing that the Chinese remained a problem because they could never be granted equal political rights and social treatment.

Yet it became clear that some members, at least, had changed their minds, becoming convinced that the Act was not keeping out Chinese, since they no longer wanted to come in any case. Martin notably had decided to vote for repeal, and even Parkes and Robertson favoured the idea of a suspension of the Act. The Empire, always a champion of the Act, now published a rather fence-sitting leader.⁷¹ It accepted Lang's argument that the decline in the goldfields was the real reason for the end of Chinese immigration, and thought that since the danger had passed in reality, they could "indulge in brotherhood"

69. S.M.H., 4 September 1866.

70. S.M.H., 21 September 1867.

71. Empire, 23 September 1867.

in law. Country newspapers generally did not comment, but the Goulburn Herald said the simple fact was that the Chinese no longer wanted to come, and so the Act, and the whole issue, were now at last irrelevant.⁷²

In the adjourned debate on 4 October 1867 most speakers agreed that the Chinese had turned out to be less objectionable in practice than had been feared.⁷³ Even Lucas, the most virulent anti-Chinese of M.P.s still describing them as obnoxious people whom middle-class M.Ps could tolerate only because they never associated with them agreed that the necessity for the Act seemed to have disappeared. After some attempts by Lucas, Garrett, Robertson, and Parkes to have the Act suspended rather than repealed, the Bill was finally repealed by twenty six votes to eleven. Repeal was assented to on 20 November 1867.⁷⁴ The debates had caused very little public interest, few newspapers even bothering to comment on the fact of repeal at all. One exception was the Mining Record, which mentioned that diggers at Ironbark were discussing repeal with concern.⁷⁵ Quite clearly, the Chinese had faded from public interest.

72. Goulburn Herald, 2 October 1867.

73. S.M.H., 5 October 1867.

74. Entry for 21 November 1867, V. & P.N.S.W.L.A., 1867-8, vol. 1.

75. The Mining Record and Grenfell General Advertiser, 19 October 1867.

For several years after the repeal of the 1861 Act relations remained fairly harmonious. When tensions did reappear, they were evident almost entirely in the city, where a new situation was emerging. Immigration rose slightly on that of previous years, especially between 1871 and 1875, when an average of just over five hundred arrived each year.⁷⁶ Yet departures between 1868 and 1875 were almost double the number of arrivals, 2992 entering and 5227 leaving, by sea.⁷⁷

Harmony on the goldfields appears to have increased. Those Chinese on the goldfields in the early 'seventies, which were experiencing something of a revival, especially at Gulgong, were almost entirely those remaining from the earlier goldseeking immigration. At the census of 1871, on only ten goldfields did they number above 100, the largest concentration being 685 at Gulgong. They usually formed around ten percent of the goldfields population on these ten goldfields, their highest percentage being at the relatively small

76. Report of Immigration Agent, V.& P.N.S.W.L.A., 1869, vol. 1, p. 387; Statistical Register of New South Wales for the year 1878 (Sydney, 1879), p. 4. See Carrington, Gold Rushes of New South Wales, p. 189.

77. Report of Immigration Agent, V.& P.N.S.W.L.A., 1869, vol. 1, pp. 387-8; Statistical Register of New South Wales for the year 1878, p. 4.

goldfields of Nerrigundah, Peel River, and Rocky River.⁷⁸ Because of their low numbers, and because there seemed to be no reason to fear their numbers would increase, there were few clashes between Europeans and Chinese on the goldfields of the early 'seventies. This was reflected in the lack of administrative concern with the Chinese in these years.

At the same time Chinese were becoming increasingly successful in storekeeping, usually in goldmining and ex-goldmining areas. From 1867 some Chinese became very successful storekeepers at Young, and were described by the Burrangong Argus as being "highly respected".⁷⁹ There were, however, occasional complaints against Chinese success in storekeeping, as at Gulgong in April 1872. A correspondent to the Town and Country Journal wrote from Gulgong that where there had once been 250 little shops at Gulgong, usually run by miners' wives, the Chinese had now, by underselling these shops, "managed to monopolise the lion's share" of Gulgong stores.⁸⁰ Twelve Chinese stores, he said, carried most of the trade, and employed only Chinese, who were paid very low rates. One such store belonged to Sun Tong Lee and Co., and this store

78. Census of 1871, pp. 1141-1164.

79. Burrangong Argus, 7 August 1875.

80. Town and Country Journal, 20 April 1872.

was both photographed by Beaufoy Merlin for Otto Holtermann, and later mentioned in a story by Henry Lawson.⁸¹ In The Ghosts of Many Christmases Lawson told of his memories of Sun Tong Lee's, where one could get "strange, delicious sweets that melted in our mouths, and rum toys and Chinese dolls for the children".⁸² Complaints of Chinese monopolisation were again made in October 1877, when a correspondent to the Town and Country Journal said that at Home Rule, near Gulgong, "most of the store business is in the hands of the sleek Mongolians".⁸³ Despite the occasional complaint of this kind, however, it seems that Chinese stores were well patronised, and Chinese storekeepers becoming well known individuals.

Market gardening proceeded apace, with Grenfell, Gulgong, Albury, Dubbo, and Hill End, among other townships, gaining Chinese market gardens.⁸⁴ Most of these townships, as in the 'sixties, had grown from or were close to goldfields.

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81. Keast Burke, "Gold and Silver", Australasian Photo-Review, September 1953, p. 531.
 82. Henry Lawson, Prose Works (Sydney 1956), p. 553.
 83. Town and Country Journal, 27 October 1877.
 84. S.M.H., 1 April 1870 and 25 July 1873; Evening News, 13 March 1875; Border Post, 7 August 1875; Dubbo Advertiser, 5 August 1875; Hill End and Tambaroora Times and Miners' Advocate, 7 August 1875.

The process had become so widespread that by 1878 the Chinese were often referred to as "inimitable cabbage growers", and their market gardening in the interior was generally valued, apart from some talk of their vegetables being unwholesome because of their "forced growth".⁸⁵

Chinese began to enter other rural occupations. Some became fishermen at Lake Macquarie, Port Stephens, and Deniliquin.⁸⁶ At Lake Macquarie in 1870 there were seventeen Chinese working in two parties curing between thirty and seventy tons of fish a year, which were exported to Sydney, Melbourne, and China.⁸⁷ Others became successful tobacco farmers, especially around Tumut, and to a lesser extent at Wollongong.⁸⁸ Their success was so noticeable that by 1890 T.A. Coghlan could report that in most districts the tobacco industry was to a large extent in the hands of the Chinese, who, through greater care and patience, could produce a higher quality leaf.⁸⁹

85. Freeman's Journal, 11 and 18 May 1878.

86. Speech by Lang in L.A., S.M.H., 21 September 1867.

87. Town and Country Journal, 9 July 1870.

88. The Mining Record and Grenfell General Advertiser 9 November 1878; Evening News, 4 January 1879.

89. T.A. Coghlan, Information Respecting Census and Industrial Returns Act of 1891, 14 March 1892, V. & P.N.S.W.L.A., 1892, vol. 7, p. 1103 ff.

Others still worked on pastoral stations as cooks, market gardeners, domestic servants, station hands, sheep-washers, seasonal labourers, and shearers, a tradition begun in the late 'forties.⁹⁰ Anthony Trollope mentioned a Chinese shearers' cook in New South Wales in June 1872, who earned twenty five shillings a week, plus rations.⁹¹ The Chinese in these occupations were usually isolated, being scattered around the various properties. Their presence on pastoral stations began to be the subjects of literary attention from the mid-'seventies. One of the earliest such mentions was in Rolf Boldrewood's The Squatters Dream, serialised in the Town and Country Journal in 1875, and later published as a book under the title of Ups and Downs, A Story of Australian Life.⁹² This novel described the first year of the establishment of a Chinese market garden at a pastoral station:

Under the unwearied labour and water-carrying of Ah Sing, rows of vegetables appeared, grateful to the eye, and were ravenously devoured by the employees of the station, whom a constant course of mutton, damper, and tea - tea, damper and mutton -

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90. Charles Price, "The Doors Close Against the Chinese: 1870-1888", p. 41.
91. Anthony Trollope, Australia (edited by P.D. Edwards and R.B. Joyce, Queensland, 1967), p. 306.
92. Rolf Boldrewood, Ups and Downs, A Story of Australian Life (London 1878), p. 66.

had led to, as M'Nab said truly, the border land of one of the most awful diseases that scourge humanity. Never before had a cabbage been grown in Gondaree, and the older residents looked with a kind of awe at Ah Sing as he watered his rows of succulent vegetables, toilsomely and regularly, in the long hot mornings and breezeless afternoons.

Later, in 1878, one defender of the Chinese in Sydney, where Chinese were becoming increasingly unpopular, pointed out, as Boldrewood had suggested, that in country areas Chinese had been instrumental in halting the spread of scurvy.⁹³

While acceptance and knowledge of the Chinese appears to have increased in these years, many Chinese did not mix very much with Europeans, as indicated by the inability of many to speak English. Court cases involving Chinese continued to be difficult to prosecute, because of their lack of English and the scarcity of interpreters.⁹⁴ This was especially evident at Braidwood, where there were still quite large numbers of Chinese, many of them miners, who kept to themselves and were unable to speak English. The best interpreter in the district was Quong Tart (later to become Sydney's best known Chinese businessman), who had come to Braidwood as a nine year old boy, and acquired European foster-parents. Despite

93. Letter from H. Burton Bradley, S.M.H., 23 November 1878.

94. James to Col. Sec., 15 July 1869, C.S.I.L., no.69/5541, (A.O. 4/664); Eden magistrate to Col.Sec., 19 November 1869, C.S.I.L., no. 69/8873 (A.O. 4/675).

Quong Tart's ability, and despite pleas from the Braidwood Bench that an interpreter was very much needed in the Braidwood area, the government repeatedly refused to appoint him as a permanent interpreter.⁹⁵ Requests for interpreters from other areas, including Nundle, Bowling Alley Pt., and Hanging Rock, were similarly refused.⁹⁶ The government's reasons seem to have been primarily those of expense.

Chinese at this time made positive overtures of friendship to Europeans. Quite often Europeans were invited to participate in the celebration of the Chinese New Year. On one occasion, in 1870, one Chinaman, probably a market gardener, issued invitations to nearly all the townspeople in Hay to partake of a feast to celebrate the occasion. The Deniliquin Chronicle described the event with approval, detailing the feast, the decorations, and the fireworks.⁹⁷

95. Quong Tart to Braidwood Bench, 19 August 1869, C.S.I.L., no. 69/6736 (A.O. 4/668); Quong Tart to E. Greville, M.P., 17 February 1876, encl. with Greville to Col.Sec., 29 February 1876, C.S.I.L., no. 76/1565 (see also attached memo dated 9 March 1876); Greville to Col.Sec., 13 March 1876, C.S.I.L., no. 76/1927; W.C. Fell to Greville, 16 March 1876, and Quong Tart to Greville, 16 March 1876, both unnumbered; all the above encl. with Greville to Col. Sec. 18 March 1876, C.S.I.L., no. 76/2049 (A.O. 1/2325).

96. Sam Ah Kue to Col. Sec., 5 March 1871, C.S.I.L., no. 71/1673 (A.O. 2139).

97. Deniliquin Chronicle, 3 February 1870.

That the Chinese were never free from some form of rejection and hostility, however, was evident in the fact that even on this successful and well patronised occasion vandalism occurred, something which the Chronicle sternly deprecated. Chinese were again hospitable to Europeans at Reedy Creek, in 1875, when they treated Europeans to bottles of spirits on the occasion of a Chinese funeral.⁹⁸

There were always wide disparities in the degree of acceptance of Chinese, there being now indications of acceptance, now indications of hostility and rejection. Perhaps the most extreme case of acceptance was at Sofala, where, the Town and Country Journal said in 1870, "terrestrials and celestials appear to hob-nob together with that degree of intimacy which naturally comes of long acquaintance".⁹⁹ At the other extreme was the situation on the Solferino goldfield in June 1872 when a Chinaman, John Sing, was arrested for indecently assaulting a female child under two years.¹⁰⁰ There was "great excitement", and the miners drew up a notice warning all Chinese on the field to be gone within twenty four hours.

98. Evening News, 29 June 1875.

99. Town and Country Journal, 30 July 1870.

100. P. Howard, Detective, to Insp.Gen. Police, 18 June 1872, C.S.I.L., no. 72/4746 (A.O. 1/2175).

Eighty men signed, but a roll-up was prevented by the local detective's threat to summon every signatory to appear at Grafton Court to show cause why he should not be bound to keep the peace. This incident reveals a continuing tendency to fear the immorality of the Chinese as a race, so that when incidents of wrongdoing occurred, the Chinaman's behaviour was attributed to his racial qualities, and reflected on all Chinese.

II

Fears of the effects of Chinese "immorality" had in 1861 been based on a belief that Chinese were immoral and inferior by nature and on the fact that the Chinese immigration had been almost entirely male. There had been only two Chinese women in the colony in 1861, and by 1871 this number had risen only to twelve.¹⁰¹ Such fears had been heightened under conditions of substantial Chinese immigration, and of Chinese use of resources coveted by Europeans, and with these conditions absent the fears of immorality were bound to lessen. They lessened also because Chinese became more familiar and less anonymous, and because Chinese did not appear usually to have intentions of cohabiting with European women.

¹⁰¹. Census of 1861, p.31; Census of 1871, p. 1141.

This is not to say that the general notion of Chinese as an immoral race disappeared. In discussions of Chinese society as it was in China it was still usually suggested that Chinese men were notorious for their ill-treatment of Chinese women and children. Thus on 30 May 1862 the Sydney Morning Herald had reprinted an article from the Overland China Mail which told of Chinese parents selling their children, and men their wives, as slaves. Early in the 'sixties the Rev. W.H. Pownall had given several lectures in the countryside on Chinese society and religion. He had expressed the common view that Chinese society was "stagnant", and he, too, emphasised the degraded position of Chinese women.¹⁰²

Yet the underlying fear in 1861 concerning Chinese men having relations with European women was not that this was immoral because the Chinese would maltreat European women, but that it was immoral because the Chinese were an inferior race, a fact which made their connection with European women abhorrent. An allied fear was that such unions would result in the birth of "half castes" who would represent the contamination of the Anglo-Saxon race. In so far as Chinese men did cohabit with or marry European women, this remained

102. Burrangong Argus, 9 July 1865; Burrangong Courier, 21 December 1867.

a matter for concern. The Braidwood News in August 1864 had referred contemptuously to some Chinese "wives",¹⁰³ and J.D. Lang's announcement in the Assembly that he had married nine Chinese men to European women had not been greeted with enthusiasm.¹⁰⁴ In October 1868 the Illustrated Sydney News said of the Sydney Chinese that while one had to acknowledge their perseverance and industry, one had also to admit that "many allegations respecting their demoralising habits are true".¹⁰⁵ Ultimately, it was only because instances of interracial cohabitations and marriages were fairly rare that talk of immorality on this account was uncommon in the 'sixties.

In the 'seventies there was an increase concern, expressed chiefly in Sydney, with Chinese immorality and with the Chinese danger to public health. This concern was the product of certain new developments. On the one hand, many colonists in Sydney were becoming increasingly concerned with general morality and public health in the city, as revealed in the growth of public debate and investigation of such issues as Sunday drinking, betting, prostitution, and the presence of unsanitary and overcrowded dwellings, On the other hand,

103. Braidwood News, 6 August 1864.

104. S.M.H., 5 October 1867.

105. Illustrated Sydney News, 3 October 1868.

Sydney's Chinese community was growing. Where there had been 169 Chinese in Sydney in 1861, there were 336 there in 1871 and 579 in 1876.¹⁰⁶ As their numbers grew they became a more distinctive and noticeable group, and instances of their marriage or cohabitation with European women became more common. They began, further, to enter new occupations. In the 'sixties they had been chiefly engaged in trade, supplying provisions to Chinese on the goldfields, market gardening, fishing and hawking.¹⁰⁷ To these occupations was now added the making of furniture. Chinese set up their own furniture-making workshops, both employers and employees being Chinese. Usually, the Chinese furniture makers lived on the premises of the workshop, in what appear to have been rather crowded and dirty conditions. They were beginning to do well in the trade, a matter which later, in 1878, became the cause of much consternation.

The subject of Chinese immorality, and of the condition of their dwellings, was aired at some length in 1870. In July and August of that year the Sydney Morning Herald published a

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106. Price, "The First Confrontation: 1836-71", p. 34; Price, "The Doors Close Against the Chinese: 1870-1888", p. 25; Police Report Respecting Chinese and their Dwellings, 18 December 1876, V. & P.N.S.W.L.A., 1876-7, vol. 5, p. 851.
107. Illustrated Sydney News, 3 October 1868.

series of articles under the title "Sydney by Night", which was "intended to make known some of the social maladies which taint the lower life of Sydney". The articles, written by Walter H. Cooper, told of life and conditions in the overcrowded, poverty-stricken areas of Sydney, particularly noting areas of prostitution.¹⁰⁸

Cooper described some Chinese dwellings. At the Rocks, he said, there were "a couple of dens inhabited by low Chinese who are given to gambling and worse vices".¹⁰⁹ One of the dwellings was "a wretched den, scarce fit for the habitation of a family of pigs.... Six of them were squeezed into a small room about ten feet square". The other dwelling was larger and cleaner. Cooper said, on the basis of these two houses:

These Chinese are a very bad lot. Gambling is their most absorbing vice, and these two houses it is carried on to an astonishing extent. They play for very high stakes, and, of course, scenes of disorder are frequent among them.... Their houses are little better than brothels, and their lewdness is of the most shameless description. They appear to be utterly devoid of modesty, and to bring the hapless women, when they decoy them into their dens, very speedily into their own degraded condition.

108. The series was published anonymously. Cooper claimed to be the writer in a letter to the S.M.H., 17 December 1878.

109. S.M.H., 1 July 1870.

Later he described finding in a Pitt Street brothel a Chinaman with a "very pretty young girl", and the cohabitation in Goulburn Street of Chinese men and European women.¹¹⁰ Cooper did point out, nevertheless, that he was describing only a certain kind of Chinese dwelling in Sydney. "There are, however", he said, "many Chinese living in Lower George Street who are honest, industrious fellows, leading respectable lives, and untainted by the vile customs of their race".¹¹¹

The "Sydney by Night" series was widely read, and the conviction that Chinese availed themselves of young European women firmly established. The matter came up again three years later in the context of discussions in the Sydney Morning Herald over methods of eliminating juvenile prostitution in Sydney. One suggestion made in a letter in July 1873 was to "bring down the arm of the law with crushing severity upon the Chinese monsters who are depraving our young with perfect impunity".¹¹² Interest was again kept alive by another series of articles in the Sydney Morning Herald, entitled "After Dark", in which the writer described in August 1873 visits to two houses with Chinese men and their European

110. S.M.H., 23 August 1878.

111. S.M.H., 1 July 1870.

112. S.M.H., 29 July 1873.

wives, on the second occasion specifying the women concerned as having Irish parents, and being under the influence of opium.¹¹³ The latter article aroused irate opposition from the Freeman's Journal and several of its letter-writing contributors, who claimed that Irish girls had been unfairly singled out, and that in any case the writer of "After Dark" had described a marriage, which was at least better than interracial promiscuity.¹¹⁴

In the mid 'seventies such concern increased, as Sydney's Chinese population and concern with problems of health and morality continued to increase. There were now, moreover, disturbing reports from Queensland and California. In January 1875 news had reached New South Wales of new rushes in Queensland to the Palmer River and other North Queensland goldfields. By March there was news of substantial direct Chinese immigration to these fields. The Evening News responded with the view that the Chinese were indeed a great moral danger to Queensland, being "little better than slaves, and...the very lowest in the social and moral scale in their native country".¹¹⁵ They exhibited, as a race, "extreme

113. S.M.H., 5 and 29 August 1873.

114. Freeman's Journal, 6, 13 and 27 September 1873.

115. Evening News, 10 May 1875.

immorality" and were "steeped in sensuality". Yet the issue of Chinese immigration was still remote for New South Wales, which in 1875 saw only 625 Chinese immigrants arrive and 1209 Chinese depart, and comments on the issue were few.¹¹⁶ Many newspapers were, on the other hand, in the mid-'seventies carrying a number of reports reprinted from overseas papers on the activities and behaviour of Chinese in California. These reports spoke constantly of Chinese "vice" and "immorality", their threat to free institutions through their secret associations and servile character, their disease, and their entry into competition with Europeans.¹¹⁷ Such reports further confirmed the existing assumptions that Chinese were immoral and degrading.

Late in 1875 and in 1876 the habits of the Chinese in Sydney came under closer scrutiny. In April 1875 the Sydney City and Suburban Sewage and Health Board was appointed to investigate problems of public health, especially sewage, water supply and overcrowded dwellings, and in October 1875 this Board appointed a sub-committee to especially inquire into

116. Statistical Register of New South Wales for the Year 1879 (Sydney 1880), p. 4. For comment see Evening News, 9 September 1875.

117. See, for example, Evening News, 3 February 1875; Burrangong Chronicle, 12 August 1876; Newcastle Morning Herald, 21 August and 16 October 1876.

"the crowded state of dwellings and areas in the city of Sydney".¹¹⁸ In the course of this committee's investigations, some Chinese houses were visited.

The committee visited Chinese carpentering workshops, where the men employed slept on the premises. Here they reported overcrowding and rooms which were dirty, badly ventilated, and with poor sanitation.¹¹⁹ The members of the committee, however, showed an even greater concern with opium smoking and the presence of European women in Chinese houses. In their reports to the committee they referred frequently to the "horribly sickly smell of opium smoking", and were particularly concerned that opium was the agency through which Chinese trapped and degraded European women. As one member of the committee, Chapman, put it, "it is impossible to say what diabolical offences are not committed through the agency of this pernicious drug".¹²⁰ They had¹²¹ observed Chinese men and European women together, smoking opium:

118. Final Report of the Committee to Enquire into Crowded Dwellings, 7 August 1876, attached to Eleventh Progress Report of the Sydney City and Suburban Sewage and Health Board, appointed 12 April 1875 (Sydney 1876).

119. Ibid., pp. 18-19, 28.

120. Ibid., pp. 18-19.

121. Ibid., p. 50.

...we found another white girl, about 20 years of age, living with a Chinaman. Both were on the smoking bench, inhaling the fumes of opium as we entered...the girl...[was] in a state of partial stupor, under the influence of the pernicious drug; her eyes had a glassy look, the pupils were dilated, and she was altogether in a perfectly helpless state....She said she was not married to the Chinaman; and it appears that when once white women become subject to the tyranny of opium administered by a Chinaman, the latter care very little to avail themselves of the marriage rite. A woman in this state is at the mercy of any Chinaman who may enter the house.

The committee's reports of 4 February and 7 August 1876 reflected these concerns.¹²² In the latter report it suggested that all Chinese houses, of any description, be thoroughly inspected. Chinese houses, the committee said, might not break the law, "but it is a question whether the state of moral and social degradation in which they [the Chinese] live is not a greater offence to the well-being of the community". Further, the committee appended to its latter report a paper on opium and opium smoking which, it said, "will give some idea of the prevalence of vice and depravity induced by this enslaving and degrading practice....

122. Second Report of the Committee to Enquire into Crowded Dwellings, 4 February 1876, attached to Tenth Report of the Sydney City and Suburban Sewage and Health Board (Sydney 1876); Final Report of the Committee to Enquire into Crowded Dwellings, 7 August 1876, loc.cit.

This habit is not confined to the Chinamen, but...numbers of European women haunt their smoking dens, and become slaves to its use".¹²³ The Committee felt sure it had not seen the worst. "Fearful immoralities", it said, "are far more frequent and widespread than would appear...the midnight orgies which are carried on in some of the upper rooms, from which all light is carefully excluded, no doubt exceed any of the scenes witnessed by the members of this Committee in their visits of inspection".¹²⁴

The committee's concern with immorality was echoed by the Sewage and Health Board in its eleventh progress report of 10 August 1876. The Board suggested that "some steps are necessary to put down with a strong hand the evils connected with the residence of Chinamen in this City. What is taking place in California, as reported in the public press, suggests the necessity of fully considering what shall be done with respect to these people".¹²⁵ The Report was tabled in the Assembly on 16 August 1876.¹²⁶

123. Final Report of the Committee to Enquire into Crowded Dwellings, 7 August 1876, p. 12.

124. Ibid.., p. 12.

125. Eleventh Progress Report of the Sydney City and Suburban Sewage and Health Board, appointed 12 April 1875 (Sydney 1876), p. 3.

126. Entry for 16 August 1876, V. & P.N.S.W.L.A., 1875-6, vol. 1.

The Assembly had, meanwhile, set up its own Select Committee to investigate the conditions of Common Lodging Houses in Sydney.¹²⁷ This Select Committee, under the chairmanship of Angus Cameron, did not specially commission investigations as the earlier committee had done, but based its findings on the testimony of "expert witnesses", some of whom had been on the earlier committee. The findings of the Select Committee, as might be expected from its method of collecting information, were, in respect to the Chinese, phrased in even more generalised and lurid terms than those of the earlier committee. One witness, Inspector Rush, said that in some of the houses European women lived with the Chinese "like a lot of swine or worse".¹²⁸ Another witness, acting Sub-Inspector Johnston, described the two or three Chinese lodging houses in the area under his control as "not much better than brothels".¹²⁹ The most violently phrased evidence was given by Seymour, Inspector of Nuisances. He said the Chinese frequently cohabited with white women, and

127. Entries for 14 March and 1 August 1876, V. & P.N.S.W.L.A. 1875-6, vol. 1; Report of the Select Committee on Common Lodging Houses, V. & P.N.S.W.L.A., 1875-6, vol. 2, pp. 845ff.

128. Report on Common Lodging Houses, p. 852.

129. Ibid., p. 853.

used white women between ten and twenty years of age for sensual purposes while they were under the influence of opium.¹³⁰ Evidence in a similar vein was given by G.F. Dansey and Senior Constable Mulqueen.¹³¹

When the Select Committee Report was tabled in the Assembly on 1 August 1876, it caused some consternation. Although the Evening News insisted that only some of Sydney's Chinese population were implicated in the Report,¹³² the Illustrated Sydney News considered that the Report showed the Chinese as a race to be so revolting and debased "as to be hardly classable as human beings".¹³³ With neither moral perception nor intelligence, it said, the Chinese were "a low type of humanity". The Burrangong Chronicle referred to the Californian example, and feared that the situation would be duplicated in New South Wales.¹³⁴ The crimes of the Chinese, said the Chronicle, included their vast numbers, strange habits, filth, vice, crime, poverty, disease, prostitution, gambling, paganism, adherence to secret societies, opium smoking, and

130. Ibid., p. 859.

131. Ibid., pp. 860-2.

132. Evening News, 8 August 1876.

133. Illustrated Sydney News, 19 August 1876.

134. Burrangong Chronicle, 12 August 1876.

general debauchery. It agreed that not all these crimes were prevalent in Australia, and that in practice some Chinese had become good market gardeners, and "good townsmen". Nevertheless, it went on to say, the cohabitation between Chinese men and European women was undesirable, and was already producing "half castes".

These fears were reflected in a petition submitted to the Assembly, signed by 206 citizens of Sydney.¹³⁵ The petitioners prayed for a law to be passed "to suppress the atrocities committed by the Chinese population in the heart of the metropolis which have been disclosed by the committee on Common Lodging Houses". They described the "enormities" there disclosed as "shocking to human nature and derogatory to the welfare of the community...exposing childhood to the brutal lusts and unnatural vices of these foreigners".

The Government was concerned to deny that anything illegal was occurring in Chinese houses. The only charge made by the Select Committee Report of actions which were illegal, as well as "immoral", was Seymour's charge that girls under sixteen were being used as prostitutes in Chinese houses. An investigation of juvenile prostitution had been made in

135. Petition of Certain Residents of Sydney Concerning Common Lodging Houses, V. & P.N.S.W.L.A., 1875-6, vol. 6, p. 869.

the November of the preceding year, and at the time eight Chinese houses had been investigated.¹³⁶ This report had shown that while there were some European women living in Chinese houses, none were juveniles. John Robertson thus had reason to doubt this aspect of the Select Committee Report, and immediately after the tabling of the Report ordered a follow-up investigation under the Inspector General of Police, which found no cases of women under sixteen cohabiting with Chinese.¹³⁷ It did however, offer more precise information on the intermarriage and cohabitation of European women with Chinese men, finding that in a population of 579 Chinese in the city, 55 were married to, and a further 22 cohabiting with, European women.

It was in this context that Cameron and Robertson clashed over the issue in the Assembly on 17 August 1876.¹³⁸ Cameron asked whether, in view of the evidence of the "scandalous

136. Camphin, Willmott, and Tindall to Officer-in-Charge of Detectives, 16 November and 1 December 1875, C.S.I.L. both at no. 76/6553, encl. with no. 76/6846 (A.O. 1/2342).

137. Speech by Robertson in L.A., reported in S.M.H., 18 August 1876; Insp.Gen. Police to Supt. Read, 12 August 1876, Willmott and Potter to Insp. Gen. Police, 16 August 1876 and Insp.Gen. Police to Col. Sec. 17 August 1876, C.S.I.L. all at no. 76/6553, encl. with no. 76/6846, (A.O. 1/2342; Police Report Respecting Chinese and Their Dwellings, 18 December 1876, p. 851.

138. S.M.H., 18 August 1876.

connection between Chinese and European women", the Government intended to do anything to bring the Chinese to justice.

Robertson replied that the recent investigations by the Inspector General of Police had revealed no illegal, that is juvenile, connection between European women and Chinese men. The ensuing discussion revealed some confusion over whether they were discussing juvenile (illegal) prostitution or adult (legal) cohabitation and prostitution. Parkes, who had always given as one of the reasons for objection to the Chinese his belief that European women would avoid them, with the result that they could not contribute to the task of populating the country, now said that he was inclined not to believe Seymour's and Dansey's evidence of cohabitation. Such evidence, he said, not only condemns the Chinese, but also "our own sisters.... It was a most frightful stigma on the character of English women". Seymour's evidence, he thought, "describes a state of female depravity impossible to believe". Macintosh insisted that Chinese lived in a filthy manner, and McElhone said, despite Robertson, that Chinese took advantage of an immense amount of prostitution of young girls. Children, he said, had to be locked up because of Chinamen. Cameron concluded the debate, insisting that the evidence was true, and arguing that since "one hundred of these Chinamen would do more to demoralise this community than a thousand Europeans", and since only the capitalists

wanted them for their cheap labour, an imposition of some kind ought to be imposed on their immigration.

The question was not taken up again at a legislative level, and, after August 1876, public interest in the matter subsided. At about this time police began to use the vagrancy laws to prevent young women from entering Chinese houses. In one such case a young girl was arrested in a Chinaman's house and charged with having no visible means of support, and sent to gaol for two months.¹³⁹ In another case a magistrate told a girl so charged that she would be given a six months gaol sentence if ever caught "speaking to a Chinaman again".¹⁴⁰ But minor administrative action of this kind was not accompanied by much expression of public concern. As Fitzpatrick remarked in the Assembly the following year, apathy on the Chinese question was likely to continue as long as New South Wales continued to receive few Chinese immigrants.¹⁴¹

The foundation, nevertheless, for a strong concern with Chinese immorality had been well laid, and it was to be a prominent issue when Chinese immigration did increase in

139. Evening News, 7 September 1876.

140. Illustrated Sydney News, 16 September 1876.

141. L.A. debate, reported in S.M.H., 5 July 1877.

1878. By that time, too, the concern had spread to some country areas. In the late 'seventies, larger Chinese centres or camps had begun to form in country towns. It is difficult to tell why such camps began to form at this time - certainly they had existed before this in Victoria, and were imported from Victoria, appearing first in the southern border towns. Chinese camps, which consisted to a number of houses clustered together, and where the Chinese adopted distinctive patterns of recreation, including gambling and opium-smoking, and where they were more likely to live with, or be visited by, European women, first made their appearance in New South Wales at Deniliquin in 1877.

On 29 November 1877 the Deniliquin Chronicle in a leader described the growth in the town of Chinese camps, which it saw as a new and unwelcome development. "Our earlier Chinese residents", said the Chronicle, "were gardeners, and when they supplied the town and district with vegetables in the hot weather, when Europeans could not, their arrival, and their success, were estimated as social gains...These things have changed". The camps, as the Chronicle described them, appeared to have become the centre of European "low life", with sly grog shops, and European women imported from Victorian towns. The Chronicle urged that these "hotbeds of vice, and dens of infamy" be stamped out. A letter signed "SCRIBO" replied that the solution was not

to expel and exclude the Chinese altogether, but for the town council to prevent the undesirable activities going on in the camps.¹⁴² On 9 May 1878 the Chronicle reported that there had been a general clean-up of prostitution in Deniliquin, although the camps remained. In 1878 a similar camp appeared in Albury.¹⁴³

The year 1877 was the last year for some time in which concern over Chinese immigration remained relatively slight. In that year New South Wales received only 884 Chinese immigrants, while 490 Chinese departed.¹⁴⁴ While this was the first year since 1861 that arrivals had exceeded departures, the number arriving was still small, and only slightly larger than that of each of the previous three years.¹⁴⁵ If the public at large continued to be generally uninterested in the issue, however, there were some in the Assembly and the press who were beginning to express concern. Discussion in 1877 focussed on the question of Chinese immigration to Queensland. In March 1877 the British Secretary of State had taken the

142. Deniliquin Chronicle, 27 December 1877.

143. Town and Country Journal, 6 July 1878.

144. Statistical Register of New South Wales for the Year 1879 (Sydney 1880), p. 4.

145. Ibid.

unusual step of disallowing a colonial Act, Queensland's Goldfields Act Amendment Act, which had been designed to discourage Chinese migration to the goldfields by imposing a heavier licence fee on all "Asiatic and African Aliens". The Secretary of State, Lord Carnarvon, gave as his reasons for disallowance the objection that the Act aimed too directly at "the subjects of a friendly power with whom it is for the advantage of the Empire that free intercourse should be maintained", and that the Act would discriminate against British subjects of Asiatic or African origin.¹⁴⁶ This disallowance met with a storm of protest in Queensland, both because the issue of discouraging Chinese immigration was felt to be urgent and important, and also because it was seen as an ill-advised and unwarranted interference by Britain in colonial affairs.

On 20 April 1877 the Queensland Premier formally appealed to the other Australian colonies for support in his opposition to the British Government on this matter.¹⁴⁷ Probably because of the remoteness of the issue for New South Wales, Premier Parkes did not wish to be drawn into

146. Correspondence Respecting Reservation of Her Majesty's Assent of the Queensland Goldfields Act Amendment Bill of 1876, V. & P.N.S.W.L.A., 1876-7, vol. 1, p.689.

147. Ibid.., p. 686.

an attack on the British Government over the matter. He considered the Queensland Act an inappropriate and probably ineffective method of dealing with excessive Chinese immigration, and that a more carefully phrased Act would probably, in any case, be accepted by the British Government. He consequently delayed in replying to the Queensland Premier's circular.

There was some slight pressure on him to act from certain sections of the press. The Evening News agreed that the time had come for the colonies to confer on the issue, and thought the New South Wales Government, even though New South Wales was not itself directly affected, should express sympathy with Queensland and urge the Imperial Government to allow the colonies to decide this issue for themselves.¹⁴⁸ The Newcastle Morning Herald put the matter a little more urgently - the Queensland Chinese, it suggested, if disappointed on the Queensland Goldfields, might come down to New South Wales.¹⁴⁹ They ought to act before, and not after, their own Chinese problem became substantial. The press in general, however, was not very interested.

148. Evening News, 18 April 1877, also 12 May and 23 June 1877.

149. Newcastle Morning Herald, 16 June 1877.

After signs in the Assembly that some thought Parkes ought to respond more quickly,¹⁵⁰ Parkes finally, on 27 June, wrote to the Queensland Premier expressing "earnest sympathy".¹⁵¹ The New South Wales Government, he said, would co-operate in any attempts to moderate or wholly arrest Chinese immigration. He did not agree, however, that the Secretary of State had acted unconstitutionally, being justified in guarding the obligations of the Empire as a whole. Further, Parkes suggested, the Queensland Bill had been rejected only because it exceeded the necessities of the case.

Some members of the Assembly did not consider Parkes's reply to be adequate. Buchanan, who had long held republican views, moved on 4 July 1877 that the Assembly pass a resolution censuring the British Government more explicitly.¹⁵² He urged that the Chinese issue was a serious one, referring extensively to California and their own Common Lodging

150. See motion by Buchanan that all correspondence re Q'ld Bill be tabled, 30 May 1877, reported S.M.H., 31 May 1877, and passing of motion by Assembly, 25 June 1877, that the correspondence be printed, S.M.H., 26 June 1877.

151. Further Papers Respecting Disallowance of Queensland Gold Fields Act Amendment Bill, V. & P.N.S.W.L.A., 1876-7, vol. 1, p. 691.

152. S.M.H., 5 July 1877.

Houses Report of the previous year, and pointing out that Chinese immigration to Queensland in the last two years had been very substantial, Chinese numbering 17,000 on one goldfield, and threatening to swamp the European population. In such a situation, he said, it was their duty to protest against Britain's interference in colonial affairs.

In debate he was supported strongly by a number of speakers, Cameron and Baker (the same Baker who had been prominent at Lambing Flat) especially attacking the Chinese. Parkes replied that he agreed that the Chinese would endanger the British character of colonial society, though he said this danger was based on their "alien" rather than their "inferior" quality. On this question Parkes had, since the early 1850's, revealed some ambiguity, at times describing the Chinese as "inferior" and at others insisting that it was not their inferiority as such but their difference and inability to assimilate into British society which lay at basis of his objections to them. In any case, the present problem, he said, was not one of principle, but of the poor framing of the Queensland Act. If this were rectified, he felt sure, the Act would then be allowed by Britain. The predominant feeling in the Assembly was in disagreement with Parkes, and while Buchanan's motion failed, another motion, asking the British Government to seek any necessary modification of its treaty with China in order that it could allow the Queensland Act, was passed.

The British Government, however, had no intention of altering its treaties as the Assembly's motion suggested, and it was ultimately necessary for the Queensland Government to modify the Act as Carnarvon had ordered. The Queensland Government also passed a Chinese Immigration Restriction Act, modelled on the New South Wales Act of 1861.¹⁵³ Both Acts were then allowed, and Queensland was able from late 1877 to reduce substantially the extent of Chinese immigration to her goldfields.¹⁵⁴

The relative lack of concern in New South Wales over the issue of Chinese immigration into Queensland in 1877 was parallel to that in 1855 and 1857: in both cases a neighbouring colony was passing restrictive legislation but New South Wales took little interest because of her own virtual lack of Chinese immigration. Even the disclosures of the Common Lodging Houses Report had not made fear of the effects of the Chinese a major issue in New South Wales society. It was clear that only either fear of massive Chinese immigration to the colony, or fear of direct economic competition between Chinese and Europeans, could generate real alarm. In 1878 both fears became widespread.

153. Willard, op.cit., pp. 50-1.

154. Ibid., p. 51.

CHAPTER SEVEN

THE RISE OF AN ANTI-CHINESE MOVEMENT, 1878

Hostility to the Chinese markedly increased in 1878. In that year Chinese immigration to the colony rose threefold, and Chinese entry into certain trades, especially furniture-making, became more marked. Most important of all, Chinese were for the first time since the failed indentured labour experiment of 1848-1852 specially introduced by a local employer, when the Australasian Steam Navigation Company (A.S.N.) introduced Chinese seamen at low wages to replace Europeans. Chinese were individually attacked, verbal expressions of hostility became common, many public meetings were held and petitions sent to the legislature demanding the restriction of Chinese immigration, and, in the last six weeks of the year, European seamen went on strike in opposition to the use of cheap Chinese labour. In consequence, the Company was forced to curtail its use of Chinese labour, and the Government promised to introduce early in 1879 a Bill to restrict the immigration of Chinese. Throughout this agitation, the belief in the racial inferiority of the Chinese was frequently and vehemently expressed.

I

In 1878 a total of 2,485 Chinese immigrants, compared with 884 in 1877, entered the colony.¹ The success of Queensland's attempts to limit Chinese immigration, and the ongoing attempts in California to do likewise, suggested that the increase in numbers coming to New South Wales would continue.² These immigrants were, as before, virtually all males. The growth of the Chinese population in the city of Sydney continued, now numbering 960, or ten percent of the colony's Chinese population of 9,616.³ The number of interracial marriages increased, there being reported in November 1878 181 European women married to Chinese, a further 171 living with them unmarried, and 586 half caste children.⁴ There were reported to be 4406 Chinese opium smokers, and 46 European female opium smokers.⁵ Given the concern which had arisen earlier over Chinese "immorality"

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1. Statistical Register of New South Wales for the Year 1879 (Sydney 1880), p. 4.
 2. See Charles Price, "The Doors Close Against the Chinese, 1870-1888", pp. 5-6.
 3. Information Respecting Chinese Residents in the Colony, 1878, V. & P.N.S.W.L.A., 1878-9, vol. 7, p.469.
 4. Ibid.
 5. Ibid.

and intermixture with European women, such developments were bound to cause concern.

There were important economic changes. A police report in November 1878 estimated that 42% of Chinese in New South Wales were miners, 7% "storekeepers and employees", and 51% "shepherds, cooks, and others", many of the latter probably including market gardeners and furniture makers.⁶ European colonists were now faced with three distinct kinds of Chinese labour. The first was that which had predominated in the 'sixties and early 'seventies - the Chinese entry into occupations such as mining on poor goldfields and market gardening in the interior, which Europeans did not in any case wish to enter.

The second form of Chinese labour had appeared first in the early 'seventies, but was not until 1878 very noticeable. This was the Chinese entry into certain trades, principally cabinet-making, where they did compete with Europeans, and where they were able, through selling their goods at lower prices, to undercut Europeans. Chinese appear essentially to have been able to undersell European furniture makers by abandoning European standards of quality and craftsmanship, using cheap materials, and specialising

6. Ibid.

in certain major lines. Their furniture was eagerly sought by workingmen, for whom European-made furniture was often too expensive. Perhaps also Chinese worked harder, for longer hours, and for lower returns than did Europeans, though T.A. Coghlan's account of the furniture industry in 1890 suggests that differences in wages and hours were not substantial.⁷ In any case, the Chinese were making inroads into the furniture trade. From the mid-seventies the Chinese segment of the trade expanded quickly. In such trades, the economy was becoming ethnically divided, with Chinese refusing to work for Europeans, and Europeans either refusing to work for, or being unacceptable to, Chinese employers. This division was the product largely of the Chinese desire to maintain themselves as a group within an alien society, and of the practical advantages for them, in terms of language, skills, and contacts, of working in groups.

The third kind of Chinese labour was that specially introduced as seamen in 1878 by A.S.N. at lower wages for the purpose of replacing European seamen. A.S.N., a locally owned company, in 1878 operated a large share of steamship

7. T.A. Coghlan, "Information Respecting the Census and Industrial Returns Act of 1891", V. & P.N.S.W.L.A., 1892, vol. 7, p. 1116.

services in Australian waters, with services along the east coast, and to Fiji, New Caledonia, and Hong Kong.⁸ Its domination of these trades was being effectively challenged at this time by a new company, the Hong Kong-based Eastern Australian Mail Steamship Company (E. & A.) which was able to offer lower charges because of its use of Chinese seamen employed at low rates of pay.⁹

The E. & A. Co. thus provided an example of the usefulness of Chinese cheap labour not previously placed before New South Wales employers. The talk of using Chinese coolies on Queensland sugar plantations, the slight use of Chinese coolies from Singapore in the Northern Territory, and the government subsidised introduction of Chinese into Western Australia as labour for pastoralists and pearlers, were not paralleled in New South Wales at this time.¹⁰ The interest in Chinese labour in the three "tropical" colonies had been based on severe labour shortages, and on an assumption that the development of sugar, cotton, rice, coffee, rubber, and other tropical crops required coloured

8. Charles Jonathon McNeill Hayes, *The Seamen's Strike, 1878-9* (B.A. Hons. thesis, Macquarie University 1970) p.3.

9. Ibid.; Town and Country Journal, 23 November 1878.

10. Charles Price, "The Doors Close Against the Chinese, 1870-1888", pp. 29-33.

labour adaptable to the climate and obtainable at low cost.¹¹ The latter consideration did not affect New South Wales with its temperate climate, and employers and government had favoured assisted British immigration as a solution to labour shortages. Employers had thus had no particular stimulus to undergo the initial expense and uncertainty of importing Chinese labour, and, probably, saw Chinese as unreliable workers who would cause trouble both in absconding from contracts and in arousing European hostility to them.

With the example and rivalry of the E. & A. Co. before it, however, the A.S.N. Co. decided that if its share of the market were to be maintained it too would have to use cheap Chinese labour. During the early and middle months of 1878 the company replaced Europeans with cheap Chinese crews on three of its ships trading to Fiji and New Caledonia.¹² Where Europeans were paid £7 per month, Chinese were paid £3 per month.¹³

In response to all these new developments, there emerged an organised movement advocating the restriction of Chinese immigration to New South Wales. There were three

11. Ibid., p. 33.

12. Town and Country Journal, 23 November 1878.

13. S.M.H., 20 November 1878.

distinct sources of leadership in this movement, and its composition was both working class and middle class. The three sources of leadership were, firstly, a group of M.L.A.'s, usually representing working class electorates, including Cameron, Hungerford, O'Connor, Melville, Macintosh, J. Davies, and McElhone, who campaigned for the limitation of Chinese immigration, both inside the Assembly and at public meetings outside it.

The second source of leadership was a group of organisations including the Working Men's Defence Association, the Political Reform Association, and the Political Reform League, the last two of which amalgamated in August 1878 to form the Political Reform Union.¹⁴ These associations had been formed during the agitation in 1877 against assisted British immigration, seeing such immigration as a waste of public moneys on schemes designed to flood the labour market and lower wages and conditions of the working man.¹⁵ They were concerned not only with the Chinese and assisted immigration issues, but also with other questions, including

14. Evening News, 30 August 1878. The W.M.D.A. declined to join.

15. For a discussion of this agitation see Albert A. Hayden, "New South Wales Immigration Policy, 1856-1890", Transactions of the American Philosophical Society, n.s., vol. 61, pt. 5, (1971), pp. 1-60.

electoral and land reform.¹⁶ These organisations attracted a strong working class following, but their leaders appear to have been both working class and middle class, and to have included, in the case of the Political Reform Union at least, some employers.

Leadership of the anti-Chinese movement came thirdly from the Trades and Labour Council and associated trade unions. The T.L.C. had been formed in 1871, and had been important in co-ordinating and assisting the activities of the growing number of trade unions in the colony.¹⁷ It had had experience in organising meetings and demonstrations during the agitation against assisted immigration. In 1874 it had successfully sponsored the candidature of Angus Cameron, a carpenter and trade union official, to the Assembly and for two years had paid his salary. This connection has been severed in 1876 when Cameron said he must retain the independence necessary to a member of parliament and not be dictated to by the T.L.C.¹⁸ After this the T.L.C.'s

16. See P.R.U. constitution - Evening News, 9 October 1878.

17. For a full discussion of the T.L.C. see N.B. Nairn, Some Aspects of the Development of the Labour Movement in New South Wales 1870-1900: and the Effects of that Development on the Formation and Early History of the Labor Party in New South Wales 1889-1900 (M.A. thesis, S.U., 1955).

18. Ibid., pp. 49-60; Loveday and Martin, op.cit., p.103.

attitude to direct political involvement was somewhat uneasy, yet it maintained an attitude that it was legitimate to organise public pressure on specific issues directly affecting the working man. In 1878 the "Chinese question" was judged to be one such issue.

The political associations and the T.L.C. represented, as Martin and Loveday suggest, a growing tendency towards political organisation by men who felt their views were inadequately represented under the existing system of faction politics.¹⁹ Such organisations did not at this time become strong enough to challenge the existing political process in parliament, but did become important extra-parliamentary organisations, mobilising the expression of public opinion on certain issues. They adhered generally to the dominant liberal ethos in politics, but thought the interests of the working man, and of others, were not being fully met.

These three sources of leadership, while differing in membership and style to some extent, did not differ from one another in the arguments given for opposing the Chinese. Each put forward arguments stressing the economic, social, political, moral, national, and racial danger posed by the

19. Loveday and Martin, op.cit., p. 103.

Chinese to colonial society as a whole. The many meetings and petitions opposing Chinese immigration were remarkable both for the wide range of arguments used at any one meeting or in any one petition, and for the consistency with which the same arguments were repeated.

All three sources of leadership opposed the Chinese on economic grounds. The movement reached its peak in opposition to the importation of cheap Chinese seamen, but also consistently opposed Chinese entry into other trades in competition with Europeans. All such entry was regarded as "unfair competition", either because Chinese undersold Europeans or because their success in any occupation, however gained, was seen to close avenues for Europeans. European hostility to Chinese had as a large component the fear that they would take jobs "rightfully" belonging to Europeans. Because of the coincidence of ethnic and economic divisions, Chinese could in no way be seen as fellow workers. While Chinese labourers may have worked within their own manufactures to obtain higher wages, they did not participate in the emerging trade union movement, and their attempts at their own "betterment" could not be interpreted as part of the trade union movement for the "betterment" of the working man.

Chinese were opposed not only as unfair competition, but also because they remained a distinct group. This reason

for opposition to them, which had now been given for over forty years, was given and detailed again and again by anti-Chinese spokesmen in 1878. Chinese were seen as both refusing, through their coming with little intention to settle, and as unable, through their racial inferiority, to assimilate into colonial society. As a large unassimilable non-British group they would threaten the British character of the colony, refuse to accept free British institutions, and in fact use them for their own ends to achieve political dominance, and become not only a separate but also an inferior group, threatening liberal ideals for a politically and socially egalitarian and economically "balanced" society. The anti-Chinese movement in 1878 also took up with considerable emphasis the fears of Chinese immorality and Chinese danger to health which had been detailed in the reports of the mid-'seventies. Spokesmen referred to overcrowding, opium-smoking, but most particularly to the dangers of Chinese contact with European women. In this context, the danger of racial intermixture continued to be stressed.

In all these arguments racism played an important part. N.B. Nairn's denial of the importance of racism in this movement, as expressed in his suggestion that the T.L.C.'s argument "lacked completely a demagogic recourse

to prejudice", must be rejected.²⁰ The belief that the Chinese were an inferior race was used to justify the claim that they had no right to use economic resources desired or needed by Europeans, to explain their presumed failure to assimilate into colonial society, and to provide grounds for fearing that they would demoralise colonial society and degrade the British racial character.

The anti-Chinese positions argued in 1878 were thus remarkably similar to those argued between 1856 and 1861. Yet there were differences. Where in the earlier period the issue had been one of Chinese "taking the gold" rather than of "cheap labour", in the later period the issue of unwanted competition was joined by the very real danger of Chinese being used by a European employer to displace European labour. The Chinese goldseeker had been interpreted as "cheap labour" only by the most politically conscious of the miners, and then only with some difficulty. From 1878 the view of Chinese as "cheap labour" gathered new force and was widely accepted. Now it was seen to be not the squatters, but certain sections of commercial capital, which sought to undermine the conditions of the working man. A second difference lay in the way moral fears were expressed. Where

20. Nairn, Labour Movement in N.S.W. 1870-1900, p. 76.

that fear in the years 1856 to 1861 had been expressed in the most generalised terms, now it acquired on the basis of experience a new specificity.

The real difference between the earlier and later periods was, however, not so much in the character of the arguments used, as in the character and sources of anti-Chinese agitation itself. The political and economic structure of the colony had changed. Argument in the earlier years had been conducted on the goldfields, in the press, and in parliament. Those economically affected, the miners, had been generally apolitical, disorganised, and individualistic, and had not responded to the attempts of the Miners' Protective League to place their opposition to the Chinese within the context of a larger, radical, political programme. In the later period, on the other hand, mediating between those immediately economically affected, such as the European seamen and cabinet makers, and the press and parliament, was a distinctly organised movement expressing itself in public meetings and petitions, and led by organisations which did have wider political and economic programmes.

Another important new development was that whereas in the earlier period Chinese had given little physical resistance to the attacks on them and had made no attempt to

argue their own case, Chinese in the later period were a better organised community, claiming their right to protection from violent attack, and arguing, through petitions and deputations to the Government, against the objections raised to them.

II

The call for an end to Chinese immigration came first from Angus Cameron in the Assembly in April 1878. It had already become clear that Chinese immigration to the colony was increasing, approximately 750 having arrived in the first three months of the year, and almost 700 more arriving in the last week of April.²¹ Cameron, despite his severance from the T.L.C., had been prominent in agitation against assisted British immigration, and had already, in his championing of the Select Committee on Common Lodging Houses in 1876 and his strong support for the Queensland Government in 1877, shown himself to be particularly opposed to the Chinese. He now moved in the Assembly on 30 April for an adjournment of debate, to call the attention of the House to the recent Chinese arrivals.²²

21. S.M.H., January to April 1878, esp. 30 April 1878.

22. S.M.H., 1 May 1878.

The Queensland restrictive act, he said, meant that the Chinese were now coming to New South Wales, and further Chinese immigration was likely also because of moves then occurring to exclude Chinese from California. He stressed the possibility of violence arising in New South Wales in response to the Chinese, as had occurred years before at Lambing Flat. Cameron emphasised, as might be expected from his past concerns, both the moral and the economic threat the Chinese presented to New South Wales. In reference to moral dangers he presented an amalgam of almost every hitherto expressed objection - their cohabitation with European women, their burden on the state's institutions in California, their leprosy in Honolulu, their filth, and their being alien in religion and civilisation. The economic dangers he stressed were their ability, through their working long hours for little pay, to produce furniture at a lower price than could Europeans in Sydney, and the actions of the A.S.N. Co. in employing cheap contract Chinese seamen. Finally, he urged, the Government must impose strict sanitary measures, and some kind of check on their immigration, although at this stage he did not move explicitly for a restrictive Bill.

He did not, however, gain the agreement of the Farnell Government or of the Assembly. Farnell replied that while the Chinese were detrimental to society, there was not as

yet any cause for alarm. Most of those who had recently arrived, he said, were in fact destined for other ports, and New South Wales was only being used as a stepping stone to other colonies, a point which was partially true.²³ In the ensuing debate most of those who spoke agreed that the Chinese were a danger to colonial society. Moral and economic objections to their entry were expressed with about equal vigour and frequency. Since, however, the Government saw no cause for alarm at that time, and since Cameron's sense of urgency was not generally shared, the motion for adjournment was lost by ten votes to twenty two.

Increased concern was expressed in newspapers from April onwards at the Chinese arrivals. This concern was mainly evident in the cities of Sydney and Newcastle. In the country, where Chinese had for a long time won some degree of toleration, less interest was shown. The Gundagai Times agreed they should restrict Chinese immigration, but most other papers thought that experience had shown they had little to fear from the Chinese.²⁴ The Burrangong Argus, for example, thought Chinese were useful in their supply of

23. Report from Detective Dowell to Insp.Gen. Police, 30 April 1878, C.S.I.L., no. 78/3809 (A.O. 1/2408).

24. Gundagai Times, 17 May 1878.

vegetables, had behaved well when treated well, and that the only difficulties they provided were in Chinese "dens" which could easily be cleared up and which provided no justification for their exclusion.²⁵

In city newspapers on the other hand, Chinese were attacked. The Newcastle Morning Herald called for complete prohibition of Chinese immigration and the Freeman's Journal supported Cameron's move for restriction on the grounds that the Chinese were dirty, ugly, and could never be regarded as a brother with equal rights.²⁶ The "upper crust" might like the Chinese because they worked for low wages, but they should all realise that the Chinese had vices which were "flagrant and disgusting". Further, Chinese were a danger in that they could lower wages so severely that whites would be unable to make a living.²⁷ Even the Sydney Morning Herald which in the years 1856 to 1867 had consistently defended Chinese immigration, now expressed concern. The Chinese, it said, "have swarmed unadvisedly, and they have brought the standard of human subsistence down very low",²⁸ Their

25. Burrangong Argus, 22 June 1878.

26. Newcastle Morning Herald, 25 April 1878; Freeman's Journal, 11 May 1878.

27. Freeman's Journal, 18 May 1878.

28. S.M.H., 30 April 1878.

presence in large numbers was now judged by the Herald to be an "undesirable and disturbing social force".

Organised agitation in the city was initiated by the T.L.C.. At a meeting on 16 May 1878 it unanimously agreed that the Chinese influx was injurious to the moral, social, and political interests of the colony.²⁹ The meeting agreed to hold a public protest meeting, and to send a petition to the legislature urging action. The ensuing public meeting, held at the Guild Hall on 23 July, was very well attended, principally by "the better class of mechanics and artisans", as they were described by the Evening News.³⁰ Certain especially concerned members of the Assembly - Macintosh, J. Davies, Cameron, McElhone, and O'Connor - attended the meeting, the alliance of Assembly members and the T.L.C. thus promising the formation of a powerful protest movement.

The arguments presented by speakers at the meeting stressed the danger of the Chinese to the social, moral and economic condition of the colony. Each argument was seen as part of a general case against Chinese immigration, and no attempt was made to construct a hierarchy of arguments, to

29. Evening News, 17 May 1878.

30. Evening News and S.M.H., 24 July 1878.

suggest that economic rather than social, moral rather than political, objections were the more important. In one speech, Thomas White spoke at length of the dangers of Chinese cohabitation with European girls, quoting extensively from papers from California, and from the Select Committee Common Lodging Houses Report of 1876. The Chinese, he said, were a danger to British institutions because they did not settle internal disputes in the courts, but among themselves in secret tribunals. They remained a separate group, who would "neither digest nor assimilate". This separateness was exacerbated by the fact that they did not come in families, a phenomenon which was responsible not only for their undesirable interest in Europeans girls but also for the fact that, not having to support families, they could afford to work for low wages. Thomas White was to play an important role in the anti-Chinese movement in 1878. As an active member of the T.L.C., and president of the Seamen's Union in New South Wales,³¹ he became one of the principal spokesmen for the objection to Chinese not only on moral grounds but also as unfair competition both in so far as they entered trades such as furniture making where they competed with Europeans and in so far as they were especially imported

31. S.M.H., 20 November 1878.

as cheap labourers by A.S.N.

The twin issues of immorality and competition were raised again and again by other speakers. Cameron said "the virtue and character of their wives and daughters" were at stake. In a more general vein, he exclaimed, "We came here to better our position, and we will not have this moral pestilence - we will have none of them". O'Connor stressed that their lack of civilisation had consequences not only for the moral condition of the colony but also for its national character. They must, he said, ensure that New South Wales remained a British and civilised community. The use by A.S.N. of Chinese as cheap labour was taken up by several speakers, McElhone attacking Dibbs, as director of A.S.N. for their introduction, and Dixon reporting that two hundred Europeans had been displaced by Chinese on A.S.N. ships.

On only one point did the speakers differ. White advocated violence against the Chinese residents of Sydney; it was their duty, he said, when they encountered a Chinaman, to "shoulder him off the footpath". This suggestion was received with loud cheers by the meeting. Cameron opposed such a suggestion, urging that such action was undesirable and unnecessary since they had a good chance of achieving their object through constitutional means. Nevertheless the

meeting exhibited a general unanimity of opinion on the principal issue, and a resolution moved by White - "That this meeting is of the opinion that the present influx of Chinese into the colony is opposed to sound policy and the best interests of the inhabitants, as it has a demoralising effect upon the social and moral condition of the community, and demands immediate legislation for its prevention" - was carried unanimously. The petition was presented to the Assembly by Cameron on 1 October 1878.³²

The meeting attracted considerable attention in colonial newspapers, most supporting the speakers' arguments, but most also objecting to White's advocacy of violence. The Echo, for example, said on 24 July that it agreed "it is quite legitimate that the working man should utter a powerful protest", but also thought violence was undesirable and unnecessary. To have an exclusive measure passed through the House, said the Echo, should not prove difficult, since Parliament had already strongly sympathised with Queensland, and had now only to pass a similar restrictive act. The Evening News saw the meeting as an indication of the breadth and depth of feeling against the Chinese.³³ The Newcastle

32. Entry for 1 October 1878, V. & P.N.S.W.L.A., 1878-9, vol. 1; V. & P.N.S.W.L.A., 1878-9, vol. 7, p. 475.

33. Evening News, 24 July 1878.

Morning Herald welcomed the meeting, and reiterated the charges that the Chinese were a danger to the "social and moral atmosphere", and a danger to "the virtuous standing of their wives and daughters".³⁴

One effect of the meeting was an increase in personal violent attacks on Chinese residents in Sydney. On 5 August 1878 the Sydney Morning Herald printed a letter from eight Chinese merchants which described the increased violence, and attributed it to White's appeal for violence at the meeting at the Guild Hall. The letter argued that the description of their morals at that meeting had been unfair and untrue, and that as citizens they were entitled to the full protection of the law. After the publication of the letter, attacks on Sydney Chinese continued, including stone throwings and assaults, and the disturbing by larrikins on 11 August of the divine service for Chinese conducted by George Ah Len.³⁵ It was in the context of increased ill feeling and personal attacks that on 12 August 1878 five hundred Chinese, including all the principal residents, walked in J.D. Lang's funeral procession, in remembrance of Lang's

34. Newcastle Morning Herald, 26 July 1878.

35. S.M.H., 14 August 1878.

successful efforts in 1867 to repeal the restriction Act of 1861.³⁶ This was a powerful display of respectability, and a reminder, perhaps, of more peaceful times.

Personal violence continued with the attack by a group of sixty or seventy larrikins on some Chinese cabinet makers in Castlereagh Street, resulting in the serious injury of two Chinese and the disfigurement of their premises.³⁷ On 31 August thirty Chinese residents of Sydney, twenty seven of them merchants, one a missionary (George Ah Len), one a boarding house keeper and one a doctor, petitioned the Colonial Secretary for protection from violence.³⁸ The petitioners said they were residents of many years standing, with wives and families, who intended to remain permanently in the colony. Thomas White's advocacy of violence on 23 July was again mentioned as being the cause of the violence. Chinese hawkers, said the petitioners, had been so insulted, pelted with stones, and otherwise maltreated, that many of them could no longer continue their avocations. The Colonial Secretary assured them that offenders against the Chinese

36. Evening News, 12 August 1878.

37. Evening News, 27 August 1878.

38. Petition from Chinese Residents of City of Sydney..., 31 August 1878, C.S.I.L., no. 78/7819 (A.O. 1/2419).

would be punished.³⁹

The initiative of the T.L.C. was then joined by that of other political associations. The Working Men's Defence Association (W.M.D.A.) held its own public meeting on 6 August at the Bathurst Street column to discuss several issues, including Chinese immigration.⁴⁰ About 250 attended, and speeches were made denouncing the Chinese variously as inhuman, immoral, incapable of becoming civilised, and loathsome. A larger meeting, consisting of 1200-1500 people, was held at Haymarket on 17 August, jointly organised by the "political and trade societies", which probably included the Working Men's Defence Association, the Political Reform League, the Political Reform Association, and possibly, the T.L.C.⁴¹ Both the "moral and social injury" and the threat to wages and jobs posed by the Chinese were stressed. The meeting agreed that, in future, weekly meetings on the Chinese issue should be held until legislative action was achieved. All speakers, including White, deprecated the use of violence, and stressed that their main task was to mobilise "the unanimous voice of public opinion". On 20 August

39. Ibid.

40. Evening News , 6 August 1878.

41. Evening News, 19 August 1878.

another meeting on the subject was held by the W.M.D.A., at which a petition was circulated.⁴² This petition was circulated for some months and was numerously signed.

The T.L.C. sent a deputation to Fitzpatrick, the Colonial Secretary, on 23 August 1878, to urge legislation excluding the Chinese.⁴³ The deputation, led by Thomas White, said that restrictions in Queensland and California had made the question an urgent one for New South Wales. Chinese were supplanting European cabinet-makers and hotel workers, and were dangerous also for their immorality and disease. Fitzpatrick replied as Farnell had done, that the Chinese were not coming to New South Wales in large numbers, most of those who had recently arrived being merely on their way to other colonies, and that in any case he was bound by Britain's considerations of Imperial obligations.

Fitzpatrick's reply was attacked by most newspapers - the Evening News, for example, arguing that the Ministry must at least begin to formulate a plan of action.⁴⁴ The various societies jointly organised a meeting at Haymarket on the following day, 24 August, at which 1000 people were

42. Evening News, 21 August 1878.

43. Secretary T.L.C. to Col. Sec., 27 July 1878, C.S.I.L. no. 78/6461 (A.O. 1/2416); Evening News, 23 August 1878.

44. Evening News, 24 August 1878.

present, where Fitzpatrick's reply was attacked, the usual speeches made, and the petition again circulated for signature.⁴⁵ The Evening News, which had thought the earlier meetings signified an important movement of opposition to the Chinese,⁴⁶ described this meeting as a "tame affair", and thought the movement showed signs of petering out.⁴⁷ This meeting was in fact the last of the jointly organised meetings, and was followed only by a small meeting organised by the Working Men's Defence Association on 9 September.⁴⁸ During September and October all was quiet.

This period of inactivity ended when the petition which had been circulating around Sydney, and which had gathered the large number of 14,701 signatures, was presented to the Assembly on 6 November.⁴⁹ The petition expressed alarm and regret at the increasing influx of Chinese. The objections to the Chinese it mentioned were many and various, and included the competition of "a race who are in a state of

45. Evening News, 26 August 1878.

46. Evening News, 24 July, 19 August 1878.

47. Evening News, 26 August 1878.

48. Evening News, 10 September 1878.

49. Entry for 6 November 1878, V. & P.N.S.W.L.A., 1878-9, vol. 1; V. & P.N.S.W.L.A., 1878-9, vol. 7, p. 477.

semi-slavery", who would thus lower the living standards of British workers. The Chinese, the petition said, interfered with the relations between capital and labour, and had the ability to destroy "the character and prestige of the British race". Further, as semi-barbarians, the Chinese were degrading and immoral, as witnessed by the Common Lodging Houses Report, their harm to children, their lack of females and use of young European females, their filthy and overcrowded living conditions, and their infectious and loathsome Eastern diseases. The petition specifically drew attention to the use of Chinese as cheap labour on some steamers, and concluded that the Californian precedent must not be allowed to occur in New South Wales.

This petition did not at first cause a great deal of interest, and may have appeared at the time as the product and end of a brief and unsustained anti-Chinese agitation. Yet it was to be followed only two weeks later by a revival of anti-Chinese agitation, this time on an unprecedented and popular scale. The new agitation developed in the wake of, and gave support to, the strike of seamen employed by the A.S.N. Co. against the employment by that company of cheap Chinese labour.

III

This strike was of supreme importance in the mobilisation of public opinion against Chinese immigration, and in producing a situation where Government action became necessary.⁵⁰ It lasted from 18 November 1878 to 3 January 1879, and was ultimately successful in forcing the company to curtail its use of Chinese cheap labour. The strike and the popular support it received were to prove powerful deterrents against other employers copying the actions of A.S.N. Co. The strike gave enormous stimulus to the movement to restrict spontaneous Chinese immigration. Many colonists were at the time of the commencement of the strike agreed that a massive influx of Chinese would endanger the social, political, economic, moral, and racial character of the colony, but only a minority were agreed that such an influx was imminent, and the need for legislative action urgent.

50. For previous discussions of the strike see especially Hayes, op.cit.,; Mary Pauline Kneipp, "The Seamen's Strike, 1878-9: Its Relation to the White Australia Policy", A.N.U. Historical Journal, vol. 1 (1965-6), pp. 14-18; Nairn, Labour Movement in N.S.W. 1870-1900, pp. 74-85; N.B. Nairn, "The Role of the Trades and Labour Council in New South Wales, 1871-1891", H.S., vol. 7, no. 27, (November 1956), pp. 421-40; N.B. Nairn, "A Survey of the History of the White Australia Policy in the Nineteenth Century", Australian Quarterly, vol. 28, no. 3 (September 1956), pp. 16-31; Willard, op.cit., pp. 51-8.

During the period of the strike the belief that immediate action to restrict Chinese immigration was necessary became widespread, and was accepted by the new coalition government of Parkes and Robertson which came to power in the fifth week of the strike.

Events surrounding the strike clearly indicated, as the Lambing Flat riots had done in 1861, how economic conflict was especially capable of bringing to fever pitch the opposition to Chinese immigration. Economic conflict was revealed to have considerable powers of generating widespread alarm, and of forcing colonists to consider more urgently their objections to Chinese on a wide variety of grounds. The moral, social, and political fears which had been expressed by the relatively small anti-Chinese movement in earlier months and years, were now, under the stimulus of a direct economic threat, felt to be genuine by a much larger number of people.

The A.S.N. Co., having found its three Chinese crews to be good workers, had decided to use Chinese crews on a further five ships, employed on the China and North Queensland routes.⁵¹ To this end, 109 Chinese arrived in Sydney by one of the company's ships, the Ocean, on 14 November 1878.⁵²

51. Town and Country Journal, 23 November 1878.

52. Evening News, 14 November 1878; S.M.H. 15 November 1878.

This action met with strong opposition from the Seamen's Union, a well-organised union which had been formed in 1874, and had in 1875 affiliated to the T.L.C. and amalgamated with the Melbourne Seamen's Union to become an intercolonial body with 1500 members.⁵³ It had been deeply concerned by the employment earlier of three Chinese crews, but when news of the Ocean's arrivals reached it, it decided to act.⁵⁴ Under its leadership, the European crews of three A.S.N. ships in port left their ships in protest on 18 November, and of a fourth ship on the following day.⁵⁵ The Union executive on 19 November went in a deputation to the directors of the company, under the chairmanship of George Dibbs, to discuss the matter.⁵⁶

From this meeting, which lasted for three hours, two irreconcilable positions emerged; no agreement was reached, and the stage for a major strike was set. The union argued that many seamen were in immediate danger of losing their jobs to the Chinese, and that there was no guarantee that even more Chinese would not be hired in the future. The company's

53. Nairn, *Labour Movement in N.S.W., 1870-1900*, p. 76.

54. S.M.H., 20 November 1878.

55. Town and Country Journal, 23 November 1878.

56. Ibid.

action was a dangerous precedent to other employers. The union executive consequently demanded that all Chinese employed by A.S.N. be returned to China. The Directors refused to negotiate the matter at all on the grounds that the seamen had breached their contracts and no negotiation was possible until the men had returned to work. They had, they said, been forced to employ Chinese by the actions of the E. & A. Co., and would, in any case, be using Chinese chiefly in tropical waters, where they were especially suitable. In an attempt to prevent the strike, they did, however, agree not to import any more Chinese.⁵⁷

A meeting of seamen employed by A.S.N. was then called by the union later that day to discuss the matter.⁵⁸ The meeting agreed that they must insist that no Chinese at all be employed. The strike would continue and expand. That same day the union distributed a circular which put its case to the public and called for all workers to refuse to work in connection with A.S.N. ships.⁵⁹ After this, as each A.S.N. ship arrived in port it was abandoned by its

57. Ibid .; S.M.H., 20 November 1878; Hayes, op.cit., p. 10.

58. Evening News, 20 November 1878.

59. Evening News, 19 November 1878.

European crew.⁶⁰ On 22 November the strike spread to the ports of Newcastle and Brisbane.⁶¹ The company replaced the European crews with the Chinese from the Ocean, but it was clear that these would not be sufficient to replace the striking seamen, firemen, and wharf labourers, numbering almost 800 men.⁶² The company closed its engineering workshops at Pyrmont on 25 November, laying off 300 employees.⁶³

The company was at first convinced it could win the issue; the men, it reasoned, would ultimately be forced by economic necessity to return to work. It took an uncompromising line partly from this conviction, partly because it was determined to lower its labour costs through the employment of Chinese, and partly because it saw the issue as a battle where the company must not be allowed to be dictated to by its workers. On 28 November the company refused the union's offer of settlement, which stated that if the company returned all its Chinese labourers, their

60. Town and Country Journal, 23 November 1878.

61. Evening News, 23 November 1878.

62. Town and Country Journal, 23 November 1878; S.M.H., 20, 30 November 1878; Evening News, 19, 23 November 1878.

63. S.M.H., 23 November 1878; Evening News, 25 November 1878; Hayes, op.cit., p. 12.

fares would be paid by the men, and the union would enter into a £500 bond not to strike within one year.⁶⁴ Then, heartened by the expression of support from a meeting of fifty or sixty shareholders of the company on 29 November,⁶⁵ the Directors on 30 November announced that from 2 December alternative volunteer European labour would be used,⁶⁵ and took the further action of telegraphing to Hong Kong for three hundred Chinese seamen.⁶⁷ Hoping that these moves would solve its labour problems, which were now leading to a serious reduction in trade, the company continued to refuse offers of settlement, one by the Eight Hour Conference of the Iron Trades on 3 December,⁶⁸ and the other by the chief officers and engineers of the company on 13 December.⁶⁹ These offers revolved around restricting the trade routes on which Chinese could be employed, thus guaranteeing the jobs of at least some of the seamen.

Yet the company found that it could not find labour.

64. S.M.H., 29 November 1878; Hayes, op.cit., p. 17.

65. S.M.H., 30 November 1878.

66. Evening News, 2 December 1878.

67. S.M.H., 6 December 1878.

68. Evening News, 3,4,5 December 1878.

69. S.M.H., 14, 16 December 1878.

Insufficient volunteer labour could be found, and the extra Chinese would take some time to arrive. The company's shipping services were severely disrupted.⁷⁰ A severe financial blow was threatened when the Queensland government announced on 16 December that it would withdraw its mail subsidy to A.S.N. if it continued to employ Chinese labour.⁷¹ By 24 December the situation was so serious that Captain Trouton for the directors wrote to the shareholders explaining the company's position, and saying that it was now clear that business could not be properly resumed until the anti-Chinese panic surrounding the strike had subsided. If the company continued to be unable to find adequate labour, it might be forced to return to shareholders their capital.⁷² Yet another blow came with the news on 31 December that the Mecca on its way from Hong Kong with the extra three hundred Chinese had been wrecked, without loss of life, and that the arrival of the extra Chinese was now severely delayed.⁷³

70. Speech by White, reported Evening News, 11 December 1878; letter from Trouton for A.S.N., S.M.H., 14 December 1878.

71. Town and Country Journal, 21 December 1878; Hayes, op.cit., p. 19; S.M.H., 23 December 1878.

72. S.M.H., 30 December 1878.

73. Evening News, 31 December 1878.

While the company was suffering financial loss the union was in a strong financial position. The loss of pay was met by a strike fund which was being daily contributed to by other unions and the public.⁷⁴ Further, the union urged its members to find alternative temporary employment until the strike was over, to lessen demands on the strike fund.⁷⁵ Not all were able to do so, and it was clear that the major reason the union was able to hold out until the company was ready to negotiate was that it was receiving massive financial support.⁷⁶ While many donations were spontaneously given, the Seamen's Union from the beginning adopted a positive policy of seeking support, through sending delegates to union and public meetings called to consider the strike.⁷⁷ Altogether seven delegates were sent travelling for this purpose, including two to New Zealand.⁷⁸ The total collected by the union in New South Wales was

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74. Lists opened on 20 November. Town and Country Journal 23 November 1878, 4 January 1879; Hayes, op.cit., p.15.
75. Echo, 30 November 1878; Evening News, 2, 17 December 1878.
76. S.M.H., 13 December, 1878; Evening News, 18 December 1878.
77. Town and Country Journal, 23 November 1878; S.M.H., 29 November 1878.
78. S.M.H., 20 December 1878; Evening News, 29 November 18 December 1878.

£2,950, of which £2,100 was spent in payment of strike money to the men.⁷⁹

Solid support for the Seamen's Union came from the trade unions, many of which had come into existence only several years previously, and most of which were based on skilled tradesmen. The T.L.C. assisted the Seamen's Union in gathering financial assistance from the unions, its delegates frequently accompanying representatives from the Seamen's Union on visits to the various trade unions and societies.⁸⁰ At its regular meeting on 28 November the T.L.C. formally agreed to give hearty support to the seamen in their struggle, by arranging entertainments to raise funds for the seamen, and especially by continuing to solicit donations from the trades unions.⁸¹ Already the unions, or associations, of the masons, bricklayers, bricklayers' labourers, moulders, joiners, and draymen and van proprietors had at special meetings agreed to organise financial support for the seamen.⁸²

One of the most enthusiastic supporters of the seamen

79. Evening News, 8 January 1879.

80. S.M.H., 29 November 1878.

81. Ibid.

82. Ibid.; Evening News, 23 November 1878.

was the Eight Hour Conference of the Iron Trades, which held a meeting in support of the strike on 23 November.⁸³ The hall was densely packed, and speeches were made opposing Chinese immigration, especially for its threat to the working man. The meeting agreed to urge the engineers employed by A.S.N. Co. to join the strike, a request which was later refused.⁸⁴ In the following weeks many other unions met and gave financial assistance to the seamen. These unions included the Shipwrights' Provident Union, the Progressive Society of Carpenters and Joiners, the Saddle and Harness Makers' Trade Protection Society, and the New South Wales Operative Bakers' Association.⁸⁵ Support also came from unions outside New South Wales, such as the Typographical Association of Ballarat and the Clunes Miners' Association.⁸⁶ Substantial support came from the miners of Wollongong and Newcastle, miners at some collieries making a levy on each man as a donation to the seamen.⁸⁷ A separate

83. Evening News, 25 November 1878.

84. Evening News, 28 November 1878.

85. Town and Country Journal, 14, 28 December 1878; see also Evening News, 7, 11 December 1878.

86. Evening News, 19 December 1878.

87. Newcastle Morning Herald, 4 December 1878.

strike fund was organised in Queensland, which collected £700 from unions and the public.⁸⁸ In Victoria, the Victorian Seamen's Union organised meetings of support at the Trades Hall, at Queen's Wharf, and other meetings were held at Sandridge, St. Patrick's Hall, and Richmond.⁸⁹ On 7 December a meeting called by the Labourers' League in Adelaide agreed to support the seamen.⁹⁰ Financial support was also raised for the seamen at public meetings throughout the colony of New South Wales, called by various bodies during the period of the strike. These meetings had as their twin objects the expression of support for the seamen, financially and morally, and the demand for legislative restriction of Chinese immigration.⁹¹

The union was faced with the problem of what attitude to adopt to the alternative labour being employed by the company. Some of the men on strike, and their supporters, physically attacked the company's labourers at Newcastle on 4 December,⁹² and two men were prevented from entering

88. Evening News, 8 January 1879.

89. Geoffrey A. Oddie, *The Chinese in Victoria, 1870-1890* (M.A. Hons. thesis, Melbourne University 1959), p. 39-41.

90. S.M.H., 7 December 1878.

91. See pp. 486-510 of this chapter for a full discussion of these meetings.

92. Evening News, 5 December 1878.

the Waterloo warehouse to work for the company on 5 December.⁹³ The company applied for police assistance, which was given.⁹⁴ Yet the presence of police at the Sydney wharf on Saturday 7 December did not deter a large gathering of seamen and others from forming at the company's gates.⁹⁵ There was a violent scuffle between the company's men and the strikers, and as the workers left the premises they were followed by a crowd of seven or eight hundred, jeering and hooting, with cries of "blackleg". Fighting broke out when the workers reached the city, and the crowd was only dispersed by police batons. After this, the company, and twenty one workmen, separately petitioned the Colonial Secretary for greater police protection.⁹⁶ Afraid of the loss of public sympathy which was so far of vital moral and financial assistance to the strike, the union

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93. Thomas Buckland to Chairman A.S.N. Co., 5 December 1878, C.S.I.L., no. 78/10477, encl. with no. 78/10509 (A.O. 1/2427).
94. Ibid.; See also earlier plea from Fred Phillips for A.S.N. Co. to Insp.Gen. Police 29 November 1878, C.S.I.L. no. 78/10251 and promise of police assistance from Insp. Gen. Police to Col.Sec., 30 November 1878, C.S.I.L. unnumbered, both encl. with no. 78/10509 (A.O.1/2427).
95. Evening News , 9 December 1878; S.M.H., 9 December 1878.
96. Chairman A.S.N. to Col.Sec. 7 December 1878, C.S.I.L. unnumbered, encl. with no. 78/10477, encl. with no. 78/10509 (A.O.1/2427); John McLaren et.al. to Col.Sec. 7 December 1878, C.S.I.L., unnumbered, encl. with no. 78/10509 (A.O. 1/2427).

executive at a meeting of the men on the following Monday urged the men to refrain from further acts of violence, and in effect, to stop picketing the warehouse and the wharves.⁹⁷ The men agreed, and later that day the company workmen, now guarded by sixty police, were not harassed.⁹⁸ The call for law and order was reiterated by the union secretary, Poole, at another meeting of the seamen on 11 December.⁹⁹ After this meeting the seamen marched through the streets of the city, attracting considerable sympathetic attention.

In the middle of December the Seamen's Union decided to ask coal miners for support, in the form of refusing to cut or load coal for A.S.N. ships. On 16 December the Seamen's Union deputation arrived in Newcastle and interviewed the district officers of the Miners' Association on the issue.¹⁰⁰ No decision was made, although the Seamen's Union delegates spoke at a public meeting called by the miners in sympathy with the strike.¹⁰¹ The Newcastle miners met again on 28 December and were again asked

97. Evening News, 9 December 1878.

98. Evening News, 10 December 1878.

99. Evening News, 12 December 1878; S.M.H., 12 December 1878.

100. Newcastle Morning Herald, 20 December 1878.

101. Ibid.

by the Seamen's Union to refuse to load coal for A.S.N.¹⁰² Although the meeting was strongly anti-Chinese in tone, and plans were made for sending a numerously signed petition for the exclusion of Chinese, no decision was reached concerning the provision of coal for A.S.N. The matter was still unresolved when the strike ended. The union gained more immediate support from the Southern miners. On Monday 23 December the crew of the Bulli Coal Company's ship Woriona walked off when they learned that another Bulli Coal Co. ship was coaling the A.S.N. ship, the Wentworth.¹⁰³ The crew of a second Bulli Coal Co. ship also walked off.¹⁰⁴ The Woriona then gained a Chinese crew from A.S.N. but when it arrived at Bulli on 24 December the Bulli miners struck work on the grounds that to supply coal for the Bulli Coal Company now meant assistance to A.S.N.¹⁰⁵ On the same day a meeting was held by the Mt. Keira and Mt. Pleasant miners at Wollongong.¹⁰⁶ White, for the Seamen's Union, asked them to join the Bulli miners, and they agreed to do so.

102. Newcastle Morning Herald, 30 December 1878.

103. Town and Country Journal, 28 December 1878.

104. Ibid.

105. Ibid.

106. Illawarra Mercury, 27 December 1878.

This decision was reaffirmed at a second meeting of the southern miners on 28 December.¹⁰⁷

Just at the point where the strike threatened to spread to the coal mining industry, the company agreed to negotiate. Ultimately settlement was reached through a joint meeting of the union executive and the directors, with W.K. Lockhead, Newcastle agent of A.S.N. acting as mediator.¹⁰⁸ The final agreement limited the number of Chinese the company could employ initially to 180, then to 130 within three months.¹⁰⁹ This did not fulfil the union's initial demands, and some seamen were dissatisfied with the agreement,¹¹⁰ but union secretary Poole on 9 January described the company's agreement to limit its employment of Chinese as a substantial victory for the unions.¹¹¹ He was later to be proved correct in this judgment, for within three years A.S.N. Co. ceased to employ Chinese.¹¹²

107. Illawarra Mercury , 31 December 1878.

108. Evening News, 2 January 1879.

109. Evening News, 3 January 1879.

110. Echo, 3 January 1879.

111. Echo, 10 January 1879.

112. Willard, op.cit., p. 56.

Throughout the strike the company had gained little public support for its action, and had made several attempts to argue its case to a hostile public. On 28 November, Captain Trouton, in a letter to the Sydney Morning Herald, argued that the company was forced to employ Chinese through economic necessity, and that the Chinese were good seamen, especially useful in tropical waters.¹¹³ He did say, however, that the company would prefer to employ Europeans if it could. In a second letter to the Herald, printed on 14 December, Trouton again said that the company was acting according to economic necessity, and answered charges that the Chinese were endangering colonial society as a whole with the assurance that the company's Chinese were coming only as labourers, and not as settlers or colonists.¹¹⁴ On the whole, because it was unable to defend Chinese immigration in general as advantageous to the colony, the company was unable to put a strong case in reply to the seamen and the growing anti-Chinese movement. It did not attempt to argue, as a few individuals did, that there was no reason to fear Chinese immigration, but merely tried to insist that the employment of Chinese seamen was a separate issue from that of Chinese immigration in general.

113. S.M.H., 30 November 1878.

114. S.M.H., 14 December 1878.

This distinction was not generally accepted.

Concurrent with the powerful union and public support for the strike which had been generated, had grown the conviction that Chinese were a serious danger to the colony, whether they came as labourers for the company or on their own account, and with this had grown the conviction that legislation to restrict or prohibit their entry must be immediately passed. Ultimately support for the strike was indistinguishable from support for the restriction or prohibition of Chinese immigration. The company's imported labourers, being Chinese, were seen not as a new and isolated threat, but rather as a particularly sinister example of an immigration which was opposed more generally, on both economic and non-economic grounds. Although some realised that restriction as distinct from prohibition, of Chinese immigration might not necessarily prevent the limited importation of Chinese as cheap labour,¹¹⁵ most did see restriction as a guarantee against further use of Chinese cheap labour. Furthermore, restriction would keep out other Chinese, who were also seen as a threat to the wages and conditions of the working man, and would prevent the possibility of a substantial Chinese influx. It was common

115. S.M.H., 3 December 1878.

for newspapers and speakers at public meetings to suggest that the seamen had forced colonists to realise that they were in immediate danger from all Chinese immigrants. As the Newcastle Morning Herald said on 3 December:

The settlement of Chinese importation has passed out of the hands of the Seamen's Union into those of the country. The sudden strike of the employes of the A.S.N. Co., on account of the substitution of European by Chinese labour, was but the clang of the alarm bell to a sleeping city, whose inhabitants knew the enemy were en route, but did not know they were so close at hand.

The only thoroughgoing support for the company came from the Sydney Chamber of Commerce, at a well attended meeting on the issue on 28 November.¹¹⁶ This meeting opposed the strike and supported the company on the grounds that cheaper labour was needed in the colony. D. Nichol put the case clearly when he said that white races were superior, and that Chinese immigration ought therefore to be welcomed because their employment would mean that the white working man could rise and employ Chinese. This was an argument which had first been used by squatters in the 1840's and revealed essentially a view that "inferior races" could be useful in performing certain low-grade tasks. The Sydney Chamber of Commerce also supported the company on the grounds

116. S.M.H., 29 November 1878.

that, whatever the issue, the company could not have its policies dictated to it by the men.

But apart from the Chamber of Commerce, the company found little support. Even those who were inclined to defend the right of capital to use cheaper labour when it could felt unable to defend Chinese immigration as a whole. The only other sources of support for the company, the Sydney Morning Herald, and its evening counterpart, the Echo, found themselves in a difficult position. On the one hand they supported the company on the grounds that it had shown itself reasonable in agreeing to limit its use of Chinese labour, and that the methods of the seamen, in breaking their contracts and refusing to submit the matter to arbitration, were objectionable.¹¹⁷ On the other hand, the papers were uneasy about the principle involved, both agreeing that the company must keep its employment of Chinese to the necessary minimum.¹¹⁸ By late December anti-Chinese feeling had become so great that both papers were withdrawing support from the company. The Echo on 20 December said the company ought to adopt a more conciliatory attitude, considering its

117. S.M.H., 21 November 1878; Echo, 22 November 1878.

118. S.M.H., 30 November, 3 December 1878; Echo, 19, 22 November 1878.

unpopularity and the breadth and depth of anti-Chinese sentiment. By 30 December the Herald had become sufficiently disaffected to claim that it did not support A.S.N. policy, and by 31 December the Echo could say: "We do not in this matter of the strike advocate one side or the other".

The difficulty for both papers was that in supporting the company they were appearing to support Chinese immigration as a whole, something which they could not wholeheartedly do. Both agreed that European civilisation was superior to Chinese civilisation, and that the colony must remain a European community.¹¹⁹ The question, however, of Chinese immigration in general, they argued, must be settled in parliament, and not by the use of force by the trade unions.¹²⁰ On 3 December the Sydney Morning Herald agreed that legislation must be enacted to ensure that large numbers of Chinese did not come, but suggested that this legislation be regulatory rather than prohibitive. A poll tax, it suggested, would suffice. It insisted that there was no real need for alarm, since, as numbers were not high, there was no real moral danger. The Echo on 19 November agreed that the anti-Chinese speakers were "entitled to be heard, and to have their

119. S.M.H., 21 November 1878; Echo, 19 November 1878.

120. S.M.H., 3 December 1878; Echo, 19 November 1878.

arguments properly weighed. No person can doubt the right of a British community to take steps to prevent its being swamped by an alien people. It is the duty of this colony to preserve its British character; to guard its social life, and protect it from any serious danger". Yet the Echo favoured solutions other than those of a poll tax or prohibition, and said the present danger could be met by legislation against overcrowding and insisting on a balance of the sexes in Chinese immigration.¹²¹ Both papers saw the danger as primarily a numerical one, and saw action as preventative rather than in response to an allegedly impending massive influx.

The Sydney Morning Herald and the Echo were, however, virtually alone among newspapers in supporting the company and in not seeing the need for restrictive legislation as urgent. The Evening News, the third Sydney daily paper, supported the strike. One of its major arguments, taken up widely, and accepted in part even by the Sydney Morning Herald,¹²² was that Britain's, and therefore the colony's, power depended on command of the sea, which could not be maintained

121. Echo, 19, 27 November 1878.

122. S.M.H., 30 November, 3 December 1878.

with Chinese seamen.¹²³ During the strike it applauded the union for its conciliatory attitude, and attacked the company, and especially its chairman Dibbs, for their uncompromising and untenable stand.¹²⁴ The directors of the company, it said, had broken "the moral laws that are at the very basis of society".¹²⁵ It also saw the need for restrictive action as urgent. On 30 November it agreed that action must be taken to halt the "advancing Mongolian tide". "All local questions", it said, "sink into insignificance beside the great competition between the white and the yellow races". By 10 December, commenting on the fall of the Farnell ministry over the land question, it insisted that the new ministry must be able to agree not only on the land question, but also on the need for anti-Chinese legislation. It insisted that in supporting the exclusionist movement it was representing the interests not only of the working man, but also of the whole community.

Other newspapers and journals, including the Freeman's Journal, the Illawarra Mercury, and the Newcastle Morning Herald, strongly supported both the strike itself

123. Evening News, 19 November 1878.

124. Evening News, 30 November, 5,9,10,26 December 1878.

125. Evening News, 30 November 1878.

and calls for the restriction or prohibition of Chinese immigration.¹²⁶ In their editorials, these and other papers emphasised the danger the Chinese posed to the working man, and saw the issue as essentially a struggle between the European and Asiatic races for supremacy in the colony. Country newspapers were generally less interested; most simply reprinted information on the strike from city newspapers without editorial comment.

The newspapers were, then, generally in favour of some legislative action. Yet the most profound pressure on the government to act came not from the press, but from the numerous public meetings held throughout the period of the strike which had as their object not only support for the seamen but also the expression of opposition to Chinese immigration in general and the calling for legislative action to prevent it. Many of these meetings, especially in the latter half of December, were more concerned with the need for government action than with the strike itself.

Meetings were held in Sydney, Newcastle, Wollongong, and in many country towns. In Sydney, the centre of the

126. Freeman's Journal, 23 November, 14 December 1878; Illawarra Mercury, 26 November, 6, 13 December 1878; Newcastle Morning Herald, 15, 21, 26 November, 3, 12, 31 December 1878.

agitation, a large proportion of meetings was called by one organisation, the Political Reform Union. The T.L.C. was quite eclipsed. It found itself in a difficult position, wishing to assist the campaign for the restriction of Chinese immigration, and yet maintain its independence from the P.R.U. The issue for the T.L.C., as Nairn points out, was "the separate identity, and the unity, of Labour".¹²⁷ Because of this the T.L.C. did not in these weeks organise meetings opposing Chinese immigration, leaving the initiative to the P.R.U.¹²⁸

The P.R.U. had agreed at its regular meetings on 18 September, 15 October, and 12 November, that anti-Chinese meetings must be organised, but was not galvanised into action until the arrival of A.S.N.'s 109 Chinese on 14 November.¹²⁹ On 18 November, the day the strike began, it called a public meeting at the Guild Hall to oppose all Chinese immigration.¹³⁰ Seventeen hundred people attended,

127. Nairn, "The Role of the T.L.C. in N.S.W., 1871-1891", p. 431.

128. The T.L.C. did on 12 December agree to organise its own anti-Chinese public meeting, but such a meeting was not held - S.M.H., 13 December 1878.

129. Evening News, 18 September, 16 October, 13 November 1878.

130. Evening News, 19 November 1878.

and the meeting was well patronised by M.L.A's. The meeting loudly applauded the announcement that the seamen had that day left their ships. Speakers opposed the Chinese on a combination of economic, moral, social, and other grounds. The president of the P.R.U., O'Connell, spoke of the inability of the Chinese to assimilate; others stressed the need to preserve the Anglo-Saxon character of the colony, and the inferiority and semi-barbaric character of the Chinese. Angus Cameron was particularly careful to stress that they were considering not merely a labour question but also a serious moral threat, as evidenced in Chinese cohabitation with European women, and the Chinese habit of opium smoking. They were, he said, now witnessing a situation where employers, for their own economic gain, were introducing a people who were not only a danger to European livelihood and employment, but also to the moral character of the community. The meeting adopted a petition, presented to the Assembly two days later, which read:¹³¹

That this meeting expresses an earnest desire that the Legislature will, at the earliest possible opportunity, be pleased to take action to prevent the introduction of Chinese, which threatens by its evil influences to degrade our moral and social character, to lower the

131. Entry for 20 November 1878, V. & P.N.S.W.L.A., 1878-9, vol. 1.

status of the working classes, and to injuriously affect our moral prosperity as a civilised community.

At this meeting Thomas White had stressed the importance of the seamen's struggle to the anti-Chinese movement. The meeting had agreed that it was necessary both to mount a general agitation throughout the colony for the exclusion of the Chinese, and to support the seamen, each struggle to be seen as complementing the other. The Seamen's Union was particularly anxious to stress that it opposed the Chinese not only as cheap labourers, but also on the widest variety of grounds. At its strike meeting on 19 November it invited McLean of the P.R.U. and Ninian Melville, M.L.A., onto the platform, McLean as chairman,¹³² and on 20 November called its own public meeting to put the broadest possible case in defence of the strike and against the Chinese.¹³³ At this meeting, M.L.A.'s O'Connor and Macintosh were invited onto the platform, and both spoke in defence of the seamen and in general opposition to Chinese immigration. Thomas White again urged that there be close association between support for the strike and opposition to Chinese immigration, but insisted that the P.R.U. had had

132. Evening News, 19 November 1878; Echo, 23 November 1878.

133. Evening News, 21 November 1878; S.M.H., 21 November 1878.

nothing to do with the calling of the strike. Speakers attacked the Chinese on all fronts - as cheap labourers for A.S.N., as competitors in certain trades, and as a danger to the race. Dixon, president of the T.L.C., described Chinese as "an alien and inferior race", and as "obnoxious people", and the strike as part of a "movement of great national and social importance". Many stressed that the problem of Chinese immigration would ultimately require a parliamentary solution. The meeting agreed to open subscription lists to assist the seamen, and money was immediately donated.

The close cooperation between the Seamen's Union, the P.R.U., and certain M.L.A.'s came under attack from the Echo on 20 and 22 November. Both the P.R.U. and certain M.L.A.'s, said the Echo, were using the strike for their own ends.¹³⁴ The Seamen's Union, which had a genuine grievance, though it had acted wrongly in encouraging the men to break their contracts and in attempting to "dictate" to the company, was being used "by political hacks to further their own objects", and had unwisely got entangled with "that wretched organisation, the Political Reform Union". The men were thus prejudicing their own case, as many would sympathise

134. Echo, 22 November 1878.

with the seamen who would refuse to listen to the P.R.U. The Echo urged that the two issues - contract labour and Chinese immigration - should be considered separately, the first by the seamen in arbitration with the company, the second by parliament.

Both the P.R.U. and the Seamen's Union denied charges that they were linked together. At a very successful meeting of two thousand people at Balmain on 22 November, organised by the P.R.U., its president disclaimed any P.R.U. involvement in the strike.¹³⁵ It supported the strike, he said, but the P.R.U.'s prime task was to mount a series of massive meetings calling for Government action to restrict Chinese immigration. The secretary of the Seamen's Union, Poole, in a letter to the Echo on 23 November, similarly said he must "most emphatically deny that the Seamen's Union is any way connected with the P.R.U." They had invited P.R.U. members and M.L.A.s onto their platforms, but essentially the two organisations were entirely separate.

For the rest of the campaign the two organisations were more careful to remain distinct, though there remained a very clear link through the person of Thomas White, prominent both in the strike and at public meetings opposing

135. Evening News, 23 November 1878.

Chinese immigration organised by the P.R.U. and other bodies. After another successful public meeting under P.R.U. auspices on Saturday 23 November, attracting 1500 people,¹³⁶ the P.R.U. at a business meeting on 26 November formulated more clearly its plan for action.¹³⁷ The day before, the Sydney Morning Herald had said that where the anti-Chinese movement of July to November that year had been largely ignored, the seamen's strike was gaining universal attention.¹³⁸ The P.R.U. realised this was so, and saw that the strike, by the clarity of the issue, provided a stimulus for the general objection to the Chinese far beyond that which the P.R.U. could stimulate by itself. Plans were accordingly made for further city and suburban meetings urging legislative action against Chinese immigration, at which the strike, and sympathy for it, would be prominently featured.

Throughout the strike the P.R.U. held public meetings on the Chinese issue every Saturday in Haymarket or Hyde Park, as well as two very large mid-week Hyde Park meetings, and several suburban meetings. From the meeting on Saturday 30 November, at which 3000 people were present, a petition

136. Evening News, 25 November 1878.

137. Evening News, 27 November 1878.

138. S.M.H., 25 November 1878.

was sent to the Assembly calling for the restriction of Chinese immigration.¹³⁹ Similar petitions were presented from several suburban meetings early in December.¹⁴⁰ Not all city and suburban meetings were organised by the P.R.U., though those organised independently were smaller. One such independent meeting was held at Balmain on 2 December, chaired by the Mayor, with about 250 people present, and adopting the usual petition.¹⁴¹

Neither were all gatherings on the question during December protest meetings. On Sunday 1 December Mrs Emma Hardinge Britten, spiritualist and orator, gave a sermon on the subject at the Theatre Royal.¹⁴² Her subject being the Seamen's Strike, and Mrs Britten being a very popular orator, the theatre was packed with a very attentive audience. She saw the significance of the strike as a battle between capital and labour: the seamen, she said, "have stepped out beyond the range of their own interests to

139. Evening News, 2 December 1878; Entry for 3 December 1878, V. & P.N.S.W.L.A., 1878-9, vol. 1.

140. S.M.H., 4 December 1878.

141. S.M.H., 3 December 1878.

142. Mrs Emma Hardinge Britten, The Chinese Labour Question; or the Problem of Capital Versus Labour (pamphlet, copy of speech on 1 December 1878, Sydney, 1878).

represent those of a class". The Chinese were being used as cheap labour, and this was the crux of the matter. If some Chinese were immoral and unclean this was not to say that all Chinese were so, and their immorality was not ultimately the point at issue. The solution, then, was for the government to regulate the market value of labour, "by enacting laws that will prevent the rate of wages from sinking below the standard of fair remuneration". Employers would then be prevented by law from employing cheap labour. Mrs Britten's address caused immense interest to the very large audience, but her specific solution was not taken up in any quarter. It is perhaps ironic to note that when her notion of a minimum wage was acted upon almost thirty years later, the White Australia Policy had become an established and well-entrenched element in Australian life.

A very large meeting under the auspices of the P.R.U. was held at Hyde Park on 4 December.¹⁴³ Present were between ten and fifteen thousand people, congregated in a number of different groups listening to speeches opposing Chinese immigration by well-known anti-Chinese orators. O'Connell said the massive size of the demonstration should convince the Assembly of the breadth and strength of the public

143. Evening News, 5 December 1878.

opposition to the Chinese and so enable a solution by peaceful and constitutional means. The Assembly, he said, must be forced to see that the Chinese were inferior, and would supplant the Europeans, their institutions, and their great European nationality. Speaker after speaker urged the workers to use their votes in the next election to ensure that only anti-Chinese candidates were elected. Thomas White spoke of the danger Chinese presented to both wages and morality, and said the question could now only be solved by a dissolution of parliament and an election on the Chinese issue. A petition was then adopted which spoke of the danger the Chinese presented to "the material interests of the working classes", and to the "moral, social, and physical status of this community". The meeting appointed a deputation, consisting of members of the P.R.U. and including Thomas White, to present the petition to the Assembly. Many followed the deputation as it walked up to Parliament House and handed the petition to Greville.

The demonstration had been a large and peaceful one, but produced in its wake a demonstration of a very different kind.¹⁴⁴ About 2000 young boys aged fourteen to twenty,

144. Ibid.; see also Sub-inspector S.D. Johnston to Superintendent Read, 4 December 1878, and Sub-inspector Anderson to Supt. Read, 4 December 1878, C.S.I.L., both at no. 78/10436, encl. with no. 78/10509 (A.O. 1/2427).

described variously by the press as "larrikins" and "ruffians", collected at the initial demonstration and marched together with torches to Lower George Street, where there were several Chinese cabinet-making workshops. Some managed to set Ah Toy's workshop alight, but police were able to prevent the fire from taking hold. Police batoned the crowd, who retreated with the old Lambing Flat cry of "Roll Up! No Chinese!" Volleys of stones were thrown at Chinese houses and two Chinese were attacked in George Street, to be rescued by the police who hid them in the Post Office. It was not until late at night that the police were able finally to disperse the crowd.

Despite the Government's offer of a reward of £50 for information leading to apprehension of the offenders,¹⁴⁵ and despite warnings by both the Seamen's Union and the P.R.U. that violence was unnecessary and would endanger the respectability, acceptability and ultimate success of the anti-Chinese case,¹⁴⁶ attacks on Chinese continued. On 5 December fifteen larrikins attacked Chinese houses in Goulburn Street, and two were arrested.¹⁴⁷ By 6 December

145. Insp. Gen. Police to Col. Sec., 5 December 1878, C.S.I.L. no. 78/10436, encl. with no. 78/10509 (A.O. 1/2427); Government Gazette, 5 December 1878.

146. Evening News, 9 December 1878.

147. Evening News, 6 December 1878.

Chinese were closing their shops and businesses early, and staying inside.¹⁴⁸ Animosity against the Chinese had now become personal and individual. A general boycott of the Chinese developed, with landlords being urged to evict Chinese tenants, and many refusing to buy Chinese vegetables.¹⁴⁹ Again, on 10 December, a Chinese gardener selling vegetables at the Belmore markets was attacked by two men.¹⁵⁰

Personal assaults had increased to such an extent that on 11 December four leading Chinese merchants, with Captain Smith and Thomas Buckland for A.S.N., Burton Bradley, the leading European defender of the Chinese, and W.H. Cooper, a solicitor, went in a deputation to the Colonial Secretary to request better police protection.¹⁵¹ The deputation listed the assaults on persons and property in recent weeks, and protested against the constant misrepresentation of Chinese morals, designs, and habits. They insisted that the Chinese were peaceful, useful as market gardeners, came at their own expense, and became naturalised. The Chinese

148. Echo, 18 December 1878; Evening News, 7 December 1878.

149. Echo, 4 December 1878; Evening News, 16 December 1878.

150. Evening News, 19 December 1878.

151. Evening News, 11 December 1878; George Ah Len et.al. to Col. Sec., 11 December 1878, C.S.I.L., no. 78/10638 (A.O. 1/ 2427).

merchants disassociated themselves from the contract Chinese labourers imported by A.S.N., and said they did not oppose restrictions on Chinese immigration, but simply wanted the protection and respect due to those Chinese already in the colony. Fitzpatrick assured the delegation that violence would be dealt with, and a police enquiry into the matter was set in motion.

Assaults, nevertheless, continued in the city, and spread to country areas. On 13 December there was a riot at Hay of 150 larrikins against the Chinese,¹⁵² and on 14 December a serious clash at Tamworth between Chinese and Europeans, when a Chinese shop was attacked and several Chinese badly hurt.¹⁵³ Those Europeans who actively supported the Chinese in their claims for protection against violence were bitterly disliked, even while most leaders of the strike and the anti-Chinese agitation were opposing violence against Chinese. At a public meeting in Sydney on 14 December Walter H. Cooper was booed and hissed, even though he was on the platform of the meeting in support of the restriction of Chinese immigration.¹⁵⁴ Cooper protested

152. Evening News, 14 December 1878.

153. Evening News, 16 December 1878.

154. Ibid.; S.M.H., 17 December 1878.

against this in a letter to the Sydney Morning Herald on 17 December, outlining his personal history of opposition to Chinese immigration, and arguing that Chinese had a right to be protected from violence. The anti-Chinese movement, he said, should not sanction attacks on the Chinese, but should direct its attacks to "the greedy commercial dictators of our policy and progress, who measure men by their money".

The day after the mass meeting in Hyde Park of 4 December, a deputation from the meeting met the premier, Farnell.¹⁵⁵ They asked for Government action to restrict Chinese immigration, especially in view of the impending legislation in San Francisco to exclude Chinese. They argued that large numbers of Chinese would be a danger to capital as well as to labour, and gave the usual arguments of the moral, social, political, and racial dangers posed by the Chinese. Farnell replied that the Government agreed the matter was an important one, and that the Chinese were undesirable on moral and other grounds. He promised to consult his colleagues, and suggested that a private member such as Cameron might be better able than the ministry to have a restrictive bill passed through the Assembly. The

155. Evening News, 5 December 1878; Town and Country Journal, 7 December 1878.

government was in fact in no position to act because of its difficulties over the Land Bills, and on 7 December the Farnell/Fitzpatrick ministry tendered its resignation to the Governor. Robertson was asked to form a new ministry.¹⁵⁶

With the fall of the Farnell ministry the agitation to exclude Chinese intensified. On 9 December a large meeting of 2-3,000 people was held at Redfern, with D. O'Connor, M.L.A. in the chair.¹⁵⁷ Garton, an employer closely associated with the P.R.U., spoke, urging the maintenance of law and order, and that elections must now be held to resolve the Chinese question. The P.R.U. also organised successful meetings at Newtown and Pyrmont, on 10 December.¹⁵⁸ The P.R.U. campaign was going so well that at its regular meeting on 10 December it decided to print 3000 extra membership cards, necessary because of the interest shown in the P.R.U.'s stand on the Chinese question.¹⁵⁹ It decided also to send two delegates to a meeting of boot and shoe makers, who particularly feared Chinese competition on

156. Evening News, 9 December 1878.

157. Evening News, 10 December 1878.

158. Ibid.; Evening News, 11 December 1878; Town and Country Journal, 14 December 1878.

159. Evening News, 11 December 1878.

the basis of news from California and signs that Chinese in Sydney were beginning to enter the bootmaking trade. Plans were made for further suburban meetings, and for another monster demonstration for Saturday 14 December at Captain Cook's statue in Hyde Park.

At this point, however, the initiative was somewhat taken out of P.R.U. hands, the movement having widened beyond it. Six hundred citizens of Sydney signed a petition asking the Mayor of Sydney to convene a meeting to discuss the Chinese question.¹⁶⁰ The Mayor agreed, so the P.R.U. plan for another Hyde Park meeting was set aside in favour of the more broadly organised public meeting to be held in the Victoria Theatre. The audience at this meeting, newspapers agreed, consisted of an unusually wide cross-section of middle and working class people.¹⁶¹ The stage was packed with sympathetic M.L.A.'s, P.R.U. members including O'Connell, and McLean, Seamen's Union representatives White and Poole, and others.

The leading speech was given by Cameron, who moved a resolution against the Chinese as detrimental to the social, political and moral interests of the colony, and

160. Evening News, 16 December 1878.

161. Ibid.

called for immediate legislative action, the Chinese question being "the greatest of all questions in the public mind". He insisted that the solution to the Chinese problem could only be legislative, and that the people must be given and exercise the power to express their view in the ballot box, and not through violence. Cameron, as usual, stressed that the issue was not only an economic one, although it was important that the seamen stay on strike until they won their point, and it would be a good thing if the coal miners joined them. The only defenders of the Chinese, he said, were those such as the A.S.N. Co., the Sydney Chamber of Commerce, the Sydney Morning Herald, and the Echo, who wanted cheap labour . Everyone else, of all classes, wanted them out because of their danger to wages, and especially, their danger to morality. No distinction, he said, should be made between Chinese of different classes - the merchants, including those who had recently gone in a deputation to the Colonial Secretary asking for protection against violence, "were addicted to the same vicious habits as the poorest among them".

Cameron's resolution was unanimously passed as was a resolution supporting the seamen in their struggle. Several speakers discussed the present situation of the ministry. Robertson had that morning announced that he would not form

a ministry, and Farnell and Fitzpatrick were back in Government, but all recognised that they were without majority support. Two speakers, Garrard and Garton, suggested that a government could now only be formed after a dissolution of parliament and new elections, and if in these elections the Chinese issue were a major one, both the Chinese and ministerial problems would be solved.

Suburban meetings continued to be held in the following week. On 16 December the P.R.U. organised what appears to have been its last suburban meeting, at Darlinghurst.¹⁶² Twelve hundred attended, and the speakers agreed with those at the Victoria Theatre meeting in saying that Parliament must now be dissolved and new elections featuring the Chinese question held. Suburban anti-Chinese meetings, organised independently of the P.R.U. were held at Woolloomooloo and Paddington on 20 December and at Liverpool and West Botany on 21 December.¹⁶³

In Newcastle, where there was no body comparable to the P.R.U., meetings were called by the trade unions and interested leading citizens, usually with Sydney delegates

162. Evening News, 21 December 1878.

163. Evening News, 21, 23 December 1878; S.M.H., 23 December 1878.

from the Seamen's Union speaking. The first such meeting was on 21 November, with an audience of "tradesmen and mechanics".¹⁶⁴ Speakers at this meeting concentrated on the actions of A.S.N. and the seamen, but some, such as Alderman Hubbard spoke of the moral danger posed by the Chinese. "What could they look forward to", he asked, "as the fate of their daughters, if the colony was to be overridden by these heathens with unbridled passions ?" Further, as John Dixon, secretary to the Miners' Union in the district, pointed out, they were concerned not only with those Chinese introduced by A.S.N., but also those "8,000 Chinese in New South Wales, or thereabouts, [who were] doing the work which Europeans ought to do". Resolutions supporting the seamen and calling for legislative action were passed unanimously.

On 3 December a procession composed of miners from Lambton marched into Newcastle, parading the streets with banners flying and music playing.¹⁶⁵ After the procession was over some threw stones, breaking the windows of houses belonging to Chinese living in Blane Street. A larger procession was held on 5 December, consisting of workers

164. Newcastle Morning Herald, 22 November 1878.

165. Newcastle Morning Herald, 4 December 1878.

associated with the shipping and mining trades, which attracted an immense crowd, and which culminated in a concert to raise funds for the seamen.¹⁶⁶ Meetings supporting the strikers and opposing Chinese immigration were held at Greta, Bullock Is., Plattsburg, and Tighe's Hill during December.¹⁶⁷

Activity culminated in a meeting of miners and labourers in Newcastle, with 1000 present, on 28 December.¹⁶⁸ At this meeting the issue was again presented primarily as a labour question, but most speakers also stressed the general danger to the colony of being supplanted by the Chinese race. Speaker after speaker saw the question, as one put it, as "whether the European workman was to be supplanted by the Mongolian or not". The local M.L.A., Thomas Hungerford, insisted that the whole community, and not only labour, was in danger, for "to crush labour was to punish every section of the community". A revealing exchange occurred when E. Brown, of Lambton colliery, speaking against the Chinese on the grounds that they were brought in on "slavish principles", suggested that they insist that the Chinese be provided by the A.S.N. company with the same room

166. Newcastle Morning Herald, 6 December 1878.

167. Newcastle Morning Herald, 11, 14, 20 December 1878.

168. Newcastle Morning Herald, 30 December 1878.

and food as Europeans, in order to make them less profitable to the company, and not in the position of slaves. This suggestion was met with cries of "No, no, put on a heavy poll tax". There was little support, here or elsewhere, for the idea that their problem could be solved by insisting that Chinese be paid and treated the same as Europeans.

Many meetings were held in country areas, usually called by interested and prominent citizens, frequently having the local mayor as chairman, and often being addressed by delegates from the Sydney Seamen's Union. Such meetings became common from about the third week of the strike. Meetings were held at Goulburn, Morpeth, Bathurst, Wellington, Orange, Wagga Wagga, Lithgow Valley, Mudgee, Inverell, Gloucester, and Grenfell.¹⁶⁹ Many of these meetings sent petitions to the Assembly requesting it to pass legislation to restrict the influx of Chinese.¹⁷⁰ Agitation in the country was, however, not as great as that in Sydney or Newcastle. Concern was inhibited partly by the distance of the strike issue, and partly by the fact that

169. Evening News, 4,6,12,17,18,19,20 December 1878; Echo 12 December 1878; S.M.H., 12 December 1878; Town and Country Journal, 14, 21 December 1878; The Mining Record and Grenfell General Advertiser, 4 January 1879.

170. See V. & P.N.S.W.L.A., 1878-9, vol.7, pp. 485-93.

Chinese in the country had not proved a severe problem.

While the strike continued, the movement for the restriction of Chinese immigration won a major victory on 20 December, As a result of a coalition between Parkes and Robertson, Parkes on that date was able to form a ministry.¹⁷¹ The parliamentary session was then brought to a close. Parkes immediately presented an address to his electors on 21 December in which he stated that the new government would in the next session introduce a Bill for the Regulation and Restriction of Chinese Immigration.¹⁷² Parkes was influenced by the strength of agitation for legislation, and had, in any case, always been a strong opponent of the Chinese. In a speech at Mudgee in August that year he had stressed the need to protect the British character, and the argument that the Chinese could not assimilate.¹⁷³ The Chinese, he had said, would always be in the position of slaves, and were a "degraded race" who could always pull down the superior British race "morally, intellectually, and even physically". On 28 December he outlined his

171. Evening News, 21 December 1878.

172. Evening News, 24 December 1878.

173. S.M.H., 8 August 1878.

attitude in a speech to his electors at Canterbury.¹⁷⁴ He sympathised with the seamen, and remarked that while there was no problem when the Chinese came in mere "dribblets", there was a very serious threat to the colony when they came in large numbers to displace Europeans. "I have", he said, "throughout my life...stated that if the necessity arose, everything must go to the wall in view of preserving the British character of the country".

Attention reverted to the strike itself, when the Evening News reported (incorrectly) on 24 December that 350 Chinese had arrived at Townsville on the Mecca bound for Sydney and employment by A.S.N. The P.R.U. called a public meeting on 26 December to discuss this latest development.¹⁷⁵ Speakers urged that the Mecca, thought to be due in Sydney on 28 December, must not be allowed to land. A monster procession, it was suggested, should on Saturday 28 December wait on the Governor and present him with a petition urging that the Chinese not be allowed to land before parliament resumed session. A deputation from the meeting saw Parkes the next day with the same request, but Parkes replied that while he opposed Chinese immigration,

174. Echo, 30 December 1878.

175. Evening News, 26 December 1878.

he would make no move to prevent the Mecca from landing.¹⁷⁶

The crisis was averted by the news on 28 December that the Mecca was not after all due to arrive that day.¹⁷⁷

A meeting of seven to ten thousand people was nevertheless held in Hyde Park under the auspices of the P.R.U.¹⁷⁸

Chairman O'Connell said that despite Parkes's promises to act the parliament was in fact moribund, the executive government unstable, and when the Mecca did eventually arrive they would still have to urge the Governor to act.¹⁷⁹

White moved a resolution of regret at the "supine apathy of Parliament", and suggested that if violence did occur when the Mecca arrived, it would be the responsibility of parliament. Nevertheless, he urged the meeting that they should not cause violence, and they should still rely on moral rather than physical force. They could still solve the problem by getting the Governor to act. After further attacks on Parkes and the Assembly for inaction, a petition was adopted urging the Governor to prevent the Mecca from landing, a procession was held through the streets, and the

176. Evening News , 27 December 1878.

177. Evening News , 30 December 1878.

178. Ibid.; Echo, 30 December 1878.

179. S.M.H., 30 December 1878.

petition presented to the Governor.¹⁸⁰

What looked like becoming a serious situation, both for the future of the strike, and for an outbreak of violence, was averted finally by the news that the Mecca had been wrecked.¹⁸¹ By January 3 the strike was over. The anti-Chinese movement had now only to wait for the next parliamentary session to see the fate of the promised anti-Chinese Bill. At a meeting of the P.R.U. on 3 January O'Connell said the P.R.U. could be congratulated on the successful termination of the strike.¹⁸² Nevertheless, he said, the anti-Chinese agitation must be vigorously continued until a legislative solution was achieved.

The anti-Chinese movement, and the racist assumptions embedded in it, were a unifying force in colonial society. The movement was acceptable to the hegemonic liberal ethos of the community; if radicals and the trade unions were diverging from that ethos in other respects - protection, collective action - in this respect the labour movement was harmonious with established liberal principles. Because of this, the working class and trade union movement gained

180. Evening News , 30 December 1878.

181. Evening News , 31 December 1878.

182. Evening News , 4 January 1878.

credibility through its involvement in the anti-Chinese cause, as it could be seen now as the watchdog of the character and safety of the entire community. While the anti-Chinese movement was associated with labour it was not substantially a divisive movement, setting labour against capital, for ultimately capital was included in the movement. During the strike most employers were forced to agree that their immediate economic interests and the interests of the community as a whole were in conflict, and that they were bound, if they were to maintain their own credibility, to abide by the community interest. Middle class and employing participants in the movement argued that in any case the interests of capital were not ultimately served by the unrestricted entry of Chinese.¹⁸³ Chinese capitalists would, they said, enter and undercut European employers, and Chinese generally would subvert the British institutions within which the free enterprise system operated.

Yet if the anti-Chinese movement was a unifying force, tending to gather all sections of the community to it, full social and political unity had not yet actually been

183. See, for example, speech by Garton at meeting 7 December reported Evening News, 9 December 1878.

achieved. The new coalition government had promised to introduce restrictive legislation, but while it could feel confident that this was a popular move, it was by no means certain that such legislation would be passed by both houses of parliament. The question of how far the conservative, employing, and pastoral interests in each house had been won over to the anti-Chinese cause, and led to see Chinese as a danger to capital as well as to labour, remained unresolved. The fact that it took three years for a restriction act to be passed by the Council indicated the extent of conservative resistance, and the extent to which the height of anti-Chinese feeling reached in the strike had depended on the particular stimulus of the importation of cheap Chinese labour.

CHAPTER EIGHTTHE BARRIERS RE-ERECTED: OPPOSITION TO THE CHINESE, 1879-1881

Although Parkes had promised in December 1878 to introduce legislation to limit Chinese immigration, it was not until three years later, in December 1881, that such legislation became law. The obstacle to legislation was, as it had been from 1858 until late in 1861, the Legislative Council. The Council still had considerable powers to amend and reject Bills, although since the crisis over the Land Acts in 1861 it had been clear that the Council could not ultimately resist a very determined Government. The Council, furthermore, was traditionally opposed to legislation restricting Chinese immigration, because of its rejection of the idea that Chinese were an economic, moral, political, or racial threat to the colony.

Early in 1879 the Council rejected the restrictive Bill introduced by Parkes and passed by the Legislative Assembly. Yet events were such that late in 1881 the Council agreed to pass a second Bill, introduced also by Parkes, the provisions of which were much more restrictive than those of the Bill of 1879. The reasons for the Council's change in attitude were similar to those for its parallel change in

1861. In each case, public support for such a Bill had become virtually unanimous, a sense of urgency had been created by recent events, and the Council faced, as it had not in 1858 or 1879, an intransigent and determined Government.

If the story of the years 1879 to 1881 is the story of the process whereby the Legislative Council came to pass restrictive legislation, it is also the story of the passing of initiative from the organisations which had led the anti-Chinese agitation in 1878 to the Government, and in particular to Henry Parkes. While the extra-parliamentary agitation continued, and influenced opinion in the legislature, it now found that at key points it was standing aside, awaiting Parkes's next move. Parkes's reasons for wanting the Chinese excluded, however, were essentially the same as those given by anti-Chinese spokesmen in 1878, except that he was less consistent on the question of Chinese racial inferiority, and did not give economic arguments, although he accepted their validity, high priority.

This chapter first traces the process whereby the restrictionist argument achieved its legislative end, and the reasons for the slackening in 1879 and the revival in 1880 and 1881 of a general sense that legislation was both necessary and urgent. In these as in earlier years, the importance to the strength of anti-Chinese feeling of the rate of Chinese immigration, of Chinese economic competition

with Europeans, and of a particularly clear example of danger to the colony (in 1861 the Lambing Flat riots, in 1881 the outbreak of smallpox thought to be introduced by the Chinese) was clearly revealed. The always-present belief that the Chinese were an inferior race again came, under these conditions, to be a matter of political and national importance. The chapter then discusses the arguments used both in support for and opposition to restriction, and analyses the role of racist belief in these arguments and in the colonial approach to Chinese generally.

I

Parkes introduced a Chinese Immigration Bill, as promised, on 29 January 1879.¹ The Bill proposed to limit Chinese immigration essentially through the imposition of a poll tax of £10, and a provision that any one ship could land only one Chinaman per ten tons of its register. In this the Bill was in keeping with earlier colonial legislation regulating Chinese immigration. The Bill was debated in an atmosphere where the anti-Chinese feeling of November and December 1878 had subsided. Individual attacks, apart from a violent assault by larrikins on a Chinese hawker in Bathurst,

1. Entry for 29 January 1879, V. & P.N.S.W.L.A., 1878-9, vol. 1.

and another by a European aged 21 on a Chinaman aged 71 in Sydney, both in January 1879, appear to have ceased.² Public meetings calling for legislative action had also ceased. This decline in public interest was the result firstly of the belief that parliament could now be relied upon to act, secondly of the successful resolution of the Seamen's Strike and the conviction that employers could not again very easily import cheap Chinese labour, and thirdly of the fact that Chinese immigration in 1879 was less rather than more, as had been feared, than in 1878. Where 2485 Chinese had arrived in the colony in 1878, only 1979 arrived in 1879.³

The second reading debate on the Bill was held in the Assembly on 5 and 6 March 1879, and the Bill was passed by thirty-one votes to nine.⁴ The Assembly's support for the Bill was wholly expected. A number of its members had been active in the anti-Chinese campaign of the previous year, and, in any case, Parkes as Premier had the support of most Assembly members on most questions. The reasons given in the Assembly for supporting the Bill differed little from those advanced

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2. Evening News, 14 January 1879; S.M.H., 25 January 1879.
 3. Statistical Register of New South Wales for the Year 1879 (Sydney 1880), p. 4.
 4. S.M.H., 6,7 March 1879.

during the anti-Chinese agitation. Some members of the Assembly, however, although they voted for the Bill, thought it was too lenient, especially in exempting naturalised British subjects from its provisions.

Outside the House, five meetings were organised by the P.R.U. opposing the leniency of the Bill,⁵ and two petitions were presented to the Assembly urging that the Bill be made more severe.⁶ Speakers at these meetings particularly opposed the clause exempting naturalised Chinese, arguing that this clause would neutralise the Bill as Chinese could easily become naturalised at a British port in China, and then come unimpeded to New South Wales. At a meeting on 19 March it was unanimously resolved that should this clause be retained, "honourable members of the Legislative Assembly opposed to Chinese immigration should be requested to give their joint support in attempting to defeat the third reading of the Chinese Immigration Bill".⁷

When the division on the third reading of the Bill was called on 21 March, however, only two of the Assembly members, O'Connor and Buchanan, abided by this request, joining the nine man opposition to see the Bill passed by twenty five

5. Evening News, 5,10,18,19,20 March, 1 April 1879.

6. V.& P.N.S.W.L.A., 1878-9, vol. 7, pp. 463, 465.

7. Evening News, 20 March 1879.

votes to eleven.⁸ Parkes had successfully forestalled a large scale crossing of the floor by informing the Assembly on 19 March of recent information that there was no naturalisation law in Hong Kong, and only a very stringent one in Singapore.⁹ The P.R.U., still dissatisfied with the Bill, held its fifth and final meeting on the subject for that year on 31 March.¹⁰ The petition emanating from this meeting urged the Legislative Council to amend the Bill by increasing the poll tax to £25 per head and the tonnage restriction to one Chinaman per fifty tons of the ship's register, by eliminating the clause exempting naturalised Chinese, and by inserting a clause prohibiting Chinese residents from voting.¹¹

The Legislative Council debated the Bill between 2 and 22 April, and, in the absence of public pressure and with indications that even the organisers of anti-Chinese meetings did not support this particular Bill, felt well able to reject it.¹² Public discussion over the rejection of the Bill was

8. S.M.H., 22 March 1879.

9. S.M.H., 20 March 1879; V. & P.N.S.W.L.A., 1881, vol. 4, p. 799.

10. Evening News, 1 April 1879.

11. J.N.S.W.L.C., 1878-9, vol. 29, pt. 1, p. 987.

12. S.M.H., 10, 14, 23 April 1879.

extremely slight, and centred on the problem of whether the Bill had been genuinely popular, and whether either the Bill or its rejection had been based on "class interests". The Evening News and the Illawarra Mercury judged that the Council had opposed the Bill because it favoured cheap labour, and its members would not themselves suffer from the Chinese.¹³ The Sydney Morning Herald, on the other hand, thought it was the Bill which had represented class interests and "class agitation", and which had not represented the voice of the community.¹⁴ In an atmosphere of general apathy on the question, the centres of organised opposition to the Chinese gave up. A deputation from the P.R.U. asked Parkes whether he intended to re-introduce the Bill next session, and when Parkes indicated that he did not, the P.R.U. turned its attention to other matters, such as land reform and opposition to assisted British immigration.¹⁵

Little was heard of the issue until once again the Chinese began to arrive in some numbers in the months from March to June 1880. The only discussion of the matter before March 1880 was at the first intercolonial trades' union congress

13. Evening News, 24 April 1879; Illawarra Mercury, 25 April 1879.

14. S.M.H., 24 April 1879.

15. Evening News, 22, 23 May 1879.

on 9 October 1879. The congress, organised by the T.L.C. in Sydney, although nominally intercolonial, consisted almost entirely of delegates from New South Wales. A resolution "that this Congress is of opinion that the importation of Chinese is injurious, morally, socially, and politically, to the best interests of the colony, and demands speedy legislation", which, it should be noted, did not mention economic arguments, was carried unanimously.¹⁶ The debate served to emphasis trade union unity on the question, but did not represent a fresh attempt to revive agitation for legislative action, and attracted little newspaper attention.

The total number of Chinese arrivals in 1880 was 2,942, the highest total of any year since 1861, and 437 higher than the previous peak year of 1878.¹⁷ The reasons for the fluctuations in Chinese immigration to New South Wales in these years are not easy to discover, for in terms of Chinese emigration as a whole, the fluctuations were very slight, though they did not appear as such to the colonists of New South Wales. In general, Chinese immigration to New South

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16. First Intercolonial Trades' Union Congress. Report of Proceedings During Session commencing on October 6th, 1879, in the Lecture Hall of the Mechanics' School of Arts, Sydney (Sydney, 1879), pp. 36-40.
 17. Statistical Register of New South Wales for the Year 1881 (Sydney 1882), p. 4.

Wales was increasing as new economic opportunities for Chinese opened up in the colony, and the slight decrease in immigration in 1879 may have been coincidental. By 24 March 1880 only a little over 100 Chinese immigrants had arrived,¹⁸ but on that date the Brisbane arrived from Hong Kong with 260 Chinese immigrants, 219 of them bound for Sydney, and with a mild case of smallpox on board.¹⁹ The Brisbane was quarantined immediately for twenty-one days.

In response to its arrival, the bodies traditionally leading anti-Chinese agitation all swung into action. The agitation from March to June consisted of a little over ten meetings in Sydney and three in Newcastle, only four of which (all in Sydney) could be described as having had a "large attendance". None of these meetings approached the size of those held in November and December 1878. They served, however, to illustrate the continuity of concern, and the revival of organised agitation under conditions of increased Chinese immigration.

Both the P.R.U. and the T.L.C. were active in organising the agitation. Meetings were held by the P.R.U. on 4 and 7 April (and by the W.M.D.A. on 5 April) urging a

18. S.M.H., 6 January, 2,19,23 February, 12,23 March 1880.

19. S.M.H., 25 March 1880.

reintroduction of restrictive legislation.²⁰ Agitation intensified after Parkes re-affirmed in the Assembly on 16 April that the Government did not intend to reintroduce such a Bill that session.²¹ An Anti-Chinese League was formed as an offshoot from the P.R.U. on 21 April, and held a successful public meeting calling for legislation on 5 May.²² On 28 May a deputation from this meeting waited on Parkes and presented the views of the meeting.²³ Parkes told the deputation that he sympathised with their desire for legislation, and that his difficulty lay in England's likely disallowance of an exclusionist Bill. For this reason, he informed them, he had decided that action should be taken in concert with the other colonies. He intended to open communication with all the other Australian governments on the subject, and this was the only promise he could make. The question could not be dealt with this session.

The deputation reported on Parkes's response to a meeting of the Anti-Chinese League on 31 May 1880.²⁴ Douglas

20. Daily Telegraph, 5,6,7,9 April 1880. For petitions emanating from these meetings see V. & P.N.S.W.L.A., 1879-80, vol. 5, pp. 863, 865.

21. N.S.W.P.D., 1st series, vol. II, p. 2031.

22. Daily Telegraph, 21, 22 April, 6 May 1880; S.M.H., 6 May 1880.

23. S.M.H., 29 May 1880.

24. S.M.H., 1 June 1880; Daily Telegraph, 1 June 1880.

expressed approval of Parkes's suggestion, and urged that their task must be to strengthen the hand of Parkes. They must make their League one which would communicate with the people of all the other colonies and arrange for combined action. A motion that "a National Anti-Chinese League of this and all the other Anti-Chinese Leagues in the Australian colonies be forthwith originated" was carried unanimously. Yet nothing came, either in 1880 or 1881, of these plans for intercolonial action, there being neither the necessary machinery nor sufficient sense of colonial unity of interest.

The T.L.C. on 26 April held a public meeting which attracted "a large attendance of working men".²⁵ In line with its stance in 1878, the T.L.C. decided not to join in the Anti-Chinese League formed by the P.R.U., but to form its own "Anti-Chinese Association of New South Wales".²⁶ This Association was inaugurated on 3 May, and met in committee on 6 and 12 May.²⁷ On 26 May it held its first public meeting,

25. Daily Telegraph, 27 April 1880; S.M.H., 27 April 1880. For internal T.L.C. preparations for the meeting see entry for 1 April 1880, Minute Book of the Trades and Labour Council of New South Wales, March 1880 - November 1881 (M.S. A3829), (hereinafter referred to as T.L.C. Minute Book); also S.M.H., 16 April 1880.

26. S.M.H., 27 April 1880.

27. Daily Telegraph, 4,7,13 May 1880; S.M.H., 4 May 1880.

but this was rather unsuccessful, attracting only 150 people.²⁸

At all these meetings the need for legislation was stressed, and speakers urged that in the forthcoming elections later in the year, only anti-Chinese candidates must be supported.

On the basis of revived concern, Cameron moved in the Assembly on 8 June 1880 that the Government, "as soon as practicable", bring in a Bill to restrict Chinese immigration.²⁹ Cameron noted Parkes's own opposition to the Chinese, and the increased attention to the question in the adjacent colonies of Victoria and Queensland. Parkes in reply, after a short debate, said that the Government did not intend to introduce a Bill that session, but rather to open communication with the Governments of the other colonies "with a view to united action".³⁰ His reasons for this course of action appear to have included a desire to find a way of satisfying at the same time the widespread anti-Chinese sentiment, the obstructionist Council, and the home government. Given the similar anti-Chinese feeling in other colonies, and the increase in 1880 in the general idea of intercolonial

28. Daily Telegraph, 27 May 1880; Town and Country Journal, 29 May 1880.

29. N.S.W.P.D., 1st series, vol. III, p. 2694.

30. Ibid.., p. 2702.

cooperation and perhaps even the first steps to federation, the solution appeared to be intercolonial agreement on anti-Chinese legislation. This would avoid the problem of an "open door" policy in one colony nullifying the restrictive policy of another (though there is no evidence comparable to that of the late 1850's that this was a serious problem at this time), would strengthen Parkes's hand in relation to the Council, and would especially make it difficult for the Imperial Government to disallow a stringently restrictive Bill. On this last point, the initial disallowance of the Queensland Bill in 1877 had been worrying, though the allowance of Queensland's Immigration Restriction Bill later in the same year should have allayed fears to a large extent. Parkes's concern seems to have been not that a Bill would be disallowed as contrary to the treaties between Britain and China, but rather that it would be disallowed if it were directly prohibitive, or excluded British subjects.

Parkes's announcement met with considerable approval from outside the House, such diverse organs of opinion as the Sydney Morning Herald and the Bulletin welcoming it.³¹ Agitation continued only for another two weeks. Meetings

31. S.M.H., 10 June 1880; Bulletin, 26 June 1880.

were held in the Newcastle area on 9 and 11 June.³² After the arrival of 348 Chinese on 13 and 16 June,³³ meetings of protest were held by the Anti-Chinese League on 16 and 23 June, and a petition from the League praying for legislative action presented to the Legislative Council on 17 June.³⁴ But by late June the League had folded. The T.L.C.-inspired Anti-Chinese Association lasted not very much longer; it held meetings on 11 and 17 June, but there its activities ended.³⁵ Attempts to form a branch in Newcastle failed, although a branch was formed at Newtown on 28 July.³⁶

The collapse of these organisations, and of the P.R.U. itself in mid-1880, meant that when the elections were held in October and November 1880, only the T.L.C. remained to organise support for an anti-Chinese platform. Yet although the T.L.C. made its support of candidates conditional on a

32. Newcastle Morning Herald, 11,12,15 June 1880.

33. S.M.H., 14,17 June 1880.

34. Daily Telegraph, 24 June 1880; V. & P.N.S.W.L.A., 1879-80, vol. 5, p. 867.

35. Newcastle Morning Herald, 14 June 1880; S.M.H., 18 June 1880. For information concerning the Association's unsuccessful proposal that the T.L.C. start a working-man's newspaper, see also S.M.H., 25 June 1880 and Evening News, 23 July 1880.

36. Newcastle Morning Herald, 3 July 1880; Daily Telegraph 29 July 1880.

strong stand against Chinese immigration, its ability to affect the outcome of the election was hampered by internal dissensions over the proper role of the T.L.C. in politics generally, and in the elections in particular. Although the T.L.C. did endorse certain candidates, it was ultimately unable to organise trade unions into a strong pressure group urging specific, including anti-Chinese, policies.³⁷

But even without strong T.L.C. pressure, most candidates in the elections included assurances of their anti-Chinese position in their platform. Richard Fletcher has shown that of the nominated candidates whose speeches were reported in the Herald, 84% of those in the Sydney area and 45% of those in non-metropolitan areas, were explicitly anti-Chinese.³⁸ No candidate expressed support for the Chinese. The anti-Chinese platform proved to be very popular with electors, the vast majority of candidates elected having stood on an anti-Chinese platform. Yet if most members had

37. Entries for 11 August and 1 September 1880, Minutes of the Executive Council of the Trades and Labour Council of New South Wales, 27 January 1880 - August 1890 (MS. A3823) (hereinafter referred to as T.L.C. Exec. Minutes); entries for 5 and 19 August, 2 September 1880, T.L.C. Minute Book.

38. Richard Fletcher, *The Role of the Immigration Question in Gaining for the Labour Movement Recognition by Society in the Period 1877 to 1890 in New South Wales* (M.A. thesis, S.U., 1964), p. 176.

now explicitly promised to support restrictive legislation they were also very pro-Government, the Opposition in the resulting Assembly being unusually small.³⁹ As such, they were likely to leave the initiative to the Parkes-Robertson ministry.

Parkes, however, was from June 1880 until April 1881 more concerned with achieving intercolonial agreement on the necessity for legislation than with attempting to have such legislation passed through the New South Wales legislature. On 11 June 1880 he sent a circular to all Colonial Secretaries, inviting their attention to the Chinese question.⁴⁰ The circular described the presence of Chinese in large numbers as "objectionable", as they were all males, and "not really free". They were a constant source of discontent and dissatisfaction to large classes of "our own people", and preventative measures were necessary. The circular suggested that agreement be reached either through the acceptance by the colonies of similar measures, or through the holding of a Conference to consider the question.

The replies were generally favourable to the idea of

39. S.M.H., 20 November, 4 December 1880.

40. V. & P.N.S.W.L.A., 1879-80, vol. 5, p. 861.

united action.⁴¹ After further correspondence it was agreed, on the suggestion of Graham Berry, the Victorian Premier, that an intercolonial conference to discuss Chinese immigration and other issues be held in Melbourne.⁴² Newspapers in Sydney were generally enthusiastic about the idea of a conference, although the Bulletin, which had first welcomed cooperation, later saw the conference as an attempt by Parkes to stave off action.⁴³ The people of New South Wales, said the Bulletin, must attend to their own affairs independently. An intercolonial conference, it thought, would raise new difficulties, as agreement might not be achieved, or if it were, only by compromise.

Parkes and Watson attended the Conference in Melbourne in late November 1880.⁴⁴ In its first session it dealt with issues other than that of Chinese immigration, though it agreed in principle that united action on the question was necessary.⁴⁵ The Conference was then adjourned, to reconvene

41. Ibid., p. 862; V. & P.N.S.W.L.A., 1880-1, vol. 3, p. 322.

42. V. & P.N.S.W.L.A., 1880-1, vol. 3, pp. 322-3; Parkes to Berry, 2 November 1880, Parkes Correspondence, vol. 46, p. 448 (A916).

43. Bulletin, 26 June, 9 October 1880.

44. Evening News, 7 December 1880.

45. Ibid.

in Sydney in January 1881. This prospect aroused the interest of the T.L.C. On 30 December it discussed a proposal that it call a public meeting on the Chinese question, and appoint a deputation from the meeting to wait on, and explain its grievances against the Chinese to, the Conference.⁴⁶ This suggestion was rejected on the grounds that so many meetings had been held that little could be achieved from further meetings, and that the Conference was inter-colonial while the T.L.C. represented only one colony. The T.L.C., however, did agree to invite metropolitan M.L.A.'s to meet together to consider the Chinese question. A committee was formed to arrange such a gathering, and this committee formulated T.L.C. policy for legislation.⁴⁷ This policy recommended measures more restrictive than those of the 1879 Bill, including a £20 poll tax, an annual tax of £12 on all Chinese residents, and a tonnage restriction of one Chinaman per 100 tons of the ship's register. Metropolitan M.L.A.'s, however, preferred to follow Parkes's rather than the T.L.C.'s leadership, and as a result only one M.L.A., Jacob Garrard for Balmain, attended the meeting.⁴⁸ The T.L.C. thereupon ignored the

46. Entry for 30 December 1880, T.L.C. Minute Book.

47. Entry for 11 January 1881, T.L.C. Exec. Minutes.

48. Entry for 13 January 1881, T.L.C. Exec. Minutes; entry for 20 January 1881, T.L.C. Minute Book.

issue until mid-April 1881.

When the Conference reassembled in Sydney on 18 January it gave high priority to the Chinese question. It again recommended uniform legislation on the part of all colonies, and discussed the character of this legislation.⁴⁹ Parkes presented for consideration a Bill which fell mid-way between the mild Bill of 1879 and the more severe proposals put forward by the T.L.C.⁵⁰ The £10 poll tax and the clause exempting British subjects were retained, but the tonnage restriction proposed was raised to a limitation of one Chinaman per 100 tons of a ship's register. Palmer presented a copy of the Queensland act, which was milder in its provisions, with a one per ten ton limitation and a poll tax which was refundable if the Chinese immigrant left within three years and without having caused the state expense.⁵¹ South Australia and Tasmania decided to adopt the Queensland legislation, and Victoria to adopt Parkes's Bill.⁵² The

49. Minutes of Proceedings of the Intercolonial Conference Held at Sydney, 1881, with Subsequent Memoranda, bound in Australian Federation, Intercolonial Conferences Despatches, etc., pp. 635-40 (ML Q354.9/A).

50. Ibid., p. 647; S.M.H., 4 February 1881.

51. Minutes of Intercolonial Conference 1881, p. 647.

52. Ibid.

reason for this division was that where Tasmania had experienced few Chinese immigrants, and where many in Queensland and South Australia believed that Europeans could not work in their northern tropical areas, making Chinese or other coloured labour necessary, Victoria and New South Wales had both experienced considerable Chinese immigration and were without tropical areas.⁵³ Intercolonial agreement, but not uniformity, had thus been achieved.

The Conference decided also to protest against the plans of Western Australia to subsidise the importation of Chinese immigrants. Western Australia was experiencing a severe labour shortage, and looked to Chinese as a source of cheap and readily available labour. A representation to the Imperial Government, requesting it to prevent Western Australia from importing Chinese, was drawn up by Parkes and agreed to by the Conference.⁵⁴ This representation gave as the reason for colonial opposition to the Chinese the "desire to preserve and perpetuate the British type in the various populations". The objection, it said, "is not altogether one of prejudice of colour or race", but is based on the danger posed by large

53. See Parkes in L.A., 21 July 1881, N.S.W.P.D., 1st series vol. V, p. 261.

54. Minutes of Intercolonial Conference 1881, pp. 641, 647; V. & P.N.S.W.L.A., 1880-1, vol. 3, pp. 325-7.

numbers of people "whose language, laws, religion, and habits of life are alien". The British Government refused to act,⁵⁵ but the issue had probably served a purpose in uniting the colonies (other than Western Australia) and in creating the illusion, at least, of strong action in reference to the Imperial Government.

The intercolonial agreement had given Parkes's proposed new Bill legitimacy and respectability, and would be a weapon when he again attempted to put a restrictive Bill through the New South Wales legislature. Yet Parkes still hesitated. On 12 January 1881, in the Assembly, in reply to a question from Davies, he said the Government would probably introduce a Bill that session.⁵⁶ But on 17 February, in reply to a question from Poole, and on 31 March in reply to a question from Abigail, who also drew attention to the approach of a ship with a large number of Chinese immigrants, Parkes said that delay was due to the Government's desire to act concurrently with the Victorian government.⁵⁷

Ultimately it was not to be the achievement of intercolonial unity as such but changing events in New South

55. Willard, op.cit., pp. 64-5.

56. N.S.W.P.D., 1st series, vol.IV, p. 80.

57. Ibid., pp. 463, 1293.

Wales itself which induced Parkes to act. In the first half of 1881 Chinese immigration to New South Wales rose substantially and public concern dramatically increased. A little over 400 Chinese immigrants arrived in the first three months of 1881.⁵⁸ Then, in the 17 days from 4 April about 2000 Chinese arrived, although over 500 left immediately for New Zealand or Victoria.⁵⁹ In the following month up to 26 May, a little under 1000 more arrived,⁶⁰ though again at least a quarter of this number departed immediately.⁶¹ Thus, by the end of May New South Wales had received a total Chinese immigration of over 3000, and a net immigration of between 2000 and 2500. Further, one of the immigrant ships, the Brisbane, arrived in Sydney on 29 April with a case of suspected smallpox on board, and was held in quarantine until 24 May 1881.⁶²

58. S.M.H., 14, 25 January, 7, 21 February 1881.

59. S.M.H., 5, 9, 18, 21, 22 April 1881; Inspector Anderson and Sub-inspector Johnston to Supt. Read, 21 April 1881, C.S.S.B., no. 81/2791, encl. with no. 81/3177 (A.O. 4/829.1).

60. S.M.H., 27, 30 April, 27 May 1881.

61. Supt. Read to Insp. Gen. Police, 9 May 1881, C.S.S.B., no. 81/3177 (A.O. 4/829.1); Supt. Police to Insp. Gen. Police, 27 May 1881, C.S.I.L., no. 81/3591 (A.O.1/2511).

62. S.M.H., 30 April 1881; Evening News, 25 May 1881.

The reasons for the rise in Chinese immigration are obscure. The police listed the reasons as the reports of successful tin and gold mines in New South Wales and Queensland, and the diversion of Chinese away from California, as the result of anti-Chinese agitation and legislation there.⁶³ Possibly, too, the favourable reports in China of those who had been in the colony were having a cumulative effect.⁶⁴ Certainly the tin mines of northern New South Wales were a strong attraction, the police reporting that, by 21 April, 1425 of the 1673 net arrivals so far had gone to the tin mines of Inverell, Vegetable Creek, and Tingha.⁶⁵ By late April fresh groups of Chinese were arriving at Vegetable Creek daily, now outnumbering Europeans by three to one.⁶⁶

Concern over the Chinese arrivals of April and May centred on their large numbers and on the suspicion that the immigration was being carried out under a "bondage" system, as implied by their flocking to the tin mines.⁶⁷ Concern was

63. Inspector Anderson and Sub-inspector Johnston to Supt. Read, 21 April 1881, loc.cit.

64. S.M.H., 22 April 1881; Daily Telegraph, 25 April 1881.

65. Inspector Anderson and Sub-inspector Johnston to Supt. Read, 21 April 1881, loc.cit.

66. S.M.H., 29 April 1881.

67. Daily Telegraph, 23,25,26 April, 11,16 May 1881; Evening News, 28 April, 25 May 1881; S.M.H., 28 April 1881.

also expressed at their temporary crowding into Chinese lodging houses in Sydney, and at the possibility that they might introduce smallpox to the colony.⁶⁸ Throughout April and May newspapers criticised the Government and the Assembly for their lack of action in the previous session.⁶⁹ Parkes had gone to Melbourne in mid-April to discuss the issue with Berry,⁷⁰ an action which most newspapers deprecated on the grounds that unity with Victoria was not a necessary precondition for action, or a justification for delay. The Bulletin remarked that if they waited for federal action on the issue, it might eventually be Chinese provinces which federated.⁷¹

Immediate legislative action was called for not only by the press, but also by a number of anti-Chinese meetings, petitions, and deputations. This agitation was important in building up public pressure, helping to make it virtually

68. Balmain Independent, 23 April 1881; Bulletin, 23 April 1881; Cowra Free Press, 6 May 1881; Daily Telegraph, 23, 25, 26 April 1881; Evening News, 13, 14 April, 25 May 1881; Freeman's Journal, 14 May 1881; Illawarra Mercury, 29 April 1881; S.M.H., 19 April 1881.

69. See Daily Telegraph, 22, 28, 29 April, 4 May 1881; Evening News, 13, 28 April 1881; Freeman's Journal, 30 April, 7 May 1881.

70. Daily Telegraph, 25 April, 4 May 1881.

71. Bulletin, 30 April 1881.

impossible for the Government not to introduce a Bill in the forthcoming session. The first meeting was organised on the initiative of the Sydney aldermen, who had become concerned by the overcrowding in Chinese lodging houses in Sydney and shared the general fears of Chinese "immorality".⁷² This meeting was held on 28 April and was very well attended, with thousands unable to get into the hall. On the platform were the Mayor, fourteen M.L.A.'s, nine aldermen, Roylance representing the T.L.C., Luscombe, formerly of the P.R.U., and others. The meeting agreed to a resolution requesting "prompt and efficient action...to prevent the continuance of so dangerous a migration", and appointed a deputation to the Government urging action.⁷³

Similar meetings were held in Newtown on 6 May, and in the Newcastle area on 30 April, and 9, 11, and 14 May.⁷⁴ One of the Newcastle meetings was organised by the Newcastle aldermen, and another by the Coal Miners' Association. In country centres meetings were held at Mudgee, Wellington, and

72. Entries for 12 and 21 April 1881, T.L.C. Minute Book; Daily Telegraph, 22 April 1881; Evening News, 22, 26 April 1881; S.M.H., 22 April 1881.

73. S.M.H., 29 April 1881.

74. Evening News, 7, 10 May 1881; Newcastle Morning Herald, 6, 12, 16 May 1881.

Vegetable Creek.⁷⁵ From Vegetable Creek, where there were many Chinese miners and where the situation was becoming analogous to the earlier situation on the goldfields, a petition signed by 654 miners was sent to the Assembly.⁷⁶

The largest of the meetings was held in the Domain, in Sydney, on 24 May.⁷⁷ This meeting attracted 12,000 to 15,000 people, was organised by the T.L.C., and was preceded by a procession of the various trades and labour societies from Cleveland Street to the Domain. At the meeting numerous speeches were made attacking the Chinese, a resolution passed that legislative action must be taken as soon as Parliament met, and a deputation sent to wait on the Governor.⁷⁸ Parkes had already said several days earlier that he intended to introduce a Bill at the beginning of the next session, and from this point anti-Chinese spokesmen seem to have been fairly confident that Parkes would indeed act soon.⁷⁹

At this stage, however, the situation was heightened by the news of a case of smallpox in Lower George Street, the

75. Evening News, 24 May 1881; S.M.H., 26 April, 10,20 May 1881.

76. Evening News, 24 May 1881; V. & P.N.S.W.L.A., 1881, vol. 4, p. 803.

77. Daily Telegraph, 25 May 1881.

78. S.M.H., 27 May 1881.

79. Evening News, 20 May 1881.

afflicted person being the Anglo-Chinese child of a wealthy Chinese merchant named On Chong.⁸⁰ This case was reported on 25 May, and general fears were further heightened by the arrival of the Glamis Castle on 26 May with over 600 Chinese immigrants.⁸¹ Newspapers were uncertain at this stage whether or not to attribute the smallpox case at On Chong's to the arrival of the Chinese. On the negative side was the fact that the case was never positively diagnosed as smallpox,⁸² the opinion of John Leonard, surgeon on the Brisbane, that the case on the Brisbane a month earlier had similarly not been positively diagnosed,⁸³ and the fact that since there had been only one day between the discharge of the Brisbane's passengers and the outbreak at On Chong's, there was no real ground for coupling the two events.⁸⁴ There had, moreover, been a growing prevalence of smallpox in London, and it seemed that the danger of smallpox being introduced was as great from London as from China, though in the former case the colony was protected by the greater length of the voyage.⁸⁵ Positive

80. Evening News, 26 May 1881.

81. Evening News, 27 May 1881.

82. Evening News, 27 and 31 May 1881.

83. Evening News, 7 June 1881.

84. Evening News and S.M.H., 26 May 1881.

85. Evening News, 31 May 1881; S.M.H., 1 June 1881.

arguments for attributing the smallpox to the Chinese included the fact that the victim was an Anglo-Chinese child living near the area where hundreds of Chinese had recently congregated in overcrowded, and, most believed, unsanitary conditions, and the belief that smallpox was chronic in Hong Kong and other Chinese cities.⁸⁶

Concern about poor sanitation in Chinese areas continued, and one alderman recommended that all Chinese be compulsorily vaccinated before landing, and their belongings fumigated.⁸⁷ On Chong's house was placed under quarantine, but as days passed without further outbreak of infection the excitement subsided.⁸⁸ A meeting against Chinese immigration at Botany on 31 May heard speeches which were not concerned with the smallpox scare, but with economic competition, especially with Chinese gardening in the Botany area.⁸⁹ The Chinese from the Glamis Castle began arriving in the tin-mining area in June, and a large and influential anti-Chinese meeting was held there on 3 June.⁹⁰

86. Daily Telegraph, 27 May 1881; Evening News, 28 May 1881.

87. Daily Telegraph, 1 June 1881.

88. Evening News, 3, 4 June 1881; S.M.H., 1 June 1881.

89. Evening News, 1 June 1881.

90. S.M.H., 10 June 1881.

Then, on 15 June 1881, a definite case of smallpox, the victim being European, broke out.⁹¹ On that day Edward Rout, a carpenter who had been working across the street from On Chong's house, was found to have smallpox. The following day, three more cases, two of Europeans and one of a Chinaman at Waterloo, were reported.⁹² The Chinaman was said to have arrived by the Brisbane, and to have been staying originally next door to On Chong's.⁹³ Two of the three Europeans who had so far caught the disease had worked or lived near On Chong's, and this confirmed the suspicion that the smallpox had been introduced by the Chinese.⁹⁴ On 16 June Edward Rout died, and On Chong's house, already in quarantine, was, together with adjoining houses, further isolated by a barricade.⁹⁵ There were no further cases reported for three weeks, but on 5 July another case was discovered among Chinese at Druitt Town, twenty miles from Sydney.⁹⁶

91. Evening News, 15, 16 June 1881.

92. Evening News, 16 June 1881.

93. S.M.H., 17 June, 6 July 1881.

94. Evening News, 16 June 1881.

95. Evening News, 17, 21 June 1881.

96. S.M.H., 6 July 1881.

On 9 July the Government initiated plans to establish a smallpox centre at Little Bay, at which Chinese and European patients would be segregated,⁹⁷ and on 11 July appointed a Board of Health to deal with the situation.⁹⁸ Further cases were reported on 11 July, 16 July, and 22 July.⁹⁹ The outbreak reached epidemic proportions in the months following. By 1 September there had been thirteen deaths from smallpox, and there were over twenty four deaths before the epidemic ended in February 1882.¹⁰⁰ No further Chinese cases, however, had been reported after 5 July 1881. Altogether there were 154 cases of smallpox reported, and the epidemic cost the Government over £84,000.¹⁰¹

The Government attributed the smallpox to the Chinese. On 17 June a meeting of the Executive Council issued a proclamation declaring China and its ports to be infected with smallpox, and all vessels from China to be subject to the strictest quarantine, whether there was sickness on board or

97. Evening News, 11, 12 July 1881.

98. Evening News, 12 July 1881.

99. Evening News, 11, 16, 22 July 1881.

100. Evening News, 1 September 1881; J.H.L. Cumpston, The History of Smallpox in Australia, 1788-1908 (Melbourne 1914), p. 11.

101. J.H.L. Cumpston, op.cit., p. 11.

not.¹⁰² On the same day Parkes telegraphed the Colonial Secretary at Hong Kong and the Colonial Secretaries of the Australasian colonies, informing them of the proclamation and of the Government's opinion that the smallpox appeared to have been introduced to Sydney by the Chinese.¹⁰³ The Colonial Secretary at Hong Kong replied on 20 June that Hong Kong was "free from any epidemic of infectious or contagious disease" and that none of the 3,585 emigrants examined that month had been suffering from smallpox.¹⁰⁴ He expressed a hope that quarantine, therefore, would not be enforced against all vessels from Hong Kong. Parkes did not make this telegram public, as it would have cast doubts on whether the smallpox had really come from Hong Kong, and thus on the validity of Government action.

The proclamation concerning vessels from China directly affected the Ocean, which arrived in Sydney on 26 June with 385 Chinese on board, and which, although there was no disease on board, was placed under a forty-two day quarantine.¹⁰⁵

102. Evening News, 17 June 1881; Government Gazette Extra-ordinary Issue, 17 June 1881.

103. V. & P.N.S.W.L.A., vol. 4, p. 801; N.S.W. Col. Sec. to Victorian and other Col. Secs., 17 June 1881, C.S.S.B., unnumbered (A.O. 4/829.1).

104. V. & P.N.S.W.L.A., 1881, vol. 4, p. 801.

105. Evening News, 20, 26 June 1881 .

When Victoria agreed to receive the Ocean if it anchored first at a specially appointed place for inspection,¹⁰⁶ it went to Melbourne, where some of its Chinese passengers changed ship for New Zealand, some landed in Melbourne, and the remaining 200 elected to return to Sydney.¹⁰⁷ When the Ocean returned to Sydney on 12 July it was again placed under quarantine.¹⁰⁸ The harsh treatment of the Ocean's passengers was the subject of some criticism in newspapers and in the Council.¹⁰⁹ The treatment of the Ocean appears, however, to have been effective in temporarily ending the immigration of Chinese to New South Wales. The Sydney agents of shipping firms telegraphed to China, advising that the quarantine regulations were in force. As a result one shipload of Chinese ready for Australia did not sail, and it was clear that until the quarantine regulations were lifted, the immigration would cease.¹¹⁰

106. Victorian Col. Sec. to N.S.W. Col. Sec., 2 July 1881, C.S.S.B., no. 81/4619 (A.O. 4/829.1).

107. Evening News, 4, 7 July 1881; Draft note N.S.W. Col. Sec. to Victorian Col. Sec., 4 July 1881, C.S.S.B., unnumbered, encl. with no. 81/4619 (A.O. 4/829.1).

108. Watson in L.A., N.S.W.P.D., 1st series, vol. V, p. 75.

109. S.M.H., 9, 14 July 1881; Daily Telegraph, 15 July 1881; Bulletin, 30 July 1881; N.S.W.P.D., 1st series, vol. V, pp. 220-1, 351, 1130-42.

110. Evening News, 7 July 1881.

While the real smallpox epidemic occurred from 22 July onwards, it was the first eight cases between 15 June and 11 July, and especially the first four cases of 15 - 16 June which had political repercussions for legislation restricting Chinese immigration. The smallpox epidemic was blamed by most people on the Chinese, and the attempts of some to argue that there was no proof that they were in fact responsible did little to alter public opinion.¹¹¹ The Sydney Chinese, in particular, attempted to argue that they should not be blamed, and that as smallpox was then prevalent in England, vessels from London should be treated with suspicion.¹¹² Whether or not the smallpox had come from China, it is not now possible to determine. J.H.L. Cumpston, Director for Quarantine for the Commonwealth of Australia, said in a Quarantine Service publication in 1914 that the source of the 1881 epidemic remained unknown.¹¹³

The community at large, however, was convinced that the Chinese were to blame, and for some time after the outbreak avoided contact with Chinese. The guard and most of

111. Evening News, 16,17,18,20 June 1881; S.M.H., 17,18 June 1881; Daily Telegraph, 18 June 1881; Illawarra Mercury, 21 June 1881.

112. Evening News, 21 June 1881.

113. J.H.L. Cumpston, op.cit., p. 11.

the passengers on a Waverley tram on 16 June 1881 reportedly greeted a Chinaman who tried to get on with cries of "Get off of that ! We don't want no smallpox here".¹¹⁴ On 19 June Chinese passengers on board the Kembla at Newcastle were ejected after complaints from the European passengers,¹¹⁵ and the following day a Chinaman found that he had a whole railway carriage to himself on a train from Newtown to Sydney.¹¹⁶ Chinese vegetable sellers were boycotted, and on 18 June the Chinese at the Belmore Markets were obliged to leave their stalls to avoid maltreatment.¹¹⁷ Chinese found they had to sell their vegetables through European dealers,¹¹⁸ and by 21 June Chinese hawkers at Waterloo found that their trade had been completely ruined.¹¹⁹ Violent personal attacks were made on Chinese, usually by larrikins. Brutal assaults, stone throwing, name calling, and window smashing were all prevalent for a period of several weeks.¹²⁰

114. S.M.H., 18 June 1881.

115. Evening News, 21 June 1881.

116. Evening News, 21 June 1881.

117. Evening News, 20 June 1881.

118. Evening News, 21 June 1881.

119. Evening News, 22 June 1881.

120. S.M.H., 21 June 1881; Evening News, 22,23,28,29 June, 1,4 July 1881.

There were some further anti-Chinese meetings, though in general the attitude was one of waiting for the expected Government action. Meetings were held at Redfern, Camperdown, and St. Peters, and the usual petitions and deputations emanated from them.¹²¹ On 30 June the T.L.C. rejected a suggestion that it draft its own Bill and present it to the Assembly, in favour of an attitude of "wait and see" what the Government would do,¹²² although on 7 July a "vigilance committee" was established to watch over the progress of the Bill.¹²³ Newspapers agreed that the Government now seemed certain to act, the Grenfell Record commenting that the small-pox outbreak would "be used as a pretext to check the Mongolian invasion".¹²⁴ Imperial treaties, it said, would be overridden by "a dextrous use of On Chong's baby". The Sydney Morning Herald thought the proposed Bill was likely to be passed, "seeing that the old race-hatred has been

121. Evening News, 21, 24, 30 June 1881; W.N. Parker, Redfern Council Clerk, to Col. Sec., 18 July 1881, C.S.I.L., no. 81/5187 (A.O. 1/2520); V. & P.N.S.W.L.A., 1881, vol. 4, p. 807.

122. Entry for 30 June 1881, T.L.C. Minute Book.

123. Entry for 7 July 1881, T.L.C. Minute Book.

124. Grenfell Record, 25 June 1881; see also Maitland Mercury, 25 June 1881; Bulletin, 25 June 1881; Daily Telegraph, 30 June 1881; Evening News, 18, 20 June 1881.

strengthened by panic, and the antipathy to cheap labour has found an ally in the blind fear of smallpox".¹²⁵

Although it had seemed clear that Parkes would act even before the smallpox outbreak, the latter served to give the matter a sense of urgency and to increase popular support for the Bill. It induced Parkes also to introduce into his proposed Bill a new clause making all ships from China liable to quarantine, a clause which was defended by its supporters as a protective measure against the introduction of smallpox, but which was also designed to prohibit Chinese immigration without actually stating that prohibition was the aim of the Bill. As Parkes put it in debate on 21 July, this clause was a means of stopping Chinese immigration "short of taking any steps which would violate fundamental principles".¹²⁶ The new Bill was introduced immediately the session opened on 5 July, and its second reading held on 13 and 14 July.¹²⁷

In these debates there was virtual unanimity on the need for a Bill of some kind. The debates were fairly short, and in some ways perfunctory. The Bill passed its second reading without division on 14 July.¹²⁸ When it was considered

125. S.M.H., 6 July 1881.

126. N.S.W.P.D., 1st series, vol. V, p. 267.

127. Ibid., pp. 1, 94-171.

128. Ibid., p. 171.

in committee on 21 July, the quarantine clause came under some attack as a prohibitory rather than a restrictive clause, and as harmful to the shipping interests.¹²⁹ The clause was, however, passed by forty-nine votes to thirteen, and later, on 28 July, it was made clear by the addition of a new clause that ships with Chinese crew members but with no Chinese passengers were also to be subject to quarantine.¹³⁰

The virtually unanimous support for the Bill led to a situation where, on its third reading on 2 August, those who were most outspoken against it - Fitzpatrick, Stuart, Copeland, and Jacob - all hastened to say that they did not, as some seemed to think, support the introduction of Chinese.¹³¹ These four opposition spokesmen all said they thought the provision restricting Chinese according to a tonnage proportion was sufficient, and that they objected to the Bill only because they thought the other provisions, such as the poll tax and quarantine clauses, were excessive. As Jacob said, "I do not believe there is a single member who would not advocate the restriction, and perhaps the prohibition, of Chinese immigration".¹³² Parkes summed up, pointing out that

129. Ibid., pp. 258-86.

130. Ibid., pp. 370-1.

131. Ibid., pp. 408-13, 420-1.

132. Ibid., p. 420.

other colonies were passing similar legislation, and that the Bill was exceedingly popular.¹³³ The Bill then passed the third reading by forty-eight votes to four, only Fitzpatrick, Stuart, Buchanan, and Jacob, voting against it.¹³⁴ In subsequent newspaper discussion it was agreed that the near unanimous vote in the Assembly faithfully reflected public opinion.¹³⁵

The Bill had now to pass through the traditionally obstructionist Legislative Council. The Council was under extreme pressure to pass the Bill, given the determination of Parkes and the Bill's general popularity. Opposition to the Bill had practically disappeared. The Steamship Owners' Association prayed in a petition to the Council that it delete the quarantine clause on the grounds that it would restrict the commerce and prosperity of the colony, but did not oppose the Bill as a whole.¹³⁶ Only the Chinese, in a petition to the Council, attempted to persuade it to reject the Bill.¹³⁷

133. Ibid., pp. 414-416. Re other colonies, see Willard, op.cit., pp. 65-8.

134. N.S.W.P.D., 1st series, vol. V, p. 428.

135. Newcastle Morning Herald, 5 August 1881; S.M.H., 9 August 1881.

136. J.N.S.W.L.C., 1881, vol. 32, pt. 2, p. 287.

137. Ibid., pp. 285-6.

The Council on this occasion chose not to reject the Bill but rather to amend it in an attempt to make it much less restrictive.¹³⁸ The argument taken by the majority of Council members was similar to that taken by the Opposition in the Assembly - that some restriction was necessary, but the Bill before them was too severe. Most agreed that large numbers of Chinese would be undesirable, but most discounted smallpox as a justification for the Bill, on the grounds that they lacked proof of the origin of the outbreak. Using these arguments, the Council on 18 August passed the second reading of the Bill, deleted the quarantine clause, and reduced the tonnage restriction from one Chinaman per 100 to one per 50 tons of a ship's register.¹³⁹ Amidst very little public interest in the issue the Council then proceeded to debate the poll tax clauses on 7 and 17 September, and returned the heavily amended Bill to the Assembly on 21 September.¹⁴⁰

The Government and the Assembly, however, were determined to insist on the substance of the initial Bill. On 28 September the Assembly agreed, on Parkes's suggestion,

138. N.S.W.P.D., 1st series, vol. V, pp. 629-58, 683-707, 976-8, 1092-1104.

139. Ibid., pp. 683-707.

140. Ibid., pp. 976-8, 1092-1104, 1242.

to abandon the quarantine clause, probably because it was now recognised to be a "panic" clause, and because such a clause had not been adopted in any other colony.¹⁴¹ But the tonnage and poll tax clauses were insisted on. When the Council insisted on certain amendments a second time, a free Conference between the two houses was held on 23 November after which the Council agreed to accept the tonnage and poll tax clauses.¹⁴²

The Council had been forced to yield by the insistence of the Government rather than by continued extra-parliamentary agitation. The T.L.C. had been fairly confident that Parkes would insist on a stringent Bill, and had decided on 15 September against holding a meeting of protest against the Council's amendments.¹⁴³ On 13 October, after it became clear that the Council intended to insist on some of its amendments a second time, the T.L.C. deputed three of its members to attend the sittings of the Council, and watch the progress of the Bill.¹⁴⁴ The recently formed Protection and

141. N.S.W.P.D., 1st series, vol. VI, pp. 1355-1375.

142. Ibid., pp. 1438-51, 1529-32, 1725-6 (L.C. 6, 12 and 26 October 1881), pp. 1801-10 (L.A., 3 November 1881), pp. 2112-3 (L.C. 23 November 1881).

143. Entry for 15 September 1881, T.L.C. Minute Book.

144. Entry for 13 October 1881, T.L.C. Minute Book.

Political Reform League, successor to the P.R.U., was only a little more active. On 23 September it held a protest meeting, with 150 present, and sent a petition to the Assembly praying that it restore the deleted clauses.¹⁴⁵

In 1880 and 1881 Parkes had quite clearly wrested the initiative from the T.L.C. and the political associations. Those organisations had, however, seen most of their policies concerning Chinese pass into law, and certainly the character of agitation from July to November 1881 indicated no serious dissatisfaction with the final Bill. One plank on the extra-parliamentary anti-Chinese platform which was not realised was an annual tax on all Chinese residents. This had emerged as policy at P.R.U. meetings in April 1880, and at T.L.C. meetings in January and May 1881.¹⁴⁶ Parkes, however, had not taken up the idea, probably because he felt it was unlikely to gain legislative support. Those elements within the extra-parliamentary movement which had advocated outright and direct prohibition also did not see their aim realised, but they appear to have accepted Parkes's argument that such a Bill would not receive Royal Assent. In general, Parkes's

145. Daily Telegraph, 14, 24 and 29 September 1881; Evening News 24 September 1881.

146. Entry for 11 January 1881, T.L.C. Exec. Minutes; Daily Telegraph, 5, 7 April 1880, 25 May 1881.

aims and achievements fairly closely conformed to the aims of the anti-Chinese movement, of both its working-class and middle-class based components.

II

The arguments against the Chinese used in the legislature, newspapers, and continuing anti-Chinese movement in the years 1879 to 1881 differed little from those developed in the agitation of July-December 1878. The main lines of argument continued to see the Chinese as an economic danger to the colony, as demoralising, as politically dangerous, as a distinct and separate group unable to assimilate into colonial society, and as a danger to Anglo-Saxon racial purity. The extra-parliamentary argument developed in 1878 was transferred, with little change, to the parliamentary arena from 1879 to 1881. As before, there was little difference along class or economic lines in the arguments used.

Changing circumstances did, however, produce some changes in emphasis. The question of sheer numbers, in particular, as the Chinese proportion of the population continued to increase, was more frequently stressed. Underlying all the arguments given for objection to the Chinese was an emphasis on the belief that the greater the numbers,

the greater the danger. Large numbers of Chinese would in economic terms displace European workers and eventually European capitalists, in social terms "thrust white people aside", in political terms imperil British institutions, in national terms threaten their British character, and in racial terms threaten their purity of race.¹⁴⁷ In 1880, and especially in 1881, there was frequent talk of Chinese outnumbering Europeans, of a Chinese "invasion", of "inundation", "swamping", and "overwhelming".¹⁴⁸

Another argument which had been mentioned but not stressed in 1878, and which was increasingly important between 1879 and 1881, was that the Chinese were a danger to the colony through their introduction of loathesome and terrible diseases. The two diseases most feared were leprosy and smallpox. The discovery in mid-December 1879 of a confirmed case of leprosy of a Chinaman at Waterloo revived

147. See Evening News, 7 March, 24 April 1879; Newcastle Morning Herald, 15 June 1880; speech by Melville in L.A., 13 July 1881, N.S.W.P.D., 1st series, vol. V, p.121.

148. Speech by O'Connor reported in S.M.H., 29 April 1881; speeches by Mayor of Newcastle and Fletcher reported in Newcastle Morning Herald, 12 May 1881; "A Future Legislator and Probable Premier", Patriotic Sentiments on the Chinese and Polynesian Questions (Sydney 1881), p.6; Parkes in L.A., 13 July 1881, Lynch and O'Connor in L.A., 14 July 1881, Robertson in L.C., 17 August 1881, Lucas in L.C., 18 August 1881, N.S.W.P.D., 1st series, vol. V, pp. 95, 145, 158, 629, 687.

the charge made sporadically since the late 'fifties, that Chinese would introduce leprosy.¹⁴⁹ Defenders of Chinese immigration continually argued that leprosy was not a contagious disease, quoting as authority the Royal College of Physicians in England, and that few confirmed though many rumoured cases of leprosy had been discovered; but the fears lingered.¹⁵⁰ A much more common fear was that the Chinese would introduce smallpox.¹⁵¹ It was given credence by the fact that in December 1876, March and June 1880, and in April 1881, ships had arrived from China with cases of smallpox on board.¹⁵² When smallpox did break out in June and July 1881, the fears appeared to have been justified.

Economic competition, or displacement, continued to be a major source of concern. It now, however, referred more

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149. Town and Country Journal, 27 December 1879; Daily Telegraph, 10 January 1880. See also William Ramsay to Medical Adviser to the Govt., 2 February 1865, C.S.I.L., no. 65/568 (A.O. 4/544); William Hicks, to Supt. Police, Armidale, 28 November 1876, C.S.I.L., no. 76/9080 (A.O. 1/2350).
150. L.A. debates reported S.M.H., 6 and 7 March 1879; Evening News, 9 April 1879; S.M.H., 3 March, 18 May 1880, 18 February, 10 May 1881; Newcastle Morning Herald 12 May 1880.
151. Bulletin, 23 April 1881; Balmain Independent, 23 April 1881; Daily Telegraph, 26 April 1881; Evening News, 13 April, 25 May 1881; Freeman's Journal, 14 May 1881; Illawarra Mercury, 29 April 1881.
152. S.M.H., 11 December 1876, 25 March, 17 June 1880, 30 April 1881.

frequently to the Chinese entry as a group un beholden to European employers into certain trades already occupied by Europeans than to the kind of displacement practised by A.S.N. in 1878, although the fear of European use of Chinese as cheap labour still lingered. The Newcastle Morning Herald said in February 1879 that the "wealthy money grubbers of the Chamber of Commerce would fight hard for Chinese labour",¹⁵³ and in the Assembly Garrett charged the opponents of the Bill with being interested in the employment of Chinese as cheap labour.¹⁵⁴ One of the few cases of Europeans employing Chinese in this period occurred on the tin mines of northern New South Wales, but even here Chinese usually worked on their own account rather than for Europeans.¹⁵⁵ Here, as on the goldfields twenty years earlier, Chinese success was resented, and seen as "underselling", though the system of working the mines was a contract rather than a wages system.

In these years the argument was more frequently heard that Chinese were a threat not only to European labourers but also to European employers. The fact that the Chinese worked for themselves was resented. They were accused of

153. Newcastle Morning Herald, 24 February 1879.

154. S.M.H., 7 March 1879.

155. S.M.H., 27 October 1880.

"forming a clique", and of refusing to employ Europeans.¹⁵⁶

When they were traders and storekeepers, John Robertson had complained, they were doing the work he would prefer Europeans to do.¹⁵⁷

The point ultimately was not simply that Chinese might work hard and for low wages - it was, as Thomas White said at a meeting in April 1880, that whatever the Chinaman did "he was filling the place of a white man".¹⁵⁸

One method advocated for answering the Chinese economic threat was the boycotting of Chinese-produced goods. Boycotting was advocated at the Intercolonial Trades Union Congress in 1879, and at anti-Chinese meetings in 1880 and 1881,¹⁵⁹ but seems to have been unsuccessful except to a small extent in reference to Chinese vegetables in Newcastle, and during the smallpox scare in Sydney.¹⁶⁰ The boycotting of Chinese furniture was not successful, and continued to be advocated

156. Speech by S. Gee, Report of First Intercolonial Trades' Union Congress, p. 37; speech by Thomas White reported S.M.H., 27 April 1880; speech by Fletcher reported Newcastle Morning Herald, 12 May 1881.

157. N.S.W.P.D., 1st series, vol. V, p. 632.

158. S.M.H., 27 April 1880. See also speech by Martin Guest of the W.M.D.A., reported S.M.H., 6 May 1880.

159. By J. Atkinson, Report of First Intercolonial Trades' Union Congress, p. 39; Daily Telegraph, 6, 21 April 1880; S.M.H., 6 May 1880; 29 April 1881.

160. Newcastle Morning Herald, 11 June 1880.

by the labour movement in the 1880's and 1890's.

One argument which gained ground, and which was to be one of the most persuasive to the rather reluctant Council in 1881, was that colonists should not have to mix with a people they disliked. Such dislike was always evident, as, for example, in the resolution of one anti-Chinese meeting: "That we, the citizens of Sydney, do hereby emphatically express our opinion of hostility and aversion at being associated with the Chinese race as colonists or otherwise, and aver the same upon every conceivable reason justifiable by every law of God and Man".¹⁶¹ The social dislike of the Chinese was recognised by the Council to be understandable. As one member, Watt, said : "The national instinct...is opposed to the Chinese, and we may rely upon it that the national instinct is true".¹⁶² He respected the feelings of working men who did not like, for social as well as economic reasons, to work side by side with the Chinese: "I should not like to be on a board of directors composed almost entirely of Chinamen". Watt noted that the class in contact with the Chinese was that which disliked them most, and this was a natural "prejudice". Lucas in Council pointed out that those

161. S.M.H., 6 May 1880; Daily Telegraph, 6 May 1880.

162. N.S.W.P.D., 1st series, vol. V, p. 643.

who were compelled to work or live near the Chinese saw the loathesome way they lived, and disliked them,¹⁶³ and King remarked that "I sympathise with those who object to mix with them in social life".¹⁶⁴ It was a favourite argument of Parkes's that even those who defended the Chinese in theory would not like to mix with them in practice.¹⁶⁵

The concern with Chinese immorality continued unabated in these years. Chinese continued to be described, as one letter writer to the Evening News put it, as "grossly immoral and filthy in the last degree".¹⁶⁶ In the Assembly debates in 1879 Angus Cameron especially concentrated on their immorality,¹⁶⁷ and in the 1881 debates a number of speakers considered it to be the main issue.¹⁶⁸ The Bulletin said they were "not morally, physically, or intellectually fit to sit down in the same continent with the European",¹⁶⁹ and the

163. Ibid., p. 688.

164. Ibid., p. 690.

165. N.S.W.P.D., 1st series, vol. VI, p. 1368.

166. Evening News, 29 January 1879.

167. S.M.H., 6 March 1879.

168. See Abigail, Lynch and Trickett, 14 July 1881, N.S.W.P.D. 1st series, vol. V, pp. 140-1, 145, 169.

169. Bulletin, 1 May 1880.

Daily telegraph considered that Chinese had not the slightest notion of morality, being incapable of understanding high moral truths.¹⁷⁰ At the Intercolonial Trades Union Congress one speaker described the Chinese quarters in Sydney as "hotbeds of opium, debauchery, and degradation".¹⁷¹ Chinese immorality was frequently mentioned at anti-Chinese meetings in 1880 and 1881, a speaker at one saying "the Chinese had no more conception of morality than the dogs in the street".¹⁷²

As before, the charge of immorality referred usually to Chinese contact with European women. The Common Lodging Houses Report of 1876 was still cited, and speakers frequently stated that European women were still being degraded by contact with Chinese men. As Cameron put it at an anti-Chinese meeting in May 1881, even worse than labour competition was the fact that "their wives and daughters should be prostituted and lowered to the condition of beasts of the field by men who had no feeling in common with them".¹⁷³ Objections were made to both intermarriage and casual sexual contact. Onslow considered that the class of women who married

170. Daily Telegraph, 3 May 1881.

171. Report of First Intercolonial Trades' Union Congress
p. 39.

172. S.M.H., 6 May 1880.

173. S.M.H., 29 April 1881.

the Chinese must be utterly debauched; no decent woman, he said, "would submit to the embraces of a Chinaman".¹⁷⁴

Even more common than the fear of interracial marriage was the fear that the Chinese sought out and destroyed the virtue of very young girls. Frequent mention was made inside and outside the legislature of Chinamen luring children into their dens, and especially of the presence in these "dens" of young girls aged between ten and fifteen. McElhone said at an anti-Chinese meeting in 1881 that "little children are brought into contact with these beasts in human form", and Melville said in debate in 1881 that in Lower George Street "our young demales have been degraded to eternity".¹⁷⁵ Often the fear that Chinese would demoralise the European community was expressed more generally. A common resolution at anti-Chinese meetings in these years was that the Chinese were against the best interests of the Colony, "morally, socially, and politically", and Chinese were often described simply as demoralising and corrupting.¹⁷⁶

In line with the greater emphasis on numbers, increasing emphasis was placed on the notion that Chinese were politically

174. N.S.W.P.D., 1st series, vol. V, p. 647.

175. S.M.H., 29 April 1881; N.S.W.P.D., 1st series, vol. V, p. 119.

176. See Evening News, 14 July 1881.

dangerous. They could not, it was argued, co-exist with Europeans in a condition of equality. If Chinese were allowed to continue to come, and to vote, they would achieve political dominance. Because of this fear, it was frequently argued that Chinese should not be allowed to vote.¹⁷⁷ At that time Chinese, if naturalised, could vote, and reports of their doing so always caused concern. The Daily Telegraph described it as "a scandal".¹⁷⁸ Their votes, it said, were not freely cast, but were arranged by their "head man". Parkes, in particular, was adamant that Chinese could not be granted political rights, and should therefore not be admitted into the colony.¹⁷⁹

As in 1878, one of the most important arguments, now stressed especially by Parkes, was that the Chinese could not assimilate, or become part of colonial society. Frequent mention was made of the fact that the Chinese not only worked together but also lived and socialised together; they clung to their own people and to their own identity. Parkes

177. Parkes in L.A., reported S.M.H., 6 March 1879; speech by Luscombe at P.R.U. meeting, reported Evening News, 18 March 1879; speech by White, reported S.M.H., 27 April 1880.

178. Daily Telegraph, 28 April 1880.

179. Parkes in L.A., reported S.M.H., 6 March 1879; Parkes in L.A., 8 June 1880 and 13 July 1881, N.S.W.P.D., 1st series, vol. III, p. 2702, and vol. V, p. 100.

complained that in Sydney the Chinese had formed "a city within a city", which was thoroughly Chinese and opposed to everything English.¹⁸⁰ The Grenfell Record had the same idea in mind when it said they could not tolerate "an empire within an empire".¹⁸¹ Lucas in Council debate said that if the Chinese dispersed into the country, that would be acceptable, but they herded together in Sydney.¹⁸² The objection to Chinese ethnic identity and living and working together came out clearly in response to suggestions that Chinese women might be encouraged to come. The Richmond River Express and Tweed Advertiser said that if Chinese women came, the Chinese would further form into foreign settlements, and "increase and multiply as a foreign population in our midst".¹⁸³

An allied objection was that the Chinese, in keeping to themselves, did not "cast in their lot" with colonial society. Their allegiance remained with China; they did not come with the intention of permanent settlement and identification with the future of the colony. As Cameron said in 1879, even if the Chinese stayed a lifetime their sympathies

180. Parkes in L.A., reported S.M.H., 6 March 1879.

181. Grenfell Record, 30 April 1881.

182. N.S.W.P.D., 1st series, vol. V, p. 689.

183. Richmond River Express and Tweed Advertiser, 11 January 1879.

were never with you, they did not cast their lot in with you.¹⁸⁴ Emphasis was laid on the fact that they rarely did "stay a lifetime", but usually stayed for a period of about five years, and then returned home. Thus they came only to "live off us", and send their riches to China. The colonists wanted, Cameron said, people who would settle, and not merely sojourn amongst them. Speakers at anti-Chinese meetings continued to complain that Chinese did not settle, and took their money away with them.¹⁸⁵

To be acceptable, then, all immigrants had to disperse into, and conform and identify with, British colonial society. Colonists generally had a clear conception of the conditions for acceptance of immigrants into the community. One letter writer to the Sydney Morning Herald said that all immigration should be controlled "with reference to our wants and welfare as a community".¹⁸⁶ These were interpreted usually to mean conformity with the European way of life. The Balmain Independent, for example, thought "the Chinese, when in our midst, should be compelled to live respectably according to

184. S.M.H., 6 March 1879.

185. Daily Telegraph, 7 April 1880; Bulletin, 1 May 1880; S.M.H., 6 May 1880; Newcastle Morning Herald, 12 May 1881.

186. S.M.H., 26 April 1881.

European ideas of what is respectable".¹⁸⁷ One speaker at an anti-Chinese meeting in 1881 said: "If they acted like other men, conformed to the customs of the country, and went in for fair work and fair wages, he, for one, would not so much object to them".¹⁸⁸

The argument that Chinese would not only remain unassimilated into colonial society, but would also form an inferior group or "lower caste" within that society, continued to be repeated. Especially after the Chinese migration to the northern tin mines in 1881, it was frequently said that they came in bondage to their fellow countrymen, and lived and worked in a slave-like condition.¹⁸⁹ Further, if they were employed by Europeans, they would not be paid the same wages, or in general treated equally. Colonial society as a whole refused to accept them as social equals. Parkes, in particular, stressed the idea that Chinese would inevitably be placed in the position of an inferior class.¹⁹⁰ The Evening News took the argument one step further when it

187. Balmain Independent, 30 April 1881.

188. Reported in Newcastle Morning Herald, 16 May 1881.

189. Daily Telegraph, 23,25,26 April, 11,16 May 1881;
Evening News, 25 May 1881.

190. S.M.H., 6 March 1879; N.S.W.P.D., 1st series, vol. III, p. 2702.

argued that an inferior class would require special "class legislation", and such legislation was invariably objectionable.¹⁹¹ This fear of the effects of a degraded group on colonial society as a whole was a persuasive one. Even the reluctant Sydney Morning Herald concluded early in 1881: "We do not want a slave class either in form or in substance, and it is better to go without the advantages of cheap and trustworthy labour than to peril our social and political institutions".¹⁹²

Anti-Chinese spokesmen continued to argue that Chinese not only refused to assimilate, but were also racially incapable of assimilation. They simply did not have the necessary moral and mental capacity to adopt the habits of British civilisation. The Newcastle Morning Herald, for example, described the Chinese as "incapable, as a nation, of assimilating with the people of the country which they wish to enter".¹⁹³ Parkes thought the Chinese were unable to mingle, and Greenwood in the Assembly considered that they "had the character of inertia stamped upon their faces".¹⁹⁴

191. Evening News, 14 July 1881.

192. S.M.H., 28 January 1881.

193. Newcastle Morning Herald, 24 February 1879.

194. S.M.H., 6 March 1879.

Frequently it was said the Chinese "could not amalgamate", or, as the Sydney Morning Herald put it, that they were "a population alien to our own, which cannot become homogeneous".¹⁹⁵ The Grenfell Record described the Chinese as "non-assimilative", as unable to be "digested" by an Australian community.¹⁹⁶ And the Evening News considered that the Chinese had "manners and customs they cannot get rid of".¹⁹⁷ The Evening News also considered that Chinese could not be converted to Christianity, because the "Chinese mind and moral nature is so entirely separate from ours that it is well nigh impossible for it to grasp and accept a faith which is connected in externals with western civilisation".¹⁹⁸

The view which had reappeared in 1878, and which had been exceedingly commonly expressed between 1857 and 1861, that Chinese civilisation was inferior to the British, was further explicated. At times Chinese were described as being "lower in the scale of civilisation" than were the British, a notion more commonly used in reference to the Aborigines.¹⁹⁹

195. S.M.H., 28 January 1881.

196. Grenfell Record, 30 April 1880.

197. Evening News, 14 July 1881.

198. Evening News, 7 January 1879.

199. See, for example, O'Connor in L.A., reported S.M.H., 7 March 1879.

Because British civilisation was superior, the Chinese inability to assimilate was taken as an inability to "rise up" to the European level. O'Connor in the Assembly, for example, thought "these people had not the ingedient of improvement in them, and it was a gross absurdity to compare their progress with that of the people of Europe or America".²⁰⁰ Douglas at an anti-Chinese meeting said "he did not believe Chinamen could be made any better than they are".²⁰¹ Instead of Chinese being raised to the European level of civilisation, the Europeans would sink to the level of the Chinese. The Mayor of Sydney expressed the view in 1881 that "he had no wish to see his children or his neighbours' children go back in the scale of civilisation".²⁰²

Colonial society, all agreed, must progress on the foundations of British institutions, British "civilisation", and a predominantly British population. Chinese were a danger to this British character firstly because they threatened, and refused to adapt to, British institutions and civilisation, and secondly because they were neither a British people nor of a race which ,in the second generation, could "become British".

200. S.M.H., 7 March 1879.

201. S.M.H., 6 May 1880.

202. S.M.H., 29 April 1881.

In being racially, as well as socially inassimilable, they threatened the purity of the British, or the Anglo-Saxon, race. As the Daily Telegraph put it, they must not "degenerate into a sort of hybrid nationality with pronounced Mongolian characteristics".²⁰³ O'Connor, in the Assembly, especially stressed the necessity for them to preserve the purity of their race.²⁰⁴ Any intermixture, which produced half caste children, was generally opposed. Some speakers at anti-Chinese meetings said intermixture inevitably led to deterioration of the race, and described half caste children as weak and inferior.²⁰⁵

In stressing the moral, national, and racial, as well as the economic necessity for limiting Chinese immigration, supporters of legislation argued that such legislation would be directed not only at the protection of the working classes, but also of the whole community. Of the anti-Chinese spokesmen,

203. Daily Telegraph, 28 April 1880.

204. N.S.W.P.D., 1st series, vol. III, p. 2700.

205. Hungerford and Greenwood in L.A., reported S.M.H., 6 March 1879; Bulletin, 1 May 1880; speech by Douglas at meeting, reported S.M.H., 6 May 1880; O'Connor in L.A., 8 June 1880, N.S.W.P.D., 1st series, vol. III, pp. 2700-1; speech by Creer, reported Newcastle Morning Herald, 11 June 1880; speech by Ellis, reported Newcastle Morning Herald, 16 May 1881; Garrett in L.A., 14 July 1881, N.S.W.P.D., 1st series, vol. V, p. 152.

only a few, such as F. Dixon, a prominent member of the T.L.C., insisted that the Chinese question was not a moral or political question, but merely a question of the protection of labour.²⁰⁶ The Bulletin was inconsistent on the matter, but did at one point, on 9 October 1880, say that the chief objection to the Chinese came from the artisan and labouring classes - "the question is essentially an economic one for them, and they would hunt a shipment of Scotchmen or Germans just as cheerfully and devotedly, if the Scotch or Germans made a national practice of living on scraps and underselling every other man and every trade they undertake". But such a line was rarely taken, and far more common was the opinion of W. Edwards, expressed at the Intercolonial Trades Union Congress, that "it was not a workingman's cry but an appeal earnestly made by all classes of the community".²⁰⁷ Garrard, M.L.A., as a member of a deputation to the Governor in May 1881, was anxious to point out that in this question all classes were represented, and all shades of political and religious thought agreed.²⁰⁸ Parkes was always especially careful to deny that the protection of labour, although a

206. S.M.H., 27 April 1880.

207. Report of First Intercolonial Trades' Union Congress, p.38.

208. S.M.H., 27 May 1881.

worthy reason for the Bill, was its prime objective, and consistently stated that his objections lay elsewhere.²⁰⁹

III

The sources of opposition to the arguments against the Chinese and hence to restrictive legislation were firstly, the Chinese residents in the colony, secondly a small opposition in the Assembly, thirdly the majority until late in 1881 in the Legislative Council, and fourthly various newspapers and individual colonists. The Chinese residents defended themselves consistently. Early in 1879 wealthy Chinese merchants organised a meeting, a deputation, and a petition to the legislature, in an attempt to convince colonists of the Chinese desire to be moral and orderly, and to persuade the legislature not to pass the Bill before it.²¹⁰ In March 1879 they hired Burton H. Bradley to speak on their behalf at the bars of the Assembly and the Council at the commencement of the debate in each House on the restrictive Bill,²¹¹ and again in 1881 hired W.B. Dalley to argue their

209. N.S.W.P.D., 1st series, vol. V, pp. 94-100, 331, 414-6.

210. S.M.H., 27 January 1879; Evening News, 5 February 1879; V. & P.N.S.W.L.A., 1878-9, vol. 7, p. 487.

211. S.M.H., 6 March, 3 April 1879.

case before the bar of the Council.²¹² Twice, in 1879 and in 1881, they offered to assist the Government, in the former case in ending immorality within the Chinese community,²¹³ and in the latter in giving all relevant information concerning cases of smallpox to the authorities.²¹⁴ In actions such as these, and in passing a law amongst themselves that all Chinese immigrants conform to European customs as much as possible,²¹⁵ the Chinese community did its best to prove that Chinese were not a danger to colonial society.

The Chinese argued, in their petitions to the legislature, that the charges made against them were untrue. They were, they said, hardworking, peaceful, and law-abiding people. They did not unduly occupy Government institutions, and were not especially prone to disease. They did have sympathy with the institutions of the colony, and were interested in Christianity. In their 1881 petition they argued that while it was true that in cabinet-making Chinese competed with their fellow colonists, in the majority of employments they undertook the demand for labour exceeded

212. S.M.H., 11 August 1881.

213. Evening News, 5 February 1879.

214. Evening News, 6 July 1881.

215. Evening News, 29 June 1881.

the supply. Chinese further argued against the proposed restrictive legislation on the grounds that such legislation would interfere with the friendly relations and trade between England and China, and was in contravention of the treaties between England and China.

The Chinese arguments, however, as might be expected, were ignored. Of more consequence, in political terms, were the arguments put forward by British colonists. Their arguments fell into five groups - those defending the character of the Chinese, those opposing legislation on the grounds that it conflicted with international obligations, those arguing that problems posed by the Chinese could be met by legislation other than the restriction of Chinese immigration, those suggesting that there was not yet sufficient Chinese immigration to cause alarm, and those opposing the economic justifications given for restriction.

In defence of the character of the Chinese, some argued firstly that they were a civilised people. Burton H. Bradley had said in 1878 that "the time has gone by for regarding the Chinese as barbarians. Their civilisation is long antecedent to ours; we are in some respects behind them still..."²¹⁶

216. S.M.H., 23 November 1878; see also speech to L.A., reported S.M.H., 6 March 1879.

In a similar vein Reverend J. Jefferis had said in December 1878 that the "Chinese are a respectable people, worthy of respect, comparing not altogether unfavourably with other races, inferior in some respects, superior in others".²¹⁷

When our British ancestors "clothed themselves in blue paint, and lived on the acorns and nuts of the primaeval forest, the Chinese were in possession of a refined and cultivated literature, and boasted no mean proficiency in the arts and sciences".²¹⁸

Most defenders of the Chinese, however, did not go quite this far, but did agree that the Chinese were not immoral, or at least no more so than many British colonists. In 1879 the Sydney Morning Herald was one of the leading exponents of this argument. From 14 January to 5 March 1879 it ran a series of articles entitled Among the Chinese which set out to compare Chinese morality with that of equivalent "classes" of Europeans.²¹⁹ The "worst class" of Chinese were described as "objectionable", but were considered to be "no worse than is to be found among certain classes of

217. Rev. J. Jefferis, The Chinese and the Seamen's Strike (pamphlet, copy of sermon of 8 December 1878, Sydney, 1878), p. 10.

218. Ibid.

219. S.M.H., 14, 22 January, 4, 8, 19 February, 5 March 1879.

Europeans".²²⁰ The wealthy Chinese were also described, with emphasis on their wealth, their length of stay in Sydney, and their European habits and connections, and were said to "equal and in some cases surpass their European fellows in those things which make life respectable and happy".²²¹ At a meeting called by Chinese merchants to consider charges of immorality, the Reverend Dr. Steel expressed his regret at the recent attacks on the Chinese, and his conviction that the Chinese were anxious to maintain all that was respectable, moral, and orderly.²²² The Chinese were, he said, well disposed, and through living with Europeans saw "many things that tended to open their mind, to increase their knowledge, and to help them to become better".

The morals of the Chinese were defended by Fitzpatrick and Copeland in the Assembly in 1879.²²³ In subsequent newspaper comment, and in the 1881 debates, the point was made that Europeans, like Chinese, gambled, and sometimes lived in filthy and crowded conditions.²²⁴ In debate in the Council

220. S.M.H., 22 January 1879.

221. S.M.H., 14 January 1879.

222. S.M.H., 27 January 1879.

223. S.M.H., 6 March 1879.

224. Daily Telegraph, 28 April 1880; Pacific Weekly, 5 June 1880; Australian Witness and Prebyterian Herald, 7 May 1881.

in 1881 Suttor said in reply to those who quoted the 1876 Common Lodging Houses Report as proof of Chinese immorality that he had been on the Select Committee which drew up the report and had then learnt that many Europeans were just as bad as the Chinese.²²⁵ All these arguments tended to stress European immorality which was a matter of some concern at the time, especially in Sydney; they also pointed to the lack of evidence for the accusations.

Even amongst those who favoured the exclusion of Chinese, there were some who doubted the charges of immorality, or who discounted the argument that they would demoralise Europeans. Parkes, for example, consistently opposed the "moral" argument, in 1879 describing the Chinese as "industrious sober, law-abiding" people, and in 1880 arguing that they were not "the immoral, law-defying, dissolute, barbarous race they are represented to be".²²⁶ The Grenfell Record, although strongly anti-Chinese, said they could not speak of Chinese immorality until they were free of immorality themselves,²²⁷ and Fletcher, M.L.A., said at an anti-Chinese meeting in 1881 that although he agreed the Chinese were

225. N.S.W.P.D., 1st series, vol. V, p. 691.

226. V. & P.N.S.W.L.A., 1878-9, vol. 7, p. 487; N.S.W.P.D., 1st series, vol. III, p. 2701.

227. Grenfell Record, 30 April 1881.

immoral, he did not fear that colonists would be corrupted by them.²²⁸

Yet the defence of the morality of the Chinese did not preclude a belief that they were racially inferior to the British. Many of the spokesmen against restrictive legislation referred to the Chinese as an "inferior race", but understood this in general terms rather than as proving that the Chinese were particularly immoral or corrupt.²²⁹ The Chinese, the argument often went, were inferior to the British, but were not troublesome, were "inoffensive", and not so inferior as to cause serious moral or social problems.

The role of Christian spokesmen in the debate over the character of the Chinese was a confused one. On the one hand, some were interested in converting Chinese to Christianity, and were convinced that this was possible, but on the other many Christian spokesmen feared the effects of an influx of

228. Newcastle Morning Herald , 12 May 1881.

229. Sermon by Rev. A.C. Geekie, reported Australian Witness and Presbyterian Herald, 15 February 1879; Fitzpatrick in L.A., reported S.M.H., 6 March 1879; Copeland in L.A., reported S.M.H., 7 March 1879; Forster and Fitzpatrick in L.A., 13 July 1881, N.S.W.P.D., 1st series, vol. V, pp. 107, 113, 115; Garvan in L.A., 14 July 1881, N.S.W.P.D., 1st series, vol. V, p. 653; Suttor in L.C., 18 August 1881, N.S.W.P.D., 1st series, vol. V, p. 691.

large numbers of "heathens". The Presbyterian Church in Sydney had in 1872 engaged George Ah Len, who conducted a mission until 1880, in which time he gained a number of converts.²³⁰ The Anglican Church had also acquired a Chinese catechist, named George Soo Hoo Ten, in 1877.²³¹ He conducted services, but noted that among the Chinese he was generally met with "great opposition, ridicule, and indifference". His major difficulty was, as he said, that "there is a great prejudice against Christianity. The bad lives of some of the English people do much harm. The Chinese tell me to go and convert them".²³² After the anti-Chinese disturbances in mid-1881 attendance at the mission fell dramatically, and Archdeacon King commented that it would take ten years for the Church to gain its lost influence over the Chinese in the colony.²³³

230. Rev. A.C. White, The Challenge of the Years. A History of the Presbyterian Church of Australia in the State of New South Wales (Sydney 1951), p. 184; Evening News 27 September 1878; S.M.H., 6 January 1879; Minutes of Proceedings of the General Assembly of the Presbyterian Church of New South Wales; Fifteenth Session 1879, p.29; Minutes of Proceedings of the General Assembly of the Presbyterian Church of New South Wales, Seventeenth Session 1881 (Sydney 1881), p. 38.

231.. Andrew Houison, "Old Sydney [and] Chinese Mission" (M.S. B332).

232. George Soo Hoo Ten, "First Annual Report", copied in Houison, loc.cit.

233. Evening News, 23 June 1881.

Yet Christian interest in converting the Chinese did not mean that the churches represented a force opposing restrictive legislation. Christians did insist that Chinese must be well treated, but as this was a fairly common position, supported by most anti-Chinese spokesmen, the Christian position was not particularly distinctive. While Christians defended the Chinese to some extent, on the grounds that all humanity was essentially of "one blood", they were not often prepared to defend the Chinese as a people, or as desirable immigrants. They agreed that Chinese civilisation, being unChristian, was not as advanced as the British, and hence shared the fears of others that Chinese in large numbers would tend to retard the spiritual progress of the colony. The Australian Witness and Presbyterian Herald, for example, said in March 1879 that the community had a right to regulate, and if necessary to prohibit, "the immigration of other races and especially heathens to its territory.... It is not desirable for social reasons, that hosts of unmarried heathens should settle among a professedly Christian people".²³⁴

The second line of argument of opponents of restriction was to point to its inconsistency with the principle of the free intercourse between nations, and with the treaty between

234. Australian Witness and Presbyterian Herald, 15 March 1879.

Great Britain and China.²³⁵ This argument was not a strong one, for the colony's own Act of 1861 had been allowed by Britain as consistent with the treaty of 1860. Opponents of the Bill were forced to argue that if the Bill were not contradictory to the letter of the treaty, it contradicted its spirit. Those who argued this position, principally in the Council, were concerned that the colony not interfere with Britain's international obligations. This was readily answered by the supporters of the Bill. The ideal of the free intercourse between nations might, they said, be a good one, but an even greater principle was "the law of self preservation, the first law of nature".²³⁶

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235. Letter from John Stewart in S.M.H., 1 February 1879; Bradley to, and Fitzpatrick and Stuart in, L.A., reported in S.M.H., 6 March 1879; Bowker in L.A., reported S.M.H., 13 March 1879; Docker in L.C., reported S.M.H., 23 April 1879; de Salis in L.C., 5 and 6 July 1881, reported S.M.H., 6 and 7 July 1881; letter de Salis to Evening News, 20 August 1881; Copeland in L.A., 14 July 1881, N.S.W.P.D. 1st series, vol. V, p. 137.
236. Parkes and Bowker in L.A., reported S.M.H., 6 March 1879; speeches by White, Poole and Goldie at T.L.C. meeting, 26 April 1880, reported S.M.H., 27 April 1880; Cameron in L.A., 8 June 1880, N.S.W.P.D., 1st series, vol. III, p. 2697; letter J.B. Olliffe to S.M.H., 25 April 1881; Bulletin, 7 May 1881; Protestant Standard, 14 May 1881; Evening News, 14 July 1881; Parkes and Cameron in L.A., 13 July 1881, N.S.W.P.D., 1st series, vol.V, pp.94,104; Martin and Myers in L.A., 14 July 1881, N.S.W.P.D., 1st series, Vol.V, pp. 166-7; Robertson in L.C., 17 August 1881, N.S.W.P.D., 1st series, Vol.V, p.629; Sir Alfred Stephen and de Salis in L.C. 17 August 1881, N.S.W.P.D. 1st series, vol. V, pp. 635, 655-7.

A third line of argument was that if the Chinese did present social problems, these could be met by legislative and administrative action other than the limitation as such of Chinese immigration. Chinese, it was argued, could be made to conform with colonial society. In November 1878 Burton H. Bradley had suggested that problems of immorality could be overcome by insisting that Chinese, and immigrants from all countries, come in equal numbers of males and females.²³⁷ The Echo had eagerly taken up this suggestion, on the grounds that the Chinese, by having to support families, would be forced to demand higher wages: "The Chinamen would have to make a choice between stopping in his own country, or living like a European in New South Wales".²³⁸ In December 1878 Jefferis had suggested that the Chinese should be allowed to come, but only under conditions where the English colonists could remain confident that the colony would continue to be ruled by British power and British thought.²³⁹ The Chinese could be tolerated as immigrants only if they would "become assimilated to the nobler and more progressive civilisation of English people". These conditions, Jefferis

237. Letter S.M.H., 23 November 1878.

238. Echo, 27 November 1878.

239. Jefferis, op.cit., p. 11.

suggested, included the insistence that Chinese come in equal numbers of men and women, the prohibition of secret Chinese associations, the restriction of the opium traffic, and the imposition of a tax.

Other suggestions for dealing with problems posed by the Chinese included the suggestion that overcrowding and poor sanitation in Chinese living areas could be prevented by municipal laws. This was argued by the Opposition in the Assembly in 1879,²⁴⁰ and by the Sydney Morning Herald in response to the Chinese arrivals of 1880.²⁴¹ Steps should be taken, others said, to ensure that Chinese were not bonded to their fellow countrymen, that they were dispersed all over the colony, and that they were not employed together in large numbers.²⁴² Yet as the numbers of Chinese continued to increase, the faith in the power of internal action of this kind diminished.

The fourth argument raised in opposition to the Bill was that the Chinese were not coming in sufficient numbers to warrant legislative action. In the debate in the Assembly in 1879, the speakers against the Bill - Fitzpatrick, Onslow,

240. S.M.H. , 6 and 7 March 1879.

241. S.M.H., 3 June 1880.

242. See de Salis to S.M.H., 10 May 1881.

Stuart, and Copeland - all stressed that there was no likelihood at that time of a large influx of Chinese.²⁴³ This was perhaps the major reason given by the Council in debate in 1879 for rejecting the Bill.²⁴⁴ The implication of this argument was, of course, that larger numbers would constitute a danger.

It was on this ground that the opponents of the Bill lost credibility in 1881, and some in fact changed their mind. The rise in Chinese immigration in 1880 had suggested that the numbers of Chinese would continue to increase, though the Sydney Morning Herald had still considered that they had not yet had really substantial Chinese immigration, and should merely be "on the look out".²⁴⁵ But after the larger number of arrivals of 1881 the Herald changed its position. It now argued that the Chinese would continue to come and could eventually outnumber Europeans.²⁴⁶ The ratio of Chinese to Europeans, it pointed out, had changed from 1 in 83 to 1 in 40 in sixteen months. In the Assembly debate of July 1881 only Fitzpatrick insisted that the numbers

243. S.M.H., 6, 7 March 1879.

244. S.M.H., 3, 10, 14, 23 April 1879.

245. S.M.H., 3 June 1880.

246. S.M.H., 28 April 1881.

arriving were still small and would continue to remain so.²⁴⁷

The Council in 1881 agreed that numbers were now high enough to warrant restrictive action of some kind.

The fifth and possibly the most important argument raised in opposition to restrictive legislation was that it was designed to protect labour from Chinese competition. It was argued either that the Chinese were not in competition with Europeans, or, to the extent that they were, such competition should not be prevented. Opponents of restrictive legislation argued that Chinese were usually in occupations, such as market gardening in the interior, where they were useful to the colony and not in competition with Europeans.²⁴⁸ Chinese, they argued, would always be useful for work Europeans either could not do, or which was beneath them. As Onslow put it in the Assembly in March 1879: "If they could get an inferior race to do the dirty work, let them

247. N.S.W.P.D., 1st series, vol. V, p. 114.

248. Fitzpatrick, Onslow, and Copeland, in L.A., reported S.M.H., 6 March 1879; Smith in L.C., reported S.M.H., 23 April 1879; Jacob in L.A., 13 July 1881, N.S.W.P.D., 1st series, vol. V, p. 127; Copeland in L.A., 27 July 1881, N.S.W.P.D., 1st series, vol. V, p. 338; Onslow and Cox in L.C., 17 August 1881, N.S.W.P.D., 1st series vol. V, pp. 646, 653. Darley and King in L.C., 18 August 1881, N.S.W.P.D., 1st series, vol. V, pp. 684, 689; Stuart in L.A., 3 November 1881, N.S.W.P.D., 1st series, vol. VI, p. 1805.

do so by all means".²⁴⁹ One letter writer to the Sydney Morning Herald in August 1881 thought Chinese would be useful to the free selectors and farmers as the "hewers of wood, and the drawers of water", though in fact the Chinese did not undertake this kind of work.²⁵⁰ Because of their patience and hard work, they could exploit economic resources such as poor goldfields and tin mines from which Europeans found it difficult to make a living. Those who argued in this way simply could not see the force of the objection, expressed especially by Parkes, that to relegate Chinese, or allow them to relegate themselves, to "inferior" tasks involved the creation of a "lower caste". To the defenders of the Chinese, such a "lower caste" could be economically useful without harming British colonial society as a whole.

When forced to consider the fact that not all Chinese worked in occupations avoided by Europeans, and that some in fact did compete with Europeans, especially in the furniture trade, opponents of restriction replied either that there was plenty of scope for employment for all and therefore the Chinese could not be seen as a competitive threat,²⁵¹ or that

249. S.M.H., 6 March 1879.

250. S.M.H., 8 August 1881.

251. S.M.H., 10 April 1879.

if Europeans themselves worked harder they would have little to fear from Chinese competition.²⁵² Competition was healthy for the economy, and the government should not prevent it through the exclusion of Chinese. In this sense they saw restrictive legislation as "protectionist" - as "class legislation" aiming to protect the European labourer from justifiable competition. As such, restriction was opposed to the principles of "free trade".

George Dibbs presented this view in a letter to the Sydney Morning Herald on 4 February 1879. The Bill, he said, pandered to the working man, aiming to protect him from competition; as a grossly protective measure, the Bill was utterly at variance with Parkes's liberal and free trade views. Parkes, Dibbs suggested, should return his Cobden Club medal. The matter was revived when Buchanan, in May 1881, attacked George Reid, a staunch free trader, for speaking in support of the Bill.²⁵³ Buchanan claimed that in supporting the Bill, Reid and all the other free traders had abandoned their principles. O'Connor and Cameron, he pointed out, spoke of themselves as free traders, and yet advocated protecting the

252. Australian Witness and Presbyterian Herald, 29 May 1880; S.M.H., 10 June 1880; Stewart in L.C., 17 August 1881, N.S.W.P.D., 1st series, vol. V, p. 652.

253. Daily Telegraph, 2 May 1881.

working classes from competition, and boycotting the Chinese.

It was here that the opponents of the Bill appeared to have their strongest argument. Where defenders of the Bill could argue that the Chinese were immoral and competing with European labour, they usually supported the principle of free trade. Protection was still very much a minority view, being represented only by Melville and Buchanan in the Assembly, and by organisations such as the League for the Encouragement of Colonial Industries, and the Protection and Political Reform League.²⁵⁴ In this situation most liberal politicians found themselves having to reconcile, or distinguish between, their anti-Chinese and free trade views. Some, such as Reid, did so by arguing that while free trade in goods was desirable, free trade in "the seeds of slavery, disease, immorality, internal dissensions" was not.²⁵⁵ The two cases were separate.

But most argued simply that in the Chinese case the principles of free trade must go to the wall. Samuel, for example, said in the Council in 1879 that he was a free trader, but there were other considerations such as their British character and the immediate threat to labour.²⁵⁶ Robertson

254. Loveday and Martin, op.cit., pp. 122-3.

255. Daily Telegraph, 3 May 1881.

256. S.M.H., 10 April 1879.

said they could not have "out-and-out free trade in everything",²⁵⁷ while the Daily Telegraph thought "free trade in Chinamen is more than the staunchest stickler for political economy will advocate".²⁵⁸ The Bulletin agreed that experience showed that great principles could seldom be practised - they must put their principles in their pockets when confronted with the peril of the country.²⁵⁹ Race sentiments, said the Bulletin, were more powerful than any abstract ideal. Even the Sydney Morning Herald admitted in May 1881 that in this case liberalism must be compromised by expediency.²⁶⁰ Thus the immigration of the Chinese posed for the colonists serious problems, with which existing principles and political axioms were inadequate to deal. To some extent the acceptance of the need to legislate to protect the European worker from Chinese competition can be seen as an important step in the acceptance of protectionist principles more generally. At this time, however, most colonists were content to leave the matter at the level of an unresolved, and unresolvable, inconsistency.

257. S.M.H., 23 April 1879.

258. Daily Telegraph, 13 April 1881.

259. Bulletin, 7 May 1881.

260. S.M.H., 16 May 1881.

Employers and pastoralists, who were most likely to value Chinese labour, did not ultimately offer a very strong resistance to the dominant position. Employers were no longer able to argue for cheap Chinese labour or to implement its use after the events of the Seamen's Strike, and pastoralists had long since found that Chinese were not particularly useful to them. Some might make good gardeners and cooks, but they did not accept low wages, and on the whole avoided pastoral work. As de Salis insisted in the Council in 1881, employers should not be charged with defending the Chinese on the grounds of self interest, since they rarely employed Chinese in any case.²⁶¹ It was ultimately because the commercial, manufacturing, and pastoral interests did not feel seriously threatened by the limitation of Chinese immigration that more serious divisions over the issue did not emerge.

The problem of the importance of economic fears in the opposition to the Chinese was not only a subject for recent historiographical debate, but was also a matter of discussion at the time. Opponents of restrictive legislation, in opposing it as "protectionist", and in denying that Chinese were immoral, or a social and political threat to colonial

261. N.S.W.P.D., 1st series, vol. VI, p. 1531.

society often argued that restriction was being advocated purely on an economic basis. The "Chinese question", they said, was in reality purely a "labour question". Opponents of legislation who expressed this view included newspapers such as the Sydney Morning Herald (until 1881), the Pacific Weekly, and the Australian Witness and Presbyterian Herald, opposition spokesmen in the Assembly such as Stuart, Fitzpatrick, and Copeland, and a number of members in the Council, most notably de Salis.²⁶² As Copeland put it in the Assembly in 1881, "the cry against the Chinese was founded entirely on the objections to cheap labour".²⁶³ These opponents discounted other objections to the Chinese as "sham objections". The Australian Witness suggested on 29 May 1880 that the various other objections - immorality, disease, lack of assimilation - would seldom be heard but for "the great objection that their labour is cheap, and that in some lines the Europeans cannot compete with them".

This judgment of their opponents' motivation and concern was not, however, very accurate. Certainly the

262. See S.M.H., 10 June 1880; Pacific Weekly, 5 June 1880; Stuart in L.A., 13 July 1881, N.S.W.P.D., 1st series, vol. V, p. 126; Fitzpatrick in L.A., 27 July 1881, N.S.W.P.D., 1st series, vol. V, p. 334; de Salis in L.C., 12 October 1881, N.S.W.P.D., 1st series, vol. VI, p. 1531.

263. N.S.W.P.D., 1st series, vol. V, p. 338.

objection to the Chinese use of colonial economic resources was extremely important in the anti-Chinese position, but this objection was firstly the product of an assumption that the Chinese were an alien and inferior group without rights to economic resources, and secondly was perceived within the context of an objection to the Chinese on a plurality of grounds. If the events surrounding the Seamen's Strike had shown the importance of the objection to "cheap labour", those and earlier and subsequent events had also shown that Chinese were considered to belong to an inferior race, and as such, to pose dangers to colonial life in its social and political aspects, and to the character of the colony as "British", peopled by those of Anglo-Saxon race.

The objection to "cheap labour" of the kind introduced by the A.S.N. Co. in 1878 could have been met, after all, as some saw at the time, by measures other than the restriction of Chinese immigration in general. And indeed it had, for it had been industrial and community rather than legislative action which has induced A.S.N. to abandon its policy, and other employers not to imitate it. Those who advanced social, political, national, and racial, as well as economic, reasons for wishing to limit Chinese immigration had been attempting to face the question of the social and political effects of a distinct ethnic minority, believed to be of an "inferior

race", within colonial society and had concluded that such minorities conflicted with colonial social and political ideals.

Since the late 1830's most colonists had assumed that both Aborigines and Chinese were racially inferior to themselves. But where Aborigines, once dispossessed, had been seen to pose little threat to colonial society, the question of whether or not Chinese posed such a threat had been a matter of dispute. The belief in the racial inferiority of a particular ethnic group, therefore, was not itself the reason for the perception of a threat from that group. Rather, that belief came to be a matter for concern only when the group in question was seen to conflict with particular interests and ideals. To the opponents of restrictive legislation, Chinese had been seen simply in their capacity as an economically useful group. To the supporters of such legislation they had been seen as conflicting with the economic interests of labour in particular, and with the ideals of political and social equality characteristic of colonial liberalism. Since such ideals were very widely held, forming the framework within which Assembly politics, at least, operated, those who did not see the Chinese as a threat were necessarily few.

PART IV

NON-BRITISH EUROPEANS AND
COLONIAL SOCIETY

CHAPTER NINERACE AND ETHNICITY: THE RESPONSE TO NON-BRITISH EUROPEAN
IMMIGRANTS

Assumptions and beliefs which had been involved in the British colonial response to Aborigines and Chinese were also involved, with differing effects, in the response to non-British Europeans. The importance of "race" in defining who was to be considered alien to and irrevocably outside colonial society, and who was to be included in it, was confirmed. "Race", which had been used to explain the "low" level of civilisation and the supposed inability to assimilate into British colonial society of Aborigines and Chinese, was used to explain also the "high" level of civilisation and ability to assimilate of non-British Europeans.

Non-British Europeans were welcomed and accepted by British colonists because their numbers were low, their social, political, and economic ideals and behaviour were similar to those of the British, and they did, to a large extent, merge in imperceptibly with the British population. Assimilation had been defined as the loss of a non-British group identity, involving dispersion, intermarriage, cultural and political conformity, economic "usefulness", and the

identification with British institutions. By all these criteria, non-British Europeans in New South Wales were, in this period at least, largely assimilated. Attitudes to non-British Europeans clearly revealed, together with attitudes to Aborigines and Chinese, that assimilation was both the necessary condition for acceptance, and possible only under conditions of acceptance. The argument was circular: British colonists, by and large, firstly used racist criteria to judge which peoples could assimilate and which could not, secondly made assimilation possible, or at least easy, only for those judged able to assimilate, and thirdly saw assimilation or lack of it as proof of the validity of those racist criteria.

Non-British Europeans were thus considered to be both able to be assimilated and to belong to the superior races of mankind. Further assisting the attitude that non-British Europeans did not belong to an inferior race was the observation that these Europeans were in physical appearance very similar to, and often indistinguishable from, the British themselves. Colonists had been able to observe in practice that the closer a non-British group was to them in physical appearance, the closer it was in cultural behaviour, and the more likely it was to assimilate into British society. Physical appearance was thus seen as a good

guide to innate intellectual and moral capacity, and in this way the concept of race referred not only to innate capacity but also to observed physical appearance.

I

The general belief that the colony could absorb only a small number of non-British European immigrants was not challenged in this period, for in fact only a small number of such immigrants came to the colony. The foreign-born (excluding Chinese) proportion of the population remained small throughout the period, falling from 3.09% in 1861 to 2.77% in 1871 and 2.78% in 1881.¹ The single largest group of foreign-born were German, forming 54.80% of foreign-born (1.56% of the population) in 1861, 47.50% of foreign-born (1.32% of the population) in 1871, and 36.04% of foreign-born (1.00% of the population) in 1881.² Non-British migration to New South Wales, apart from Chinese migration, was nearly all from Europe or from the United States, the North American percentage of all foreign-born rising to 12.37% in 1881.³

1. Census of New South Wales, 1881, V. & P.N.S.W.L.A., 1882, vol. 3, pp. 262-3.

2. Ibid.

3. Ibid.

Non-British Europeans first came to the colony in any numbers during the 'fifties, usually for one of two reasons. Either they were attracted to the colony's goldfields, or, if they were German, were usually introduced with Government assistance as specially skilled labourers for the winegrowing industry. By the end of 1851 non-British European gold-seekers were arriving in New South Wales by way of California, and by 1852, direct from Europe.⁴ By the time the gold news reached Europe, however, the Victorian goldfields were in prominence, and attracted the bulk of European immigration. Nevertheless, there were always some non-British Europeans, noticeably Germans, on the New South Wales goldfields.⁵ Non-British miners tended to work in small national groups, but because of the small size and number of these groups, were now seen as forming distinctive entities on the goldfields. They participated in the life of the goldfields unobtrusively, were not prominent in goldfields politics, and rarely excited special mention or observation. German immigrants made a distinctive contribution to goldfields life only through the formation

4. N.O.P. Pyke, *Foreign Immigration to the Goldfields, New South Wales and Victoria, 1851-61* (M.A. thesis, S.U. 1946), pp. 30-32.

5. Ibid., pp. 32, 154, 157, 180, 228, 358, 368.

on most goldfields of musical bands, which provided entertainment for festive and political occasions, and were generally admired.⁶

Most Germans, however, had come in the 'fifties not as goldseekers but as skilled labourers for the colony's vineyards. After the failure of earlier attempts to gain government assistance for the importation of German labour skilled in the wine industry, government bounties had been given for this purpose in 1847.⁷ The case for bounties had been argued by pastoralists and several Germans in the colony to committees on immigration in 1843 and 1845, and to the Immigration Agent in 1847.⁸ From April 1847 bounties were offered for the importation of specially skilled German labour, £20,000 being allocated for this purpose.⁹

6. Ibid., p. 180.

7. For a brief account of attempts by the Macarthurs in the 1830's to gain subsidy for the introduction of specially skilled German labour, see F.L.S. Merewether, Immigration Agent, to Col.Sec. 22 March 1847, printed in Papers on Foreign Immigrants, V. & P.N.S.W.L.C., 1848, pp. 209-11.

8. Report of Committee on Immigration, 1843, V. & P.N.S.W.L.C. 1843, p. 802; Evidence of Eipper and Schmidt to Committee on Immigration, and Report of Committee on Immigration, 1845, V. & P.N.S.W.L.C., 1845, pp. 605-8; John Beit to Col. Sec., 25 January 1847, printed in Papers on Foreign Immigrants, 1848, loc.cit., p. 208.

9. Fitzroy to Grey, 20 April 1847, printed in Papers on Foreign Immigrants, loc.cit., p.207; see also R.B. Madgwick, Immigration into Eastern Australia 1788-1851 (Sydney 1969), p. 241.

Winegrowers quickly took advantage of the new scheme, and in 1849 bounty ships from German ports began to arrive.¹⁰ A Select Committee in 1854 reaffirmed the principle of assistance for specially skilled Germans,¹¹ and further grants of £10,000 each had been allocated in 1853 and 1855.¹² Under the scheme 3,221 Germans had been assisted to enter the colony before 1856.¹³ After 1856, because of the shocking conditions on German emigrant ships,¹⁴ and because of a lessening of pressure from employers for Germans skilled in the cultivation of the vine, the bounty system was phased out. Two hundred and one Germans were assisted under the 1847 regulations in 1856 and none in the following years.¹⁵

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10. Report on Immigration, 1848-9, V. & P.N.S.W.L.C., 1849, vol. 2, p. 886; see also Germans on Bounty Ships, April 1849-March 1852 (A.O. 4/4820).
 11. Final Report from the Select Committee on Immigration, 21 November 1854, V. & P.N.S.W.L.C., 1854, vol. 2, p.4.
 12. Meetings of the Executive Council, 3 August 1853 and 8 May 1855, minute nos. 37H and 16F, Exec. Council Minute Books (A.O. 4/1530, 4/1532).
 13. Appendix to Report on Immigration, V. & P.N.S.W.L.A., 1863-4, vol. 2, p. 1152.
 14. See Immigration Agent to Col. Sec., 30 March 1855; C.S.I.L., no. 55/3041, encl. with no. 59/2645 (A.O. 4/3404). See also Report of Select Committee on German Immigration, 1858, V. & P.N.S.W.L.A., 1858, vol. 2, pp. 359-61.
 15. Appendix to Report on Immigration, V. & P.N.S.W.L.A., 1863-4, vol. 2, p. 1152.

With the abandonment of bounty assistance, the immigration of Germans to New South Wales declined. For a short time in the late 'fifties, Germans came in large numbers unassisted, hiring themselves out to pastoralists under an unofficial indenture system in order to cover the costs of passage.¹⁶ But this system was unpopular with the German immigrants, and by the early 'sixties seems to have disappeared. As a result German immigration direct to New South Wales fell dramatically. The German population of the colony continued to rise - from 5,467 in 1861, to 6,623 in 1871, and to 7,521 in 1881 - but most of the additions to the German-born population came from other Australian colonies rather than from Germany itself.¹⁷

The pattern of non-British European settlement in the colony was profoundly affected by the initial reasons for and conditions of immigration. Because of the individualistic nature of the attraction of non-British Europeans - apart from the indentured German labourers - to New South Wales, they were by 1871 scattered throughout the colony, with

16. See petition from Residents of Sydney on German Immigration, V. & P.N.S.W.L.A., 1858, vol. 2, pp. 931-2; T.A. Coghlan, Labour and Industry in Australia (London 1918), vol. 2, p. 601.

17. Census of New South Wales, 1881, loc.cit., p. 262.

slightly higher concentrations in Sydney and on the gold-fields.¹⁸ About half of the 6,623 Germans in New South Wales in 1871 were similarly scattered, but the other half lived in three main centres - in the Hunter Valley, around Grafton, and around Albury.¹⁹ These three areas had all been established as centres for German settlement by the skilled winegrowing labourers introduced between 1849 and 1856. The German labourers had usually been taken to one of the three areas, worked out their two year indentures, and then either remained on the original vineyard as free labourers, or moved to adjacent areas to establish their own vineyards or to enter other agricultural pursuits. Two of these centres, around Grafton and Albury, were augmented in the 'sixties and 'seventies by an influx of Germans from other Australian colonies. Queensland, Victoria, and South Australia all gained much larger German populations than did New South Wales - through greater encouragement and assistance, and in Victoria's case, through her richer goldfields.²⁰ Of the Germans who came to the colony in the

18. Census of New South Wales, 1871, V. & P.N.S.W.L.A., 1872, vol. 2, pp. 1141-1164.

19. Ibid.

20. W.D. Borrie, Italians and Germans in Australia: A Study of Assimilation (Melbourne 1954), pp. 157-175.

late 'sixties and 'seventies many had thus already acquired considerable capital and colonial experience, a fact which was to influence the British attitude towards them.

The first centre established was in the Hunter Valley, around Singleton and Maitland. The initial group of German labourers had arrived in the Valley at Morpeth on 12 April 1849.²¹ Further arrivals swelled the German population until 1858, many coming in the one year of 1855.²² Of those who became naturalised before 1876, ten percent had arrived in 1849, almost one third in 1855, and nearly all before 1859.²³ The community after 1858 was not renewed by direct migration from Germany, except for a slight influx in 1862.²⁴ Nor, apparently, did Germans migrate there from other colonies. Germans in the Hunter Valley lived in the rural rather than urban areas, 490 or almost 62% of the 792 Germans there in 1871 living outside the towns.²⁵ The rate of

21. W.P. Driscoll, The Beginnings of the Wine Industry in the Hunter Valley (Newcastle, 1969), p. 61.

22. Evident from both Registers of Certificates of Naturalisation, 1849-1859, vols. 1-2, and Lists of Aliens to whom Certificates of Naturalisation have been issued, 1859-1876, vols. 1-2, (A.O. 4/1200-1203). Hereinafter cited as Registers and Lists re Naturalisation Certificates, 1849-1876.

23. Ibid.

24. Ibid.

25. Census of New South Wales, 1871, loc.cit., pp. 1141-64.

naturalisation was not high, there having been 212 (probably between 25% and 30%) German citizens naturalised in the area by 1876.²⁶

The second German centre was formed at Grafton. In 1851 Edward Ogilvie had started a vineyard on the Clarence, using German labour.²⁷ Others had followed, and by 1853 German bounty immigrants were arriving in Grafton.²⁸ These Germans had been bound to two year indentures, for a wage of £16 a year, out of which £6.10.0. was deducted each year to pay the cost of passage.²⁹ These Germans generally fulfilled their indenture and "made good". They were, in fact, among the first settlers in the Grafton area, and several became quite substantial men in the town. In the late 'sixties the German population of the area was augmented by the immigration of numbers of Germans south from Queensland.³⁰ The centre at Grafton was joined by nearby

26. Registers and Lists re Naturalisation Certificates, 1849-76.

27. Records of the Clarence River Historical Society, vol. 1, p. 85 (typescript, M.L., Q991.8/2).

28. Ibid., vol. 2, p. 122.

29. Ibid., pp. 122-3.

30. Report on Immigration, V.& P.N.S.W.L.A., 1869, vol. 1, p. 378; Borrie, op.cit., p. 166.

German centres at Tenterfield, Gunnedah, Glen Innes and Tamworth.³¹ These Germans were heavily involved in agricultural pursuits, though not necessarily in winegrowing. In 1871, in the area bounded by Grafton, Armidale, and Tenterfield, there were 1213 Germans, of whom 743, or 61.25% lived outside the towns.³²

The largest, and most cohesive, German centre was at Albury. It also began as a winegrowing centre, but later gained greater additions of German population than did either the Hunter Valley or Grafton. It had been established in 1851 when three Germans - Sebastian Schubach and Heinrich Rau, from Erbach, and John Peter Frauenfelder, from Saxony - fulfilled their indenture to O. Smith at his vineyard at Kyamba, and moved sixty miles to Albury to plant a vineyard of ten acres.³³ The land had been taken up on an improving lease, and at the planting a celebration was held, and a speech made by Frauenfelder, who said the Murray reminded him of his beloved Rhine and Fatherland.³⁴ These three men and their families had been joined by Germans from Victoria, and the

31. Census of New South Wales, 1871, loc.cit., pp. 1141-1164.

32. Ibid.

33. William A. Bayley, Border City, History of Albury, New South Wales (Sydney 1954), p. 64.

34. James T. Fallon, The Murray Valley Vineyard Albury, New South Wales, and Australian Vines and Wines (Albury 1874), p. 23.

community grew.³⁵ Many of these Germans were Catholic Rhinelanders, who had left their homeland after the revolutions of 1848.³⁶ By 1854 the vineyard was a success, and the three growers purchased the sites of their own vineyards, and sent home for their friends and relatives to join them.³⁷ Within a few years there were five German-run vineyards, and of the forty-four adult German males in the area in 1857, a further twenty-six were land-holders.³⁸ Others were shoemakers, cabinet makers, dyers, and hatters. New arrivals came until 1862, mostly from the same parts of Germany as the original settlers.³⁹ After 1862 additions to the area direct from Germany were few, but from 1867 the German population was increased by migration from South Australia and Victoria.

The land acts of 1861 had thrown open considerable cheap agricultural land around Albury. In 1866 some Germans from South Australia - Messrs. Graske, Heincke, and Klemke, an

35. G.L. Buxton, The Riverina, 1861-1891: An Australian Regional Study (Melbourne 1967), p. 62.

36. Ibid., p. 92n.

37. Fallon, op.cit., pp. 23-24.

38. Buxton, op.cit., p. 62.

39. Evident from Registers and Lists re Naturalisation Certificates, 1849-76.

elder of the Immanuel Congregation, at Light's Pass, and others - came to investigate the land around Albury, and reported back favourably.⁴⁰ A small migration to the Murray districts of New South Wales from South Australia, and to a lesser extent from Victoria, set in. The new immigrants were originally North German Lutherans from parts of Prussia, and from Saxony. The migrations were family migrations, large groups travelling together in covered waggon. The first settlements of these Germans were made at Bethel and Jindera in 1867, and at Gerogery in 1868.⁴¹ Within an unusually short time, farms, schools and churches were established. Encouraging reports led to the migration in November 1869 of another group of families, totalling fifty-six people, from Ebenezer and Light's Pass in South Australia to Walla Walla, seventeen miles from Albury.⁴² All these communities were very strict church-going communities, with a high percentage of people living in families. In 1871,

40. J.T.P. Stolz, History of Zion Evangelical Lutheran Congregation and its Organisation, Walla Walla, New South Wales 1869-1944 (Tanunda 1944) p. 3.

41. Ibid., pp. 3-5; Pastoral Times, 2 February, 29 June 1867; G.J. Kotzur et al, History of the Pioneers and Wallandool-Alma Park Salem Congregation, 1868-1962 (n.p. 1962).

42. Stolz, op.cit., p. 3-5.

384 or 58.51% lived outside the towns.⁴³

Economically, politically, and socially, non-British Europeans in New South Wales exhibited a basic similarity to the British colonists. Economically, they were either dispersed or, where more concentrated, engaged principally in the small farming so much desired and admired by British colonists. Even the Chinese, when they had taken to market gardening in areas where it had been previously unknown, had met with tolerance and approval. Both Germans and Chinese were regarded as useful farmers at a time when so many small farmers were in difficulties. Henry Lawson later wrote of agricultural areas in New South Wales taken up by selectors "where no farming worthy of the name was possible - except by Germans and Chinamen".⁴⁴ At one place he saw "the German farmers - the only people there worthy of the name - toiling (men, women, and children) from daylight till dark, like slaves, just as they always had done; the elder sons stoop-shouldered old men at thirty".⁴⁵ German

43. Census of New South Wales, 1871, pp. 1141-1164.

44. Henry Lawson, "The Little World Left Behind", in Henry Lawson, Prose Works (Sydney 1956), p. 468.

45. Ibid., p. 467.

farming success in poor areas gave the British view of them as "hard workers" solid foundation.

Politically, non-British Europeans participated as individuals, some with legislative success, rather than as national or ethnic groups. Only the Germans, because of their larger numbers and greater cohesiveness, at times expressed themselves as a distinct group. German selectors around Albury, for example, to some extent organised as a separate group while participating in the broader agitation for land reform by free selectors in the area. When McElhone in June 1876 successfully moved in the Assembly that 120,000 acres of land in the Yanco Creek reserve be thrown open for purchase, German farmers met at Jindera in August, and held a cavalcade and public banquet at Jindera in September in order to recognise publicly McElhone's services to selectors.⁴⁶

Germans were eager both to maintain their national identity and consciousness, and at the same time to indicate their recognition of England and their involvement in colonial politics. Both these desires were exhibited at a procession organised by the German citizens of Sydney in 1868 to

46. Town and Country Journal, 5 August, 30 September 1876; re McElhone see entry for 6 June 1876, V. & P.N.S.W.L.A., 1875-6, vol. 1

welcome Prince Alfred. On 9 March a procession of 500 torchbearers, mainly German, left Hyde Park with a band and flying the flags of Prussia, Austria, other German states, and Britain, and the tricolour, and marched to Government House to present the Prince with an address from the German citizens of Sydney.⁴⁷ The address welcomed "the son of an exalted Sovereign, under whose mild sceptre we have settled here and found a new home... [we have been placed] by a wise Legislature in the full enjoyment of the liberal institutions of this country". Colonial identification was again clear when the German Association held a gathering on 26 January 1876 to celebrate the anniversary of the colony.⁴⁸ A coming together of national and colonial loyalties was revealed also in September 1876 at the cavalcade from Jindera to Albury which had preceded the banquet to McElhone. The cavalcade had been led by "two standard bearers flying the flag of the North German Confederation and the tricolour of France...next three colour yeomen, carrying the Union Jack of the English, the Prussian flag, and the flag of the colony of Victoria...."⁴⁹

47. Empire, 10 March 1868.

48. Town and Country Journal, 29 January 1876.

49. Town and Country Journal, 30 September 1876.

Socially many non-British Europeans became indistinguishable from the British. There was a high rate of intermarriage between British women and non-British men, stemming from the fact that non-British Europeans were predominantly male.⁵⁰ In 1871 amongst German-born residents in New South Wales, for example, there were only 44.7 German women for every 100 German men, a proportion only slightly above half the colonial average proportion of 82.9 women per 100 men.⁵¹ Nearly all Scandinavian immigrants were male, and usually married women of British origin, fathering children who grew up speaking only English.⁵² It was through intermarriage, especially, that non-British Europeans often lost their distinct national identity, or, as the historian Jens Lyng says of the Scandinavians, became "denationalised".⁵³

Non-British Europeans did maintain their love for their various native countries and their sense of nationality to some extent through the celebration of national days at social events, and through participating in social clubs and

50. Borrie, op.cit., pp. 166-7, 180.

51. Census of New South Wales, 1881, loc.cit., p. 265.

52. Jens Lyng, History of the Scandinavians in Australasia (Melbourne 1907), p. 87.

53. Ibid.

associations formed of people of their own nationality. Only the Germans, however, were again sufficiently numerous and cohesive to form very strong social organisations of this kind. Scandinavian social clubs, for example, were never very large, wealthy, or long-lived. There was a Scandinavian Society in Sydney from 1874 to 1883, a Scandinavian friendly society in Sydney from 1880 to 1881, and a Swedish "Valhalla" in 1877.⁵⁴ The Daily Telegraph in 1880 described an anniversary gathering of the Scandinavian Society as "one of those social gatherings peculiar to foreigners".⁵⁵ No distinct Scandinavian congregations were formed in New South Wales.⁵⁶

Even many Germans lost their German identity, and those who maintained it did so in unexceptionable ways, such as through celebrations, social clubs, musical gatherings, and the church. In the 'seventies Germans met to celebrate events connected with the unification of Germany. These celebrations were a reminder of the continuing strength of national feeling among emigrant Germans, and the interest in many German communities in the national unification of Germany.

54. Ibid., p. 89.

55. Daily Telegraph, 25 June 1880.

56. Lyng, op.cit., p. 89.

In 1872 a large German gathering was held in Sydney to welcome the first ship - the Nymphe - to arrive from united Germany.⁵⁷ About 500-600 Germans boarded a steamer, decorated with the transparencies of the distinctive colours of the North and South German states, to approach the Nymphe, and sang a welcome of German national songs. In the late 'seventies and early 'eighties the birthday of Imperial Majesty Wilhelm I was celebrated annually.⁵⁸ These celebrations were very successful, well-attended affairs. In 1878 the consuls of Germany, Austria, and Switzerland attended, the national anthem was sung, and portraits of the Kaiser and Bismarck were displayed.⁵⁹

Social gatherings did not always have such explicitly national purposes. In German social clubs, music was one of the most important activities. The tradition, first seen on the goldfields, of Germans providing at least one musical band, was continued in many towns, and especially in

57. Illustrated Sydney News, 20 February 1872; Town and Country Journal, 17 February 1872.

58. Evening News, 21 and 25 March 1878; S.M.H., 5 May 1880, 24 March 1881.

59. Evening News, 25 March 1878.

Sydney.⁶⁰ Music to the German residents was both an outgoing as well as an internal cultural activity. They were prominent in organising musical events of all kinds in Sydney, and many of the visiting musicians of the period were German. In 1875 one German citizen, K.W. Goergs, ran a musical column in the Illustrated Sydney News. In Albury, too, German balls, concerts, and musical events were common.⁶¹ The Lutheran Church was strong in the settlements around Albury, though weaker in other areas.⁶² Of the 7,521 Germans in New South Wales in 1881, 4,836 designated their religion as Lutheran.⁶³

In short, non-British Europeans both maintained their consciousness of their non-British origins, and, where they were sufficiently numerous, maintained a strong sense of that identity through social contact and residential clustering .

60. See B.F.P., 24 January 1857; Border Post, 22 May 1858; Illustrated Sydney News, 16 August 1866, 25 July 1874; Town and Country Journal, 6 January 1872, 24 July 1875, 21 December 1878; Athenaeum, 17 July 1875; James R. Paterson, to James S. Bray, 22 November 1881, in James S. Bray, "Notes of Travel". Natural History of the North Shore" (MS. A199).

61. See, for example, Albury Advertiser, 2 January 1864; Border Post, 22 May 1858, 14 August 1858.

62. See Buxton, op.cit., p. 202; Stolz, op.cit.; Kotzur, op.cit. Re Lutheran Church at Grafton see Town and Country Journal, 5 June 1873.

63. Census of New South Wales, 1881, p. 270.

At the same time, the degree of their adoption of British colonial habits of living, and of intermarriage with British colonists, and, for many, of their dispersion, was high. Most appear to have learnt English, although there were German language columns in Albury newspapers at times, and some interest in German language publications from other colonies.⁶⁴

II

The British colonial response to non-British European immigrants was conditioned at all times by a number of considerations. Firstly, New South Wales must retain undeniably a British colony. Secondly, non-British immigrants were known to have skills such as winegrowing useful to the colony and not obtainable from Britain herself. Thirdly, if British immigrants were not always forthcoming, a certain number of acceptable, non-British Europeans would be useful in the general task of population expansion and economic progress. Fourthly, non-British Europeans must "become British", must disperse into and conform with British society,

64. Re columns in German in Albury newspapers, see Border Post in late 1850's, and Albury Banner in 1860's. Re German language press see Borrie, op.cit., p. 199, and Miriam Gilson and Jerzy Zubrzycki, The Foreign Language Press in Australia 1848-1964 (Canberra 1967).

and must fully understand British political institutions.

These considerations affected the way colonial governments looked at the issue of whether or not to assist non-British European migration. Although skilled German labour had been introduced from 1849, it became clear during the 'fifties that non-British Europeans would not be encouraged to migrate to the same extent as would British. In 1854 and 1855 proposals from German shipping agents that Germans without special skills be subject to bounty assistance were rejected, and in 1855 it was made clear that the grant of £100,000 voted for assisting immigration was not to be used to assist non-British.⁶⁵

A few non-British Europeans, however, were assisted to join their naturalised friends and relatives in New South Wales. On 10 August 1857 new immigration regulations for assisted immigration from the United Kingdom had come into force.⁶⁶ Under these regulations, assistance was to be given to persons nominated by friends and relatives in New South Wales. The regulations were designed to facilitate the absorption of immigrants into the community immediately on

65. Final Report of Committee on Immigration, 1854, p. 4; Immigration Agent to Messrs. Haeger and Bell, 16 August 1855, C.S.I.L., no. 55/8738, encl. with no. 59/2645 (A.O. 4/3404).

66. Report on Immigration, V. & P.N.S.W.L.A., 1863-4, vol. 2, p. 1123.

arrival, and to form the basis for the introduction of a more desirable and "enterprising" kind of immigrant. When Mr. Hamburger, of the German Immigration Office in Sydney, requested in January 1859 that this form of assistance, unencumbered by the limitation to those of special skills, be extended to German immigrants, he was refused on the grounds that the vote for immigration was not to be used for "foreigners".⁶⁷ The Immigration Agent, however, suggested that the £7,122.0.0. remaining from the £10,000 grant made in 1855 for specially skilled Germans, be now used for any non-British Europeans nominated by friends or relatives under the 1857 regulations.⁶⁸ In February 1859 the Executive Council accepted this suggestion, and in August the "Regulations for Facilitating Immigration from the Continent of Europe of Relatives and Friends of Persons Naturalised in New South Wales" came into force, to regulate the expenditure of the remaining £7,122.0.0.⁶⁹ Very little use, however, was made of these regulations by non-British citizens in New South Wales, only 29 non-British immigrants

67. Correspondence in reference to German Immigration, V. & P. N.S.W.L.A., 1859-60, vol. 3, pp. 959-60.

68. Ibid.

69. Ibid., pp. 961-3.

altogether being assisted in 1860.⁷⁰ The regulations, together with the regulations of 10 August 1857, were cancelled on 7 June 1860.⁷¹ For thirteen years no immigrants other than those from the United Kingdom were assisted.

In 1861 £50,000 was voted for immigration, and new regulations issued on 21 June 1861 authorising the assistance of British immigrants only.⁷² When Parkes and Dalley were appointed as Emigration Lecturers in the same year, with the task of advertising the advantages of New South Wales to prospective immigrants in Britain, there was no suggestion that foreign immigrants should be similarly encouraged. The application of William Leuchs, a naturalised German living in Melbourne, that he be appointed as an Emigration Lecturer to advertise the colony of New South Wales in parts of Germany, was rejected.⁷³ In the 'sixties the cause of assisted immigration reached its lowest ebb,

70. Report on Immigration, V. & P.N.S.W.L.A., 1863-4, vol. 2, p. 1124.

71. Ibid., p. 1123; see also Evidence of Wise to Select Committee on Immigration, 1870, V. & P.N.S.W.L.A., 1870, vol. 1, p. 752.

72. Report on Immigration, V. & P.N.S.W.L.A., 1863-4, vol. 2, p. 1123; V. & P.N.S.W.L.A., 1861, vol. 2, p. 199.

73. William Leuchs to Sec. Lands, 9 January 1862, Lands I.L., no. 62/286 (A.O. 3634).

objections to it being that it brought only the least enterprising immigrants, created difficulties in the labour market, and encouraged a disproportionate number of Irish Catholic immigrants. During the 'sixties, while all assisted immigrants now came from the United Kingdom, some of these were of foreign birth. Altogether 118 such immigrants were assisted to leave the United Kingdom for New South Wales in the years from 1861 to 1868.⁷⁴

Attempts from within the Assembly to have the vote for immigration increased, made in 1869, 1870, and 1871, were unsuccessful, largely because of the fear that a disproportionate number of Irish were being introduced.⁷⁵ In the debates in these years there was considerable discussion of the principles which ought to guide the selection of immigrants, discussions which involved not only the question of Irish immigration but also that of non-British European immigration. In a debate on 14 October 1869 Parkes argued that selection was a necessary and important principle in assisting immigration, striking "right into the root of the

74. Report on Immigration V. & P.N.S.W.L.A., 1869, vol. 1, p. 377.

75. Entries for 30 September, 1, 5, 14 October 1864, V. & P. N.S.W.L.A., 1869, vol. 1; debate in L.A. reported S.M.H. 15 October 1869; entries for 12, 13, 22, 28 April 1870. V. & P.N.S.W.L.A., vol. 1; entries for 31 March, 5 May 1871, V. & P.N.S.W.L.A., 1870-71, vol. 1.

social fabric". If they imported too many Italians, for example, he said, the country would become Italian "in all its main features and characteristics".⁷⁶

In 1873, however, the Government under Parkes decided to expand assisted immigration, using more careful methods of selection than hitherto. If the colony could only be sure of getting the quality of immigrant it needed - men prepared to work on the soil - then it would be justified in spending larger sums on assisting immigration. On 16 May 1873 Parkes introduced new regulations for assisted immigration, which limited the number of Irish who could gain assistance and allowed that up to ten percent of the funds could be used to assist foreign immigrants.⁷⁷ Yet while this provision was included, no practical arrangements were made to facilitate immigration direct from European countries, and those foreign immigrants who were assisted under the new regulation seem to have come via London. In 1876 further new regulations were issued, which raised the proportion of assistance to foreign immigrants to twelve and a half percent, and that to American immigrants to twenty-five

76. S.M.H., 15 October 1869.

77. Immigration Regulations, 16 May 1873, in V.& P.N.S.W.L.A. 1873-4, vol. 5, p. 663.

percent. Asiatics were specifically excluded from these regulations.⁷⁸ The Premier, John Robertson, in September 1876 told a deputation which had urged that efforts be made to promote the immigration from Italy of people skilled in the culture of the olive and the vine, and the management of silkworms, that there would be no difficulties placed in the way of such an immigration, but neither would special privileges be granted.⁷⁹ In 1881, the amount for foreigners was reduced back to ten percent of the total vote.⁸⁰

This provision came in for little criticism. The proportion of non-British immigrants assisted, in the absence of positive attempts to attract them or to organise their immigration, was very low. Between September 1876 and January 1881 only 884 (including 461 from North America) out of a total of 22,650, or 4.12%, were non-British.⁸¹ The working class agitation against the increased votes for immigration in the late 'seventies, based on a fear of

78. Immigration Regulations, 19 September 1876, V. & P.N.S.W. L.A., 1876-7, vol. 3, p. 157.

79. Town and Country Journal, 30 September 1876.

80. N.S.W. Government Gazette, 14 March 1881.

81. Report from Immigration Agent for 1881, N.S.W.V. & P.L.A., 1882, vol. 2, p. 945.

flooding the labour market, rarely involved opposition to the fact that up to 12½% of the money available could be spent on non-British. On one occasion, however, an anti-immigration petition, emanating from a meeting of the Working Men's Defence Association on 12 May 1879, argued that "on patriotic grounds, foreigners from France, Germany, and the United States of America should not participate in the said vote".⁸² Anti-foreign agitation of these years, nevertheless, was almost entirely anti-Chinese.

The issue of whether or not non-British Europeans would fully accept and understand British political institutions was a matter of some concern in this period, a concern which lessened with time. In the 'fifties there was some apprehension by those in authority that non-British Europeans, especially Germans if they were radical republicans, might prove to be politically dangerous. These doubts had been raised in the questioning of witnesses to the Select Committee on Immigration in 1852. Chairman Wentworth enquired of William Kirchner, the chief shipping agent bringing Germans to New South Wales, if he thought the importation of "red republicans" would be harmful. Kirchner replied that it

82. Petition on Immigration from W.M.D.A., V. & P.N.S.W.L.A., 1878-9, vol. 7, p. 457.

would not, for "when they get a little money they soon cease to be republicans".⁸³ A second German witness to the committee, Otto Neuhauss, agreed: German republicans "would not be so troublesome here as at home...they would soon find out when they arrived here that they were not in Germany... they at once turn English...after they get a little money they cease to be so thoroughly republican".⁸⁴

In 1855 another Select Committee on Immigration had looked into the possibilities of foreign immigration.⁸⁵ It was gathering evidence after the news of the disturbance at Eureka, and in an atmosphere where many in authority feared that foreigners, especially Germans, had been influential in the rebellion. Charles Cowper, as chairman, asked one witness, the Immigration Agent, H.H. Browne, whether he thought foreigners ought to be excluded from the colony, or limited in number. Cowper suggested that it might be necessary, as "people might come from foreign countries in such numbers as to swamp the British inhabitants and alter the character of the country".⁸⁶ Browne shared Cowper's fears of foreign

83. Minutes of Evidence taken before the Select Committee on Immigration, V. & P.N.S.W.L.C., 1852, vol. 2, p. 123.

84. Ibid., p. 134.

85. Minutes of Evidence taken before the Select Committee on Immigration, V. & P.N.S.W.L.C., 1855, vol. 2, pp. 7-20.

86. Ibid., p. 18.

agitation, and remarked that foreign immigration had had bad effects in the United States, and at the rebellion at Eureka. He thought, however, that there would have to be many more foreigners before they could become a serious evil in New South Wales.⁸⁷

Cowper then suggested to Browne that all foreign immigrants be compelled to deposit a sufficient sum of money on arrival to defray the cost of sending them out of the colony if it became necessary. In this way, the Government would impress on foreigners its power to send them out of the country from political motives, without any particular offences being proved against them.⁸⁸ Browne agreed that such an idea was good in principle, though not yet necessary in practice. Cowper thought that the popular opinion "that every one has a right to come here and remain here without reference to the place of his birth" ought to be disregarded, and shown to be erroneous, and went on to outline his principle "that there ought to be a power, existing in the Executive of every community, to prevent the inhabitants of the country from being overwhelmed by any foreign elements".⁸⁹

87. Ibid.

88. Ibid.

89. Ibid. ., pp. 19-20.

The Attorney General, Martin, disagreed, suggesting that it would be preferable to let the "ordinary law of the land reach them [foreigners] in the same way as it reaches those belonging to the land".⁹⁰ Browne appeared to agree with Cowper.⁹¹ The committee did not recommend assistance to foreign immigrants.

The question of the dangers of "foreign agitation" was partly revived by the Lambing Flat riots of 1861. The Cowper-Robertson Government was influenced by such fears to the extent that when it framed the Bill to Amend the Law Relating to the Management of the Goldfields, it proposed that gold commissioners be empowered to separate not only Chinese, but also all "aliens" from British diggers on troublesome goldfields. In the Assembly debate on the Bill on 24 April 1861 objections were expressed by Dickson, Morris, Redman, and Garrett, to this discrimination against all aliens rather than against Chinese only.⁹² On 1 May 1861 in further debate on the Bill in the Assembly, Garrett moved that the word "aliens" be changed to "Chinese".⁹³

90. Ibid., p. 20.

91. Ibid.

92. S.M.H., 25 April 1861.

93. S.M.H., 2 May 1861.

In debate Cowper defended the use of the word "aliens" rather than "Chinese". "There was", he said, "a broad distinction between their own people and those who were not so". Gray agreed that it was a notorious fact that the emigrants from the revolutions of 1848 had been leaders at the Eureka uprising at Ballarat, but argued that nevertheless Germans and Americans were valuable. The most interesting objection to the use of "aliens" came from Love, who said of the Germans and Americans that "although aliens in country [they] were not so in blood and civilisation". The amendment to "Chinese" was passed by 19 votes to 17, Cowper voting on the losing side. The Assembly was clearly divided between on the one hand seeing non-British Europeans and Americans as potentially politically dangerous, and preferring the more neutral-sounding and legalistic term of "alien" to the special discrimination against Chinese, and on the other making a sharp distinction between Chinese and other non-British diggers. In the debate on the issue, the more profoundly anti-Chinese a member was the more likely he was to support the rights of other foreigners, especially Germans and Americans. Conversely, those who were less affected by the racially-based anti-Chinese feeling were more likely to be suspicious of foreigners in general. The issue was one of whether social divisions were observed according to "race" or "nationality".

The Bill was not finally passed before the end of the session, and was debated again in September, after the second Lambing Flat riot. Again Cowper proposed that the Bill refer to "aliens" rather than to "Chinese", defending the word for its wider powers, although agreeing that Germans and Americans should not be generally separated from the British.⁹⁴ Leary, Sadleir, and Lucas wanted the Bill to refer only to Chinese. The word "aliens" was retained only by Cowper's casting vote. The equal vote may have been influenced to some extent by the fears expressed in some newspapers that the June and July riots at Lambing Flat had been inspired by foreign agitators.⁹⁵ Yet these suspicions could not be even partially confirmed, as they had been in the case of the rebellion at Eureka, for there were no non-Britishers prominent in the riots.⁹⁶ Because of the lack of corroboration, fears of foreign agitation subsided in the 'sixties. They had never been very strong, and had been confined to some sections of the legislature and administration.

In 1858 the Legislative Assembly had considered the

94. S.M.H., 12 September 1861.

95. For example, S.M.H., 17 July 1861; Golden Age, 11 July 1861.

96. On the question of "foreigners" in the riots see R.B. Walker, "Another Look at the Lambing Flat Riots", R.A.H. S.J. & P., vol. 56, pt.3 (September 1970), pp.196-7.

question of the political rights of non-Britishers.⁹⁷ Since 1848 any foreign-born immigrant had been able to obtain naturalisation immediately on arrival, the only barrier lying in the Governor's power of veto of the application, a power which seems rarely, if ever, to have been used.⁹⁸ Under the 1848 act naturalised aliens assumed all the rights of a British subject, with the exception of jury service, under an Act of 1847, and of the right to become a member of the Executive or Legislative Council.⁹⁹ The lack of a stipulated period of residence before naturalisation, and the restriction on candidature for the legislature, posed certain problems for the framers of the new, liberal, Electoral Act in 1858.

These legislators felt that if universal male suffrage were to be granted, there must be some guarantee that foreign-born immigrants would understand and respect the basic elements of English institutions. Since naturalisation, by being so easy to obtain, did not of itself guarantee this understanding and respect, the Electoral Act must include

97. S.M.H., 6 November 1858.

98. Clive Parry, Nationality and Citizenship Laws of the Commonwealth and of the Republic of Ireland (London 1957) pp. 523-4.

99. Ibid., p. 524.

restrictions of its own on the franchise rights of foreign-born citizens. After considerable debate, it was agreed that foreign-born naturalised citizens must have been resident in the colony for three years before becoming eligible to vote.¹⁰⁰ Further, the Naturalization Act of 1848 was superseded when it was provided that foreign-born naturalised citizens would be eligible for candidature for the legislature after a residence period of five years. Yet the relevant clauses were badly phrased, and in the early 'seventies disputes arose over whether the clauses stipulated that the residence period be considered effective from the time of arrival, or from the time of naturalisation.

The question first arose over the successful candidature of Mr. Dean for the Hastings. The Assembly's Committee on Elections and Qualifications unseated Dean on the grounds that though he had been in the colony for the necessary five years, he had not spent five years there as a naturalised citizen.¹⁰¹ This interpretation of the relevant clause was reversed when Harris Levi Nelson was elected as member for Orange in 1872, by a majority of one vote over his opponent.¹⁰²

100. S.M.H., 6 November 1858.

101. Illustrated Sydney News, 27 June 1874.

102. Ibid.

Nelson was a Prussian who had arrived in Victoria in 1858, and come to New South Wales several years later, but had not become naturalised until 21 February 1872.¹⁰³ His eligibility as a member of the Assembly was challenged by a petition, probably from his political opponents, and the matter referred to the Committee on Elections and Qualifications. The Committee on this occasion interpreted the clause to mean that residence should be considered from the time of arrival, and not from the time of naturalisation, and Nelson took his seat.¹⁰⁴

However, the position was clearly unsatisfactory, and in 1874 it was proposed in the Electoral Act Amendment Bill to change the wording in respect to eligibility for candidature for the legislature from "who being a naturalised subject shall have resided in the colony for five years" to "who shall have become a naturalised subject at least two years before the date of his nomination as a candidate for election for any Electoral district, and shall have resided in the colony for a like period". Nelson objected, and proposed in the Assembly that the clause be again altered, so

103. Lists of Aliens to whom Certificates of Naturalisation have been issued 1859-76, vol. 1 (A.O. 4/1202).

104. Illustrated Sydney News, 27 June 1874.

that the two years residence period be considered from the time of arrival.¹⁰⁵

A long and protracted Assembly debate ensued on this problem.¹⁰⁶ Most felt that since there was no residence stipulation for naturalisation, the Electoral Act should embody residence stipulations for the rights of voting and candidature. Hoskins felt that "two years was too short a period to indoctrinate aliens coming from a country where the word of one man was law into the genius of our Constitution, and the common law rights of an English citizen".¹⁰⁷ Arnold supported Nelson's objections to the new clause, and thought that in the case of candidature, the election of a person was sufficient grounds for accepting him. As he saw it, "the very fact of his being a foreigner would be sure to operate prejudicially against him", and hence an elected man of foreign origins would necessarily be a man of great distinction.¹⁰⁸ The real difficulty in this debate was that whatever was decided would apply not only to non-British Europeans but also to Chinese. Garrett, especially, saw

105. S.M.H., 19 and 21 April 1874.

106. S.M.H., 21 and 23 April 1874.

107. S.M.H., 21 April 1874.

108. S.M.H., 23 April 1874.

this as their real difficulty, but Robertson reassured him and others with the statement that they were not obliged to grant naturalisation to Chinese when they applied for it, and so could guard themselves against the possibility of Chinese exercising political power.¹⁰⁹ After further debate the clause stipulating two years residence after naturalisation was passed.¹¹⁰ The House adjourned before the Bill was finally passed, however, and the Bill was not revived in the following session.

In November 1874 Nelson suggested that the issue be resolved by an alteration in the naturalisation laws. He introduced a private bill to amend these laws which on 6 November passed its first reading.¹¹¹ Essentially the Bill proposed a five year residence qualification for naturalisation, and that naturalisation immediately guarantee full political rights. In the second reading debate on 20 November 1874 Robertson pointed out that this would represent a step backwards for many electors, who had previously had to wait only three years before becoming eligible to vote.¹¹² Forster

109. S.M.H. , 21 and 23 April 1874.

110. S.M.H., 23 April 1874.

111. S.M.H., 7 November 1874.

112. S.M.H., 21 November 1874.

similarly thought the proposed legislation was too harsh, as the colony needed to encourage "the best men in all parts of the world" to settle in the colony. Jacob thought that a two or three year residence period should be sufficient. Cooper objected to the proposals for the opposite reason - naturalisation, he said, should not grant full political rights. To make the law conform to that of Great Britain, as Nelson was proposing, was not wise, he thought, for whereas in England "the national sentiment was universal and deeply rooted", in New South Wales it was not, and "it might be perfectly possible for aliens to subvert our institutions".

The debate on the Bill was unfinished at the end of the session, and Nelson moved it again in the following session, on 24 March 1875.¹¹³ In the intervening period he had been able to gain considerable support for his Bill, the principle that naturalisation ought to grant full political rights now being generally accepted. Debate in the Assembly on 31 April now centred around the problem of what period of residence should be stipulated.¹¹⁴ Forster thought there should be no residence period at all. David Buchanan proposed

113. S.M.H., 25 March 1875.

114. S.M.H., 1 May 1875.

one year, and in this was supported by the Premier, John Robertson, Fitzpatrick, Dibbs, and Jacob favoured three years. But Nelson and Dangar thought the law ought to be assimilated to that of England, and Garrett, Minister for Lands, spoke at length defending the five year proposal. "Here", he said, "we had a large country, opening up all sorts of temptations to people of other races to come to it, and we ought to ponder well before we open the door to the exercise of political power by foreigners, ignorant of our institutions, and who could have no sympathy with the objects to which we aspired". Though the Government was divided, a majority in the Assembly voted for the five year proposal.¹¹⁵

The Council amended the Bill by the addition of a clause "anything in the Constitution Act, 17 Vic. No. 41, section 2; the Electoral Act of 1858, 22 Vic. No. 20, sections 8 and 9; or the Jury Act of 1847, 11 Vic. No. 20, section 3 , to the contrary notwithstanding".¹¹⁶ This was intended to make it perfectly clear that naturalisation now gave full political and legal rights, and that earlier restrictions on jury service, eligibility for political offices, and franchise

115. Ibid .

116. S.M.H., 10 June 1875.

rights, were entirely removed. The Bill became law in March 1876.¹¹⁷

Non-British Europeans were generally welcomed and approved of throughout the period. This general welcome was expressed at the levels of both social contact and more abstract debate. Their ready acceptance had been first revealed on the goldfields. In December 1852 the Legislative Council, hoping to discourage the flow to the goldfields, and concerned about "foreign agitation", had passed a Goldfields Management Act containing the provision that foreigners be required to pay a double fee.¹¹⁸ By early 1853 widespread dissatisfaction on the goldfields with this provision was evident.¹¹⁹ In the speeches and petitions from the goldfields protesting against the Act, the miners defended the foreign-born diggers, especially the Americans. The miners saw the clause as an attempt to limit use of the goldfields and an attempt to use foreigners only for cheap indentured labour. In the debates surrounding this clause little distinction was made between Chinese and other foreigners, Chinese at this

117. Entry for 10 March 1876, V. & P.N.S.W.L.A., 1875-6, vol.1.

118. Pyke, op.cit., pp. 93-5.

119. Ibid., pp. 99-122.

stage forming only a tiny proportion of the goldfields population. Because of the opposition to the "double fee" clause and to the high price of a miner's licence established by the Act, the offending clauses were repealed in May 1853.¹²⁰ Even Wentworth had to concede the practical difficulties in enforcing the "double fee" clause. The popularity of non-British European miners had been vindicated.

Further evidence of acceptance lay in the fact that neither British nor non-British Jews in New South Wales found themselves in this period to be the targets of the anti-semitism so deeply expressed in parts of Europe.¹²¹ Their only disability had been the exclusion of the Jewish religion from State aid, a disability removed in 1856.¹²² In 1874 Rabbi Jacob Saphir of Palestine discussed his visit to Australia in 1861-1862.¹²³ He noted that Australian Jews had achieved wealth, prosperity, social prestige, and some had become members of the legislatures. There was, he said, no hatred of the Jews in Australia, and no discrimination.

120. Ibid.., pp. 122-6.

121. See Israel Getzler, Neither Toleration nor Favour: The Australian Chapter of Jewish Emancipation (Melbourne 1970).

122. Ibid.., p. 12.

123. Ibid.., p. 119.

Jews were not regarded or classified as a distinct racial group, and their maintenance of identity, especially religious identity, was not seen to threaten either British institutions or sectional economic interests.

Of all the non-British Europeans, the Germans, being in by far the largest numbers, were most frequently mentioned with approval. The general attitude had been made clear from 1847. When the bounty regulation of 1847 was first made known, the Sydney Morning Herald responded enthusiastically. The Germans in South Australia, it said, had proved to be frugal, and it suggested that "the social, domestic, patient, moral, simple, and natural habits of the Germans" and their liking for small communities would suit their proposed role as wine growers, and make them a benefit to the colony.¹²⁴ The Immigration Agent remarked of the first arrivals under the regulations, on the Beulah on 4 April 1849, that "their orderly conduct, intelligence, and superior education were such as to leave no room to question their value as colonists".¹²⁵

By the 'sixties they were being generally acclaimed for their agricultural pursuits, and their establishment and

124. S.M.H., 13 April 1847.

125. Report on Immigration, V.& P.N.S.W.L.C., 1849, vol. 2, p. 886.

extension of winegrowing in the Albury, Hunter, and Clarence areas. The Pastoral Times said on 19 May 1866 of the Germans recently arrived in the Albury area: "Would be that the success of the Albury vigneron induced a great immigration of Germans, and then perhaps we should see quicker advancement made in the utilization of the soil". General approval of the Germans had been revealed in the evidence to the Select Committee on Immigration in 1870.¹²⁶ The Immigration Agent, Wise, suggested that Germans, especially around Albury, had made good colonists, and more should be assisted to come. The Germans, Wise said, are "an excellent class of immigrants; they are good working people, and generally bring a small amount of money with them; they congregate together, are very sober and temperate in their habits of living, and are generally most useful labourers and good agriculturalists".¹²⁷ Another witness, H. Reed agreed, and thought Germans were preferable to Irish. They were "of a very high and desirable character - well educated, well trained men, and men of great industry".¹²⁸ Again, in

126. Minutes of Evidence to the Select Committee on Immigration, V. & P.N.S.W.L.A., 1870, vol. 1, pp. 754-85.

127. Ibid., p. 757.

128. Ibid., p. 785.

an Assembly debate on 13 September 1870, Robertson spoke of the desirability of "hardy German farmers, who brought with them their families and their colonial acquired wealth", and Butler thought that if sufficient British Protestant immigrants could not be gained, the balance could be made up by the importation of German Protestants.¹²⁹

Political events in Germany in the late 'seventies did little to affect the British attitude to German colonists. As the Evening News suggested when discussing the German citizens' celebration of the birthday of Emperor Wilhelm I in 1878, although Englishmen might not like recent German policy under Bismarck, almost all recognised the gain to civilisation in the union of this great people.¹³⁰ German government might not be liberal, but it was better than the rule of small princes. Another possible source of tension which did not in fact lead to antagonism towards German citizens, was the colonial desire for British rather than German annexation of New Guinea. In the mid-'seventies many colonists did not look particularly askance at German interest in the Pacific. The Town and Country Journal commented on the signing of a treaty of friendship between the Emperor of

129. S.M.H., 14 September 1870.

130. Evening News, 21 March 1878.

Germany and the King of Tonga that "England and France having already secured naval stations in these seas may look without envy or suspicion on the advance of Germany in this direction. These three powers all glory in the advancement of civilisation in the protection of humanity. In the pursuit of these worthy ends they may well rise above all petty jealousies".¹³¹ Yet New Guinea was closer to home, and "petty jealousies" hence rather more likely. The same paper was also speaking for a large section of colonial opinion when it expressed a hope that Britain would annex New Guinea for the colonies.¹³² Yet the growing feeling throughout the period that Britain, and not Germany, must acquire New Guinea for strategic and other reasons, culminating in the British annexation of New Guinea in 1884, does not appear, in this period at least, to have affected the British colonial social and political attitude to German residents. In the very year that concern over the annexation of New Guinea was at its height, a debate in the Legislative Assembly, on 10 April 1883, revealed the high degree of acceptance of Germans in the colony.¹³³

131. Town and Country Journal, 23 December 1876.

132. Town and Country Journal, 26 June 1875.

133. N.S.W.P.D., 1st series, vol. IX, pp. 1367-77.

German-born M.L.A., B.O. Holtermann moved that £25,000 be set aside from that year's vote of £150,000 for assisted immigration specifically for the introduction of Germans. In the ensuing debate the admiration for Germans as colonists was expressed by speaker after speaker. They were described as excellent colonists who set a good example to others in their erection of schools and churches, their economic and intensive farming, and in their honesty, thrift, and industriousness. Colonial Secretary Stuart remarked that "in many respects they show some of the very best qualities which one could desire in a particular class of colonists". Not a single speaker opposed this general appraisal. Yet considerable opposition was expressed to Holtermann's proposal, largely on the grounds that the regulations of 1881 already allowed for ten percent of the money to be spent on foreigners. Further objections were expressed on the grounds that it was undesirable to single out any one nationality in this way, and that French, Danes, and Swedes were equally desirable. One speaker - Day, of Albury - spoke in glowing terms of the Germans in his electorate, but thought that their first duty was to Britain. England had given them this beautiful country, and the least they could do was to relieve her of her surplus population. The motion was lost, but the Colonial Secretary promised that methods of facilitating greater German immigration would be

investigated.

British colonists had some mixed feelings about non-British farming communities. On the one hand, they valued them as economically useful, but on the other they were always anxious that non-British European immigrants adopt English language and customs as quickly as possible, and not form closed communities. Colonial attitudes on the matter were put to the test when, on 8 April 1881, the James Paterson arrived in Sydney with nearly 200 Italian immigrants on board.¹³⁴ New South Wales had so far experienced few Italian immigrants, their number not being high enough to be recorded separately in the census of 1871, and reaching only 510 (of whom 458 were males) in April 1881, just prior to the arrival of the James Paterson.¹³⁵

The immigrants on the James Paterson were all agriculturalists and were survivors from Marquis de Ray's ill-founded attempt at establishing a colony, "Nouvelle France", in New Ireland. Abandoned there, they sought refuge in New Caledonia, and were forwarded thence to Sydney.¹³⁶ The

134. S.M.H., 11 April 1881; F.C. Clifford, Richmond River District of New South Wales. New Italy: A Brief Sketch of a new and thriving colony founded and established by the Italian Immigrants who were sufferers by the Marquis de Ray's New Ireland Colonization Scheme (Sydney 1889) p.2.

135. Census of New South Wales, 1881, loc.cit., p. 266.

136. S.M.H., 31 December 1881.

Government offered them assistance in the form of clothing, medical help, and accommodation at the Agricultural Hall in the Domain until the found work.¹³⁷ A Board of Enquiry, consisting of the Water Police Magistrate, the Agent for Immigration, and the Consular Agent for Italy was set up to inquire into their circumstances and future.¹³⁸ The Government, led by Parkes, decided that it would assist the immigrants to gain employment. This would mean their dispersion all over the colony, to which the Italian immigrants strongly objected, hoping to be granted a lease of land where they could farm in a community.¹³⁹ In their objections they gained some support from two letter writers to the Sydney Morning Herald. One letter, signed "Sympathy", suggested a small farming colony of Italians could be established, and another, "Capricornius" agreed, on the grounds that together they could introduce new industries on hitherto unworked land.¹⁴⁰

Concerned about the immigrants' objections to dispersal, Parkes personally visited them on 14 April 1881 and explained

137. Ibid.

138. Clifford, op.cit., p. 2.

139. S.M.H., 11 and 21 April 1881.

140. S.M.H., 11 April 1881; Clifford, op.cit., p. 3.

to them that "as long as they all remained together, they need never hope to become thoroughly acquainted with the English customs and language", and so they must agree to be employed separately.¹⁴¹ After further objections from the immigrants Parkes told them again on 22 April: "The Government did not approve of having a colony within a colony...by separating themselves...they would more readily acquire a knowledge of the English language and English customs".¹⁴² As the Sydney Morning Herald described Parkes's view on 21 April, his "wish is that they should be absorbed into the general community, and become naturalised British colonists, and as much a part of the general public of New South Wales as English, Irish, or Scotch immigrants would be".¹⁴³ The Sydney Morning Herald said on 22 April that "as a rule this dispersal is sound policy".¹⁴⁴ There was, it said, and this was the crux of the matter for those of liberal persuasion, already enough "localism" in the colony without "local distinctions of race, language, and religion". Nevertheless, the Herald agreed with the letters signed

141. S.M.H., 15 April 1881.

142. S.M.H., 23 April 1881.

143. S.M.H., 21 April 1881.

144. S.M.H., 22 April 1881.

"Sympathy" and "Capricornicus" that an exception could have been made on this occasion. The Italians could not speak English and so would suffer by immediate dispersion, and, more importantly, had skills and industries such as olive growing not yet introduced into New South Wales. They could only utilise these skills if they farmed together. There was no problem that they would become an isolated conclave, for they would eventually, through intermarriage and communication, be absorbed into the general community. The difference would be only that such absorption would be gradual rather than sudden.

After considerable resistance from the Italian immigrants, they had, by the end of April, been dispersed throughout the colony as agricultural workers.¹⁴⁵ Yet many of the Italian immigrants within a year had managed to achieve their ideal of an Italian agrarian community. One of those dispersed was Rocca Comminitti, who was sent to the Richmond district.¹⁴⁶ In April 1882 he selected 40 acres of poor land in the parish of Donaldson. His compatriots quickly joined him, and a thriving farming community, known as "New Italy", was established.¹⁴⁷ Little objection appears to

145. S.M.H., 22,25,28 April 1881; Clifford, op.cit., p. 3.

146. Clifford, op.cit., p. 4.

147. Ibid .

have been made to this development. There was, then, a gap between social acceptance of non-British European farming communities, and the more abstract belief, represented by Parkes, that a thorough dispersion of non-British Europeans was the best policy.

That the basis of acceptance of non-British Europeans was their essential similarity with the British, and their identification with British social customs and political institutions, was clearly revealed in the debates between 1878 and 1881 over Chinese immigration. The point that Chinese were unacceptable because of their difference, and their refusal to identify with and assimilate into British colonial society, was frequently made by comparing Chinese with non-British European immigrants. In reply to the question posed in a pamphlet written by some Melbourne Chinese in 1879 - namely, why did colonists accept Germans, French, Italians, Danes and Swedes, but not Chinese?¹⁴⁸ - the Illawarra Mercury replied that "those people...come on a par with ourselves. They have similar manners and customs, and they set the same value on their labour as we do ourselves".¹⁴⁹

148. L. Kong Meng, Cheok Hong Cheong, Louis Ah Mouy (eds), The Chinese Question in Australia, 1878-8 (Melbourne 1879), p.9.

149. Illawarra Mercury, 14 February 1879.

When Copeland argued in the Assembly that Chinese could do whatever Europeans such as Germans, Dutch and French could do, Lucas replied that the two cases were different. The Europeans, he said, "came here and cast their lot in with us, brought up their family amongst us".¹⁵⁰ The Grenfell Record said the non-British European becomes "as one of ourselves - 'settled', in fact - looks upon Australia as his home, tries his best for the general welfare, and leaves sons undistinguished in their patriotism from those of English origin".¹⁵¹ The point was made repeatedly in the debates in 1881, and Parkes expressed exasperation with those in the Opposition who could not see the difference between Chinese and other foreigners.¹⁵²

Non-British Europeans had thus been found to be acceptable because their behaviour conformed to colonial liberal ideals of hard work, enterprise, cultivation of the land as small farmers, family life, education, and Christianity. Their acceptance, and the rejection of Chinese, revealed that ethnic plurality was not acceptable in principle and only accepted in practice when the non-British ethnic group

150. S.M.H., 7 March 1879.

151. Grenfell Record, 30 April 1881.

152. N.S.W.P.D., 1st series, vol. V, p. 414.

conformed to British colonial ideals. Yet the distinction between non-British Europeans and Chinese was not only on the basis of differences in the observed behaviour of the two groups, but also on the basis of racist criteria. This was clearly revealed in the different attitudes to intermarriage in the two cases. Whereas in the case of non-British Europeans intermarriage was welcomed, both as a sign of assimilation, and as a means whereby non-British Europeans would (usually) father and raise children with a fully British identity, in the case of Chinese, intermarriage was seen as unnatural and as producing children who would represent the loss of British racial identity. This difference in attitude starkly revealed the importance of "race" in distinguishing between desirable and undesirable immigrants.

A parallel example was that of the different attitude taken to the exercise of the franchise by non-British Europeans and by Chinese. In the former case, the only issue in granting political rights was the question of the time necessary before a full understanding of British institutions could be assumed. In the latter (Chinese) case, however, it was assumed that time itself could never guarantee an acceptance of British institutions, and that a vote by a Chinaman must necessarily be a vote against the interests of the colony. This distinction, again, was not based on a different experience of voting patterns of non-British Europeans

as against Chinese, except in so far as the former were more interested in colonial politics, but on an assumption of shared values in the first case, and opposed values in the second.

"Race" was invoked in another way. The explanation for the desirable behaviour of the non-British Europeans was that their racial similarity to the British had ensured it. "Race" was thus found to be an adequate explanation of behaviour, and of the differences between ethnic groups. As the Town and Country Journal said in November 1877 in reference to the Germans: "Germans have at all times been most readily absorbed, as the basis of our race is Germanic".¹⁵³ Racial differences were seen ultimately as more profound than national differences, for, in a colonial situation where Britain was dominant, "race" would endure as a divisive force, where national differences could, through the process of colonisation and assimilation, be annihilated. In general, those most inclined to doubt the importance of "race" were also those who insisted that nationality and "foreignness" were important, and thus those most likely to see Chinese as much the same as all other foreigners, or as one M.L.C. had put it, "no lower than French or Germans".¹⁵⁴ The majority

153. Town and Country Journal, 3 November 1877.

154. Johnson, in L.C., S.M.H., 3 May 1861.

of colonists, however, rejected this refusal, or inability, to see a distinction between Chinese on the one hand, and non-British Europeans on the other, insisting that both racial character and differences in observed behaviour between the two groups necessitated a distinction.

Yet throughout the period, the distinction between nationality and race was unclear. Distinctions were made not only between Caucasian and Mongolian "races" but also between various Europeans, for example, between the French, German, and British "races". Germans, in particular, were increasingly referred to as a "race". Colonial commentators spoke of Bismarck's role in uniting German "race", and by the early 'eighties, this more specific use of race seems to have become quite common. In the debate on Holtermann's motion in April 1883, Germans were referred to variously as a "class", a "people", and a "race".¹⁵⁵ Brown referred to them as "an industrious, intelligent race", Garrard distinguished between the "Anglo-Saxon race" and "the German element in our population", and Slattery referred to Germans as a "grand race of people". Heydon, after referring to "the excellent qualities of the German people", made the clearest distinction between the British and the Germans as

155. N.S.W.P.D., 1st series, vol. IX, pp. 1367-77.

different races, when he said: "I think that our own race is the best; it does not need intermixture with other races". The predominant usage, then, by the end of the period, was one which saw British and Germans as distinct but closely allied races. As such they could easily intermingle, but always under conditions where those of British or Anglo-Saxon race would predominate.

Always the strong hand of Britain was to remain. The colony would not become "European" in the sense of a fusion of all European nationalities into a new "European" colonial society, incorporating elements from the various European cultures. Rather it was to remain undeniably British in character and allegiance, and adaptation could only be one way. Ultimately, it was the colonial expansionist mission of Britain, rather than that of Europe, which was to be consolidated and vindicated.

CONCLUSION

British colonists in the period under study approached all three non-British groups with certain common beliefs and ideals. These were, in summary, ethnocentrism, racism, liberalism, and the desire to maintain the British character of the community. These beliefs and ideals were both developed independently of the situations of contact here discussed, and redefined and altered in character or intensity by them. As the result of differences between the three groups contacted in physical appearance, social conformity to British norms, numbers, and economic role, each group elicited from British colonists a different response. These differing responses and the differences between non-British groups together resulted in a number of systems of ethnic relations within the colony. In these years situations of assimilation, ethnic pluralism, ethnic stratification, and race conflict were experienced.

British colonists were extremely ethnocentric. They believed that British civilisation was superior to all other ways of life, from which they could learn little or nothing. Its superiority lay in its material and intellectual achievements, its Christianity, its free institutions, and its capacity for progress. "Civilisation" itself was a value-

laden term denoting all these qualities. Where they were seen to be lacking, as in Aboriginal society, there was no "civilisation" as such at all; where only some qualities were present, or where they were not of the same excellence as those of British civilisation, as in China, there was an inferior or "effete" civilisation, or a state of "semi-civilisation".

British colonists were also usually racist. Racism invoked both pride in the British or Anglo-Saxon race and contempt for non-European peoples. Colonists were proud of the success of their colonising enterprise, for it represented the spread of civilisation and the British race. As an early colonial historian pointed out, "through the Australian colonies, the British race, the English language, and Anglo-Saxon institutions, already extensively diffused elsewhere, may be said to have been established at the extreme end of the earth".¹ The destiny of the British people, as one clergyman put in in 1878, was "to work itself out upon all continents and among all races".²

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1. Roderick Flanagan, The History of New South Wales with an account of Van Dieman's Land (Tasmania), New Zealand, Port Phillip (Victoria), Moreton Bay, and other Australasian Settlements (London 1862), vol. 1, p. vi.
 2. Rev. J. Jefferis, The Chinese and the Seamen's Strike (Sydney 1878), p. 6.

Racist belief had become, in the colony, the dominant mode of thinking about non-Europeans. While non-British Europeans were considered to be of a similar race and so virtually equal to the British, non-European races were considered to be different and inferior. As a mode of thought racism explained behavioural difference between peoples, and linked behavioural with physical difference. The high quality of British civilisation was believed to be the product of the higher racial quality of, and the spirit of progress within, the British people. Conversely, the failure of non-European peoples to achieve such a civilisation was seen to be the product of the low racial qualities of those peoples.

Groups which were considered racially inferior were thought unable to assimilate into British colonial society. Colonists saw that Aborigines did not adopt the habits of British civilisation, and explained this in terms of their racial inferiority. Since colonists regarded Chinese as also of an inferior race, they assumed that they, too, could not assimilate. The lack of assimilation of the Chinese was not as clearly demonstrated as that of Aborigines, for they did to a far greater extent attempt to participate, especially economically, in British colonial society. They did, nevertheless, remain distinct, and their potentially large numbers and physical difference from the British seemed to

guarantee that they must forever remain so. Non-British Europeans, by contrast, were both assumed able to assimilate by virtue of their racial similarity to the British, and were seen, on the whole, to do so satisfactorily.

Further order was given to the belief in racial inequality by giving each race a place on a "scale of humanity". Just as civilisations could be placed on a scale, so could the people exhibiting those civilisations be ranked. This notion, which had arisen long before the period under study began, continued to be employed throughout it. It was most commonly used in reference to Aborigines, who were "very low" or "lowest" on the scale, but was also used in reference to the Chinese. Direct comparison between the two groups was difficult, for while Chinese were generally thought of as more civilised than Aborigines, as "semi-civilised" rather than "uncivilised", they were also more feared, and denunciations of them as an inferior race were thus more fervently and frequently made.

Despite the fact that colonists considered both Aborigines and Chinese to be racially inferior, and said so explicitly, they did not often discuss at the same time their views of the two groups. The debates in each case were parallel and analogous rather than consciously related. There was little overt sign that their experience and thinking in

one situation was transferred to the other. The question is a difficult one - would colonists have reacted to Chinese as they did had there been no Aborigines to dispossess ? Would Aborigines have been more, or less, despised and rejected had there been no other non-Europeans in the colony ? These questions are largely unanswerable, though given the rarity if by no means absence of explicit comparison, and the fact that neither situation had depended on the other, one must be wary of seeing too direct a relationship between them. In each case, however, the sense of British racial superiority was reinforced, and the conviction that coloured races were inferior to whites confirmed.

The connection is perhaps best seen in its most general sense, that racism as a belief and a system of thinking had been derived from the experience of European, and especially British, colonial expansion generally, and from the resultant situations of dispossession, exploitation, and competition. Each colonial situation, and each situation of contact with a people vastly different from the colonisers, contributed to the development of an approach in which assumed British cultural superiority, and the assumed right of colonisation itself, were explained and defended in racial terms. Again and again, colonisers observed a correlation between physical and cultural difference, and again and again they found or considered their interests to be in conflict with those who

differed both physically and culturally from themselves.

If, during this period, there were changes within British colonial society and in the nature of colonial ethnic and race relations, the character of colonial racism itself did not change a great deal, for both Aborigines and Chinese were denounced in terms at the end of the period similar to those used at the beginning. Both were throughout regarded as racially inferior, with little intelligence or moral sense. No real change had yet occurred in the direction of a more explicit use of concepts derived from Darwinian theory, though there were signs at the end of the period that such concepts - Aborigines as "stone age survivals", the struggle between races for "the survival of the fittest" - were beginning to attract attention.³ Yet the latter and classically Darwinist-derived notion of the racial struggle for the survival of the fittest was rarely explicitly used in reference to Aborigines before 1883, while in reference to the Chinese, although the notion of a struggle between the white and yellow races was quite common, the explicit terminology of the "survival of the fittest" was

3. For one of the first attempts to apply Darwinist ideas to Aborigines see articles by Gerard Krefft in Sydney Mail, 12,19,26 July, 2,16 August 1873, 13,20,27 March 3,10,17 April 1875; see also lecture by Professor Denton at Masonic Hall, Sydney, 5 September 1881, on antiquity of man, S.M.H., 6 September 1881; speech by Onslow in L.C., 17 August 1881, N.S.W.P.D., 1st series, vol. V, p. 646.

similarly rarely employed. Because of the lack of a strong intellectual culture the growth of awareness and the popularisation of such concepts from Europe were slow to occur. While anthropological interest in Aborigines was increasing in the 'seventies and early 'eighties and was, as Elkin and Mulvaney have suggested, influenced by Darwinist-derived ideas, such interest had not yet become very substantial in New South Wales itself, or begun to permeate the general mode of thinking about Aborigines or other "races" by the end of the period under study.⁴ By 1883 Darwin's theory of evolution had provided for colonists a challenge to the biblical explanation of the origin of man rather than a new means whereby the different fortunes of peoples could be explained.

Evolutionary ideas were throughout chiefly evident in their pre-Darwinian forms, in the notions of "progress" and "social development". Neither Aborigines nor Chinese were seen to be undergoing those processes of progress and

4. A.P. Elkin, "A Darwin Centenary and Highlights of Field Work in Australia", Mankind, vol. 5, no. 8 (November 1959), pp. 321-333; A.P. Elkin, "The Development of Scientific Knowledge of the Aborigines", in Helen Sheils (ed), Australian Aboriginal Studies, (Melbourne 1963), pp. 3-28; D.J. Mulvaney, "The Australian Aborigines, 1606-1929; Opinion and Fieldwork, Part 2: 1859-1929", in J.J. Eastood and F.B. Smith (eds), Historical Studies: Selected Articles (Melbourne 1964), pp. 31-56.

development which marked the story of the British people. Both were "unprogressive", "stagnant", and "apathetic" peoples. Aborigines had, it was thought, never achieved anything and now, in contact with a superior race, could only regress, to become "demoralised" and eventually to disappear. Colonists by the early 'eighties had been convinced for half a century of the inevitability of Aboriginal extinction, and had explained it as a natural law of progress, or as the workings of Divine Providence to facilitate the spread of civilisation. Chinese, as some pointed out, may have had an old civilisation, but they had for thousands of years stagnated, and clearly did not have the spirit of progress within them.

Yet there were some changes. The notion of Chinese "stagnation" became increasingly difficult to uphold. Chinese from the middle 'seventies, were considered as a result of British penetration into China, to be "waking up".⁵ As such

5. For explicit expressions of this idea, see Burton Bradley to L.A., reported S.M.H., 6 March 1879; Bowker in L.A., reported S.M.H., 7 March 1879; S.M.H., 7 July 1880; Parkes in election speech, 9 November 1880, reported Evening News, 10 November 1880; speech by Mr. Henry at anti-Chinese meeting, 21 May 1881, reported in Evening News, 24 May 1881; letter de Salis to Evening News, 20 August 1881; de Salis to L.C., 17 August 1881; N.S.W.P.D. 1st series, vol. V, p. 636.

they were becoming a more powerful and "restless" race, and if they were still mentally and morally inferior to the British they could nevertheless challenge the British for supremacy. Talk of a future battle between the white and yellow races became more common, given credence by the news from California. There were also some changes in thinking about Aborigines. One was the increasing tendency to consider Aboriginal "half castes" as having a better chance than "full bloods" of assimilation, a tendency based on an increasing emphasis on physical appearance as a guide to innate mental and moral capacity. Such an equation had been implicit throughout, but in an atmosphere of total indifference its implications for Aboriginal policy not recognised. There was a slight growth, too, in the belief that Aborigines could be "improved", though this was rarely expressed as a view that they could be fully assimilated into colonial society.

Before the period under study began, racism had been evident in the thinking of colonists of quite different political and ideological persuasions. Between 1856 and 1881, however, the dominant political ethos was liberal, and it was in alliance with this ethos that racism was now usually expressed. The liberal ideal was, as has been seen, for the creation of a British society founded on principles of political equality, and social and economic harmony. In this

ideal, society should not be unduly divided, and where divisions were necessary or inevitable, as between Roman Catholics and Protestants, capital and labour, city and country, they were to be held in balance. Politicians, therefore, were not to be "partisan", seeking to represent the interests of one "class" only, but to represent the interests of the community as a whole. There were a few sources of divergence from this dominant ethos, these being firstly the conservatives and pastoralists and secondly, in some ways, the growing labour movement. Yet, in 1881, both divergent sources were still embedded within the liberal orthodoxy, both accepting many of its major principles.

The desire for social harmony, political equality, and an economic balance of interests had particular ideological consequences when non-British groups were considered. Socially, politically, and economically there must not be any lower "caste" or "class" defined by birth, and separated from the body of society. Moral values and standards of behaviour, furthermore, must be held in common. Since all adult males must have the right to vote there should theoretically be no disenfranchised groups, and no groups present who did not accept the true spirit of British institutions. Economically, no group must be especially "cheap", for this would be an unfair advantage to capital and a severe threat to labour. Groups who could not conform to

these ideals must be excluded, or, in the case of Aborigines, ignored until they disappeared. If there were residual fears that the resulting exclusivism was "illiberal", these were met by calling upon that most basic principle, "the law of self preservation". Through this concept liberalism and egalitarianism were made compatible with racist exclusivism.

Perhaps the most basic principle of all affecting the response to non-British peoples was that the colony must remain undeniably British. This meant, firstly, that the population of the colony must be predominantly of British descent. It meant secondly that those non-Britishers who came must be prepared to "become British", to adopt British nationality, habits, and respect for British institutions. They must assimilate - disperse, mingle, intermarry - and maintain only harmless social forms of non-British identity. Peoples who demonstrably did not do this, or were thought by virtue of their race unable to do so, could not be welcomed or included.

That the colony was to be British had to be defended and justified against the claims of both Aborigines and Chinese. As colonists saw it, they had had first to wrest the land from one inferior people, and had then to defend their control of it from another. In each case the justification was the same - the British had a greater right by virtue of their better use of the land, and by virtue of

their greater civilisation. One speaker at an anti-Chinese meeting in 1878 summed up the position well:⁶

This country had been entrusted to them as a portion of the British race, to be handed by them down to their descendants in a better condition than when they received it. They had found it in the possession of a benighted race, and had improved it; and it behove them men, women, and children, to hand this colony to the next generation fair and unspotted by pagan immoralities... If John Chinaman came of a race like their own, the danger would not be so great; but he was an alien and a blackleg, and did not come into the market on equal terms with the white man.

If the common approaches of racism and liberalism are to be stressed, it is also true that the colonial response to two of the three groups - Chinese, and to a lesser extent Aborigines - was not entirely uniform. Not all colonists thought Chinese ought to be excluded, and not all regarded Aborigines with dislike or indifference. Challenges to dominant opinion were made either on an anti-racist or anti-liberal basis.

The challenge to racist thinking came mainly from individuals, and not from any distinct group in society except, to a slight extent, from the Churches. Rather than the Churches

6. Speech by David Gardner at anti-Chinese meeting in Newcastle, 28 December 1878, reported Newcastle Morning Herald, 30 December 1878.

as a body, however, posing a strong challenge to racist belief, one finds that the leading defenders of Aborigines and Chinese were usually also very religious men. Thus Ridley, Matthews, Gribble, and Palmer were active Christians and actively in support of the "improvement" of Aborigines. Eighty clergymen in 1861 wrote in defence of the Chinese character, missionary attempts towards the Chinese were made in the 'seventies, and religious spokesmen such as Rev. Dr. Steel, Rev. Jefferis, Mrs Emma Hardinge Britten, and Ridley again, defended the Chinese in the late 'seventies. The basis of their defence was a belief in the essential humanity of Aborigines and/or Chinese, and in the possibility of converting them to Christianity and incorporating them within colonial society. Such spokesmen usually saw Aboriginal and Chinese ways of life, being unChristian, as inferior to the British, but they also believed that a Christian community should tolerate and welcome strangers to it.

There were also some who defended Aborigines and Chinese on a more secular basis. The Sydney Morning Herald considered Aborigines to be an inferior and doomed race, but consistently, until the late 'seventies, defended the Chinese character and at times suggested that Chinese could be assimilated into colonial society. Burton Bradley was an individual who vigorously defended the Chinese, and argued that they could be assimilated. The Aborigines

Protection Association was not an entirely religious organisation, and it joined with the religious activists in challenging the belief that Aborigines could not be improved.

All these spokesmen accepted liberal assumptions and that the colony must remain essentially British, but such assumptions did not lead them to hostility to Aborigines and Chinese. To those concerned with Aborigines, it seemed that a truly liberal and egalitarian society should enable Aborigines to enjoy at least some of its benefits, and to those concerned with Chinese, that there was no racial barrier, as most believed, to their participating usefully and unobtrusively in colonial society.

If not all liberals were racists, neither were all racists liberal. The dominant source of objection to moves to exclude Chinese from the colony came from men who usually agreed that Chinese were inferior, but who were not concerned by the liberal view that an inferior race must necessarily form an inferior caste or class, and thus destroy that basis of equality on which colonial society was founded. These men, usually pastoralists or employers, and politically represented in the Legislative Council, accepted certain liberal tenets such as "free trade", but were not especially concerned with that political and social equality which characterised colonial liberalism. The creation of an inferior group to do, as one put it, the "dirty work", and to provide cheap

labour, seemed to them an economic blessing rather than a social or political curse. Because "equality" was not to them an especial value, its being threatened by the Chinese was of little consequence.

Although no one seriously questioned the British right to the land, some did consider that this right had been expressed too narrowly and exclusively. Australia would become great, they said, not by being "dog in the manger", but by welcoming all peoples to it.⁷ Several argued that if the land were to belong to those who could use it well, the basis on which it had been taken from Aborigines, then Chinese qualified for entry and acceptance. Others were conscious of the enormity of the action of depriving Aborigines of their land, and suggested that while it could not now be returned to them, their claim to it must be recognised and Aborigines well treated. The most thorough-going attack on the British claim to exclusive use of the land appeared in a letter published during the heated discussion of the Chinese in 1878:⁸

7. See S.M.H., 21 January 1857; Foster and Hay in L.A., reported S.M.H., 21 May 1858; Cox in L.C., 17 August 1881, N.S.W.P.D., 1st series, vol. V, p. 653.

8. By "Observer" in Evening News, 21 December 1878.

The aborigine would indeed have a better case against the Anglo-Saxon than the Anglo-Saxon has against the Chinese. The aborigines never intruded himself into the Anglo-Saxon's country, and therefore he could say with perfect justice that the Anglo-Saxon had no right to his land. But can the Anglo-Saxon maintain this position against the Chinese ? Everyone knows he cannot. Then why object to his presence ? On the score of demoralising and disturbing existing society, you have no right to protest, for you are simply reaping the just reward of your conduct to the aborigines. You have no right to do a thing today and object to someone else doing the same thing tomorrow.

If ethnocentrism, racism, liberalism, and the desire to maintain the British character of the colony formed the dominant approach to non-British peoples, they did so with different effects. Non-British Europeans either were assimilated, or maintained some ethnic distinctness in a way unobjectionable to British colonists. Aborigines were not assimilated, and remained a distinct people despised and ignored by British colonists. Chinese were, at different times, tolerated, segregated, attacked, and excluded from the colony. The explanation for these differing responses lies in the difference between the three major non-British groups in terms of physical appearance, social conformity to British norms, numbers (and increase or decrease in numbers), and economic role.

Physical appearance, firstly, was clearly important in the distinctions made by British colonists between Chinese and non-British Europeans immigrants, and in defining

Aborigines and Chinese as inferior peoples. In reference to the Chinese, particularly, their physical appearance was cited as a reason for believing them to be inferior, and for rejecting them.

The degree of social conformity to British norms, secondly, was clearly important. Non-British Europeans socially conformed to British standards, and it was often argued that it was on this basis that they were accepted and Chinese rejected. Many said that if Chinese only behaved like British and non-British European colonists, they would be accepted. This distinction did not entirely meet the case, for Chinese conformity was always greater than colonists allowed, and much of the Chinese non-conformity was more imagined than real. Nevertheless, the Chinese did not conform entirely, for at times their social organisation - in their very large groups on the goldfields, their opium smoking, and their tendency to live in crowded dwellings - was different from the European.

It was in the Aboriginal case that social non-conformity was most important. Their life style was in fact, and was seen to be, antithetical to that appreciated by an increasingly stable and prosperous society. As the concern for colonial morality and respectability increased, so grew socially exclusive attitudes to Aborigines. In their case, too, however, as with the Chinese, the degree of their social non-

conformity was exaggerated. Their response to the missions of Matthews and Gribble suggested that once their desire to remain together as a distinct people was recognised, they were more likely to live in a manner which, if not European, was closer to European ideals than had previously been thought possible.

The two most important variables for determining the British response to a non-British group were the size and economic role of that group. On both counts non-British Europeans were unexceptionable. Their numbers were never high, and their immigration was gradual rather than in large groups. In their economic activities they were either dispersed, or where together in groups, engaged in farming pursuits highly valued by British colonists.

Aborigines, similarly, were unobjectionable on both counts, and it was for this reason that although they were considered inferior and held in contempt, they did not occasion much active hostility or racial conflict. They were few, and rapidly decreasing in numbers, so that most colonists believed they would soon disappear. Economically, they were valuable to pastoralists, and employed only in areas where there was a shortage of labour. They were not, therefore, although they were usually paid only in rations, seen to be taking jobs desired by British colonists. Had they done so, it seems highly likely that greater hostility and racial

conflict would have resulted. The importance of economic conflict in relations with Aborigines had been demonstrated before the period under study began. When they had been seen to threaten colonial economic interests through their resistance to pastoral settlement and expansion (and of course through resistance they had been seen to threaten not only economic interests, but the economic basis of everything that was to follow), they had been seen as a threat so great that violence unparalleled in Australian history had resulted.⁹

In the period under study it was the Chinese, rather than Aborigines, who were feared and attacked. To the Aboriginal sins of racial inferiority and social non-conformity they added the dangers of coming in large numbers and of attempting to use economic resources desired by Europeans. Their numbers were in fact never very high, not rising much above 14,000. But their immigration was uneven, for they tended to arrive in large numbers in certain months and certain years. In those years, such as between 1858 and 1861, and between 1878 and 1881, when their immigration numbered several thousands, anxiety was high. Added potency

9. On this point see Henry Reynolds, "Violence, the Aborigines, and the Australian Historian". Meanjin, vol. 31, no. 4, (December 1972), pp. 471-7.

was given to the situation by the fear that the colony would be "inundated", a fear based on the knowledge that the population of China was enormous and its tendency to emigration high. They would, it was feared, form not only a large, disturbing, and undesirable minority, but also become in time a dominant majority. The importance of this issue of numbers can easily be seen from the fact that at those times when their numbers were decreasing they were not particularly feared or the objects of violent attack and political agitation, while at those times when their numbers were increasing, widespread opposition to their immigration and violent attacks on them individually or in groups resulted.

Equally important, if not more so, was the Chinese entry as a group into occupations sought by Europeans. Again, the point can be demonstrated negatively: when they were only in occupations not sought by Europeans, and which were of value to the colony, not very much objection was made to them. But when they entered into goldmining and cabinet-making, and when they were introduced as cheap labourers in the shipping trade, the objection to them was extreme. Economic conflict was thus peculiarly potent in leading to violent action and concerted opposition, most situations of hostility and violence being associated with it - on the goldfields, especially at Lambing Flat, and during the

Seamen's Strike. Economic conflict did not produce racism, but was the mechanism through which racism was intensified and converted into major race conflict and hostility. The particular power of economic conflict, as distinct from social and political conflict, to arouse passions and hostilities is not hard to understand. British colonists in each case - on the frontier, on the goldfields, and in the furniture and shipping trades - felt that their very means of livelihood, the preconditions for the realisation of all their ideals, were at stake.

Because of the differences between Aborigines and Chinese in this period, in their potential numbers and economic role, British colonists looked to each with vastly differing apprehensions. Although each was "racially inferior" to the British, only the Chinese were now seen to pose a threat to British dominance and to the character of the population of the country. Where the British had been able to dispossess Aborigines and to render them a powerless and decreasing minority, they were not confident that they could deal with the Chinese so easily. The Chinese were potentially very much able to alter the course of colonial history in a way that Aborigines now were not. They could, it was believed, swamp it numerically, degrade it morally, contaminate it racially, corrupt it politically, and take it over economically. One country newspaper put the

difference very succinctly in 1861: "Although we may as Anglo-Saxons be strong enough to wipe out aboriginal tribes ...[we are not] strong enough to wipe out four to five hundred million Chinese".¹⁰

That superiority did not of itself guarantee dominance was revealed in the cool response to those such as William Forster who argued that just as the British had vanquished the Aborigines, so, as a superior race, they had little to fear from the Chinese. Colonists were not in general content to allow a struggle between races to occur within the colony, but agreed that measures must be taken for their own self-protection. Until about 1860 they called for government protection against Aborigines on the frontier; from 1858 to 1861 and from 1878 to 1881 they called loudly for government protection from the Chinese. The colonial reliance on government action was demonstrated in this as in other areas of colonial life.

From the differences between Aborigines and Chinese in their potential numbers, economic role, and general relation to British colonial society, followed an outstanding difference in the attitude to the two groups in the areas of morality and racial purity. Interracial social and sexual

10. Bathurst Times, 2 October 1861.

contact was seen to have vastly differing consequences in each case. In contact between British colonists and Aborigines it was seen to be Aborigines who had been "demoralised" and "degraded", and Aborigines whose physical and racial character was being altered through the birth of "half castes". In contact between Chinese and British colonists, on the other hand, it was seen to be British colonists who would be demoralised and degraded, and to whom the birth of half castes represented a threat to racial character and purity.

The fears were different because the circumstances were different. Not only were Aborigines a decreasing and Chinese an increasing group, but also sexual contact between Aborigines and British colonists was between Aboriginal women and British men, while that between Chinese and British colonists was between British women and Chinese men. In each case it was considered that it was the women who suffered through the connection, British women, of course, far more than Aboriginal women. This was largely because extra-marital sexual relationships were seen as far more degrading for women than for men. The contact between British men and Aboriginal women was seen to have little effect on the men concerned or on British colonial society as a whole, while that between British women and Chinese men was seen to degrade the women concerned and thus the morality

of colonial society generally. Had Aboriginal men had sexual contact with British women this would have been abhorred for similar reasons, but such contact appears rarely to have been feared, except in the case of rape, and rarely to have occurred.

Yet British-Chinese sexual contact was regarded with fear, where Aboriginal-British contact was not, for another reason. This was that the "half castes" resulting in each case were differently regarded. Children of Aboriginal mothers and British fathers were seen as essentially Aboriginal, and indeed they grew up with the Aboriginal community and were not distinct in situation or behaviour from "full blood" Aborigines. They were to have as little effect on British colonial society as were "full bloods". Even when, towards the end of the period, a greater distinction began to be made between "full bloods" and "half castes", the latter were still not objects of concern. Now it was hoped that while "full bloods" would continue to disappear by "fast dying out", "half castes", who were not numerous, would disappear in a different way, by becoming absorbed into the British colonial community, their distinctive physical features and social behaviour being thus eradicated.

Children of British mothers and Chinese fathers, on the other hand, were feared, either because they added numerically to the strength of the Chinese community or

because they would, being brought up by British mothers, attempt to enter colonial society. Through them, the Chinese would cease to be transitory visitors, and would become a settled element in the British community. Through them, therefore British colonial society would have been infiltrated and the British race contaminated. Paradoxically, Chinese were accused of not wishing to settle and being unable to assimilate, but when signs of either occurred, they were regarded as dangerous. Chinese, whether they stood apart from colonial society, or attempted to enter it, could not ultimately, because of their racial inferiority - their undesirable physical appearance and lack of mental and moral character - be accepted.

Colonial society from the early 1880's was to experience profound economic and political changes, changes which, together with the growing acceptance of racist ideas derived from Darwinian theory, were to affect the character of its ethnic and race relations. Aborigines were to become further pauperised and institutionalised, and even further removed from an urbanising and industrialising society. The Chinese Influx Act of 1881 was not, after all, to prove the end of the Chinese question. With the continuance, despite restrictions, of Chinese immigration, the entry of other non-European groups, and the further growth of intercolonial cooperation, the colonial "Chinese question" was eventually

transformed into a national "White Australia Policy".

The period under study saw neither the beginning nor the end of racist belief or of situations of racial discrimination, hostility, and conflict. It was, rather, a period which saw the end of violent conflict with Aborigines and the new beginnings in their institutionalisation. It saw the beginnings of violent conflict with the Chinese, the possibility under certain conditions of co-existence between Chinese and Europeans, and the loss of that possibility as those conditions disappeared. British colonial society itself became more populous, stable, and economically diverse, and felt that it had ensured to its own satisfaction that its progress as a British community would continue.

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B. Printed

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B. Newspapers and Newspaper Cuttings

C. Books, pamphlets, articles

D. Reminiscences and memoirs

III. SECONDARY WORKS

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B. Books

C. Articles

D. Theses and unpublished works

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B. Newspapers and Newspaper Cutting

Note: Newspapers were searched with varying degrees of intensiveness. For Part II, newspaper reading was necessarily selective, the Deniliquin Chronicle proving to be the most useful country paper, and the city papers being intensively used only for the period 1878 - 1881. Newspaper cuttings were very useful for Part II. For Part III, both city and country papers were used intensively for the period 1856 - 61, then selectively for the period 1862 - 1877. City papers, especially the Sydney Morning Herald, the Evening News, and the Daily Telegraph, were used intensively for the period 1878 - 81. For Part IV newspapers were selectively consulted, and the Town and Country Journal was searched systematically for the period 1870-81.

In the following list, the years for which each newspaper was consulted, either selectively or intensively, are indicated. All the newspapers listed are in either the Mitchell Library or the Public Library of New South Wales unless otherwise indicated. Note that newspapers have been cited by their main or short titles in the text and footnotes. Full titles are cited here.

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