

Chapter Five

Settling In and Moving On: Towards Colonial and Individual Sovereignty

'...a land system constructed to create a country of masters and servants...can have no place in a system created for free people'.

Resolution of the Victorian Land Convention, 1857.

'As mobility has been the dominant characteristic of the squatting era, so in the selection era it proved to be a solution to the deficiencies of successive legislation...Victorians were on the move as they always had been'.

J. M. Powell, *The Public Lands of Australia Felix*, p. 118.

Mount Hesse was actually a low-lying hill located some eight miles due west of Geelong and near where the town of Winchelsea is today. It was named after the Vandemonian barrister George Brooks Legrew Hesse who, together with his friend Joseph Tice Gellibrand, disappeared in the area in 1837 while on a trip of exploration from Point Henry to Corio Bay. The land surrounding the Mount was then a windswept and largely grassy plain with a few spindly honeysuckle and acacia trees clustered near the hill's summit. The verdure was mainly kangaroo grass, growing in clumps between the honeycombed rocks that dotted the landscape, with silver tussock covering the lower-lying and, in the winter months, swampy creek beds. Considered ideal for grazing sheep, the area was first leased for this purpose by John Highett in the same year Hesse and his colleague went missing. In around 1842 the lease to Highett's 67,000-acre run was transferred to William Harding who 'afterwards got rather deeply involved in the books' of the Geelong merchant William Timms (George Russell cited in Brown: 1935: 219). Timms took over the lease and, in December 1853, divided the property into the Mount Hesse and the Mount Hesse No 1 stations.

William Free was employed as a shepherd on the Mount Hesse No 1 run. On arrival he would have been allocated a flock of sheep which had to be grazed on the plain each day from sunrise to

sunset. They would then be herded back to a watch keeper's hut and enclosed for the night behind some stone walls and brush folds. Throughout the day William and his fellow shepherds had to remain vigilant in order to prevent their sheep being taken by natives or wild dogs, or from straying and joining up with flocks from other properties. The long hours and monotonous duties involved were such that, as one contemporary reflected, 'Contemplation, with her musing sister Melancholy, might find an undisturbed retreat' (James Tuckey, cited in Shaw; 2003: 13). This was especially so for William who was still grieving over the loss of Louisa and young John, and had each day the added burden of caring for his sole remaining child. Since she was then only five years old, it is likely that Rebecca would not have accompanied her father on his daily treks but would have been left either by herself or in the care of the hutkeeper. Such a situation was clearly unsatisfactory for all concerned and would have added to William's inclination to re-marry as quickly as possible. Finding a wife would not only provide a mother for his daughter and a companion for himself, but someone who could also work as a hut keeper and so add to the family's income.

William chose as his new wife Eliza Flavell, who was working as a domestic servant on a nearby property at Burnt Ridge. Eliza was barely sixteen years old. Like William she came from Cambridgeshire. Indeed her home village of Landbeach was only a few miles from William's own birthplace of Haslingfield, so it is conceivable the two families either knew or knew of each other. Eliza's youthfulness and slight size belied a strong-willed and determined nature, the legacy perhaps of having, with her parents and siblings, to live and work in the Chesterton Union work house for a number of years before the family emigrated from Plymouth to Geelong in 1855. The work house was one of hundreds of such institutions built across England following the introduction in 1834 of Lord Melbourne's New Poor Laws. Often run by former soldiers of the Crown, these austere institutions were the embodiment of the stony face of Victorian evangelism. Husbands were separated from their wives and children from their parents. All were made wear rough workhouse uniforms that distinguished them from the general population. Women who had borne an illegitimate child were further discriminated against by having to wear a yellow stripe of shame across their workhouse gowns. The work done in return for the inmates' keep was hard and demeaning and the food pitifully deficient. Britain's under-classes hated, and feared, the prospect of being incarcerated in such places not least because those who died there were buried,

with little ceremony or sanctity, in unmarked paupers' graves. Many of the well-to-do in Victorian England, by contrast, saw nothing wrong in such treatment. Their views were encapsulated by the reverend H. H. Milman who preached that the work house should be a place 'of hardship, of course fare; it should be administered with strictness—with severity; it should be as repulsive as is consistent with humanity' (cited in Wilson, 2003: 12).

Eliza's father, William Flavell, was contracted to work as a labourer on Charles L. Swanston's station near Inverleigh. The lease for the original station, known as the Weatherboard, had been taken up in 1837 by Swanston's father, the Hobart banker Charles Swanston, on behalf of his Tasmanian-based Derwent Company. It was leased from 1843 until 1854 by the Mercer brothers and then by William Harding who divided the run into a Number 1 and Number 2 properties. These were taken over in May 1855 by Charles L. Swanston who sold the Number 2 run to a William Berthon. The Number 1 property became known as 'Englewood'. Living conditions for most of the property's workers were very primitive which may have been responsible for the typhoid fever that killed William Flavell, then aged 58 years, on 28 July 1863. His wife Maria remained in the district until 1879 when she went to live with one of her sons who had pioneered land near Wickliffe in central Victoria.

Eliza Flavell married William Free at the St. Thomas Church of England in Winchelsea on 26 May 1856. The couple, together with William's daughter Rebecca, probably lived initially in one of the shepherd's huts on Timms' run at Mount Hesse. Constructed out of the honeycomb rocks that were scattered across the area, the huts comprised a single room measuring some 15 feet by 13 feet with walls just over 6 feet high and a roof made of wooden shingles (Kininmouth; 1987: 10). Their first child, John, was born there in 1857 followed, in regular succession, by three further boys: William (1858-1860), William (1860) and Samuel (1861). In 1862 the lease to the Mount Hesse No 1 run was cancelled and the property's shepherds dispensed with. The family went to live in the nearby hamlet of Teesdale where William worked as a labourer and butcher and he and Eliza's first daughter, Phoebe Ann Free, was born. They then moved to Raglan, a small town a few kilometres north of Beaufort. William was employed as a shepherd on the Eurambeen station at Mount Cole (or Buangor) where the couple's one year-old son, Alexander, died and was buried in February 1869.

While William was 'walking after sheep' at Mount Hesse, Henry Hickmott had remarried and travelled from South Australia to Victoria and back again. His wife, Sophia, had died some time after the birth of the couple's third child, Henry Edward, at Mount Barker in May 1852. Her exact resting place is unknown, one of many testaments to that colony's chaotic and poorly maintained system of records. Henry married Harriet Waters in Adelaide on 24 July 1853. Harriet, who was 20 years old, came from Bethesden in Kent and had emigrated, with her parents and five siblings, to South Australia sometime between 1838 and 1844. She provided Henry with another son, James, born at Meadows on 24 December 1854, and a daughter Sophia who died not long after her birth in 1856. During this time Henry, like many other men in the colony, left his family and travelled overland from South Australia to the diggings at Mount Alexander in Victoria. Having done well, he returned to South Australia for his wife and family and brought them by ship back to Melbourne. They resided there for a few months before, following a new gold rush there, they moved to Clunes in 1857, the same year their second son, Samuel, was born. In addition to fossicking for gold, Henry set himself up as a 'London brickmaker', advertising in the local newspaper the sale of '[s]uperior sandstone bricks [at] three pounds per thousand'. (*Creswick and Clunes Advertiser*, 11 November 1859).

The proceedings of the Clunes Police Court reveal that Henry's brick making business, and his fortunes generally, waxed and waned over the ensuing years. Faced with mounting debts he was declared insolvent on 16 May 1862 and forced to start again. The same year, he was taken to court by his neighbour, Snell, for illegally detaining five geese. It transpired that the geese had been sold to Henry by Snell's wife without the complainant's knowledge. The case was dismissed and Snell ordered to pay costs of ten shillings. In 1863 Henry was arraigned before the court on three separate occasions for failing to pay for a range of goods and services. On 18 November 1864 he successfully sued a John Edmondson for twelve shillings and sixpence for 'damage done by pigs trespassing' but was ordered, in August the following year, to pay nearly four times that amount to a James Greenhill for 'firewood sold and delivered'.

In spite of these and other misfortunes Henry was able, on 8 June 1864, to pay the sum of £14 17s at auction for a small plot of land on the outskirts of the town. This would have undoubtedly given him great satisfaction for, like most of those who emigrated to the

colonies, Henry and Harriet would have been determined to obtain a measure of independence and security for themselves and their children. If unable to satisfy this aim from gold, the next best option, discussed at length around campfires and hearths, was to take up land. Some of the newcomers were reinforced in this desire by the Chartists' mantra of 'land for the people', while others drew strength from what was happening in the wilds of the United States of America. Some, like the editor of the *Argus*, were motivated by the possibility of establishing in Australia a new form of British yeomanry: 'if we...boldly throw open our lands to the occupation of the energetic, willing and intelligent minds now flocking in upon us, we may create a little England in Australia' (cited in Powell, 1970: 64). But most based their yearnings around the simple belief that in such a vast and relatively unpopulated country, there must be land aplenty for anyone who wished to work it.

During this time Henry's father, the convict Samuel Hickmott, left Tasmania in 1854 and travelled either to South Australia or Victoria. We know that Samuel was at Inglewood near Clunes in Victoria in 1861. For this is where he buried his third wife, Susan, in the cemetery located on a rise at the edge of the town and which today in summer looks out across golden wheat fields. While no headstone survives, Susan's death certificate indicates she died of an 'effusion of the brain', had been born in Manchester in England in 1800, and was the daughter of a solicitor named Barland. Although this last possibility can't be ruled out, it sits uneasily with what we do know about her life in England and Tasmania where she had been convicted of a series of offences ranging from drunkenness to robbery. Was Samuel (in accordance, perhaps, with the wishes of Susan herself) providing her in death with the status and dignity that had been unavailable to her in life? Or was the attempted re-construction of her identity a consequence of the social prejudices that continued to confront the colony's former convicts? We are likely never to know the full truth of the matter. Her case, however, provides another small example of the personal costs imposed by colonial society on Australia's citizens of convict origin.

We can't be certain, either, whether Samuel was reunited with his youngest son or that Henry and his growing family were even aware he was living in Victoria. Their close proximity in 1861 and again in 1872 – when the record shows they were all at the mining town of Maryborough – gives us some hope that a reconciliation took place. On the other hand, prior to the recent discovery of

Samuel and Thomas' names among Tasmania's convicts, there was no knowledge of them among Samuel's living descendents (who admittedly are now four generations and more removed). This could simply mean, of course, that, as with so many others from that discarded generation, the memory of Samuel has been consciously expunged from the family's stories and folklore, yet another consequence (and cost) of the convict era.

In view of all they had been through together, we would like to think that Samuel and Thomas were also reunited in Victoria. Again there is no evidence that this happened although given that Thomas left Tasmania for Port Phillip in 1856 it is possible. We do know that Samuel's older brother and mentor, soldier of the Crown, poacher and horse stealer, lover of life and women, and survivor of the convict probationary system, died of 'influenza accentuated by old age' at the Warrnambool Hospital on 23 August 1871. He was 77 years old and was buried with little ceremony at the local cemetery three days later. It is likely that Samuel died in Maryborough sometime after 1872 although there is no record of him being buried there or elsewhere in Victoria. It is possible but unlikely that he may have again emigrated. Or he may have accompanied Henry and his family on their journey from Maryborough to the Wimmera township of East Charlton. More probably he died alone and was buried in some unmarked and out-of-the-way place becoming finally, like Henry Handel Richardson's Richard Mahony, at one with the Australian landscape.

* * * * *

The lives and fortunes of William and Henry and their families were typical of those of tens of thousands of immigrants who had arrived in Australia in the 1840s and 1850s in order to seek their fortunes or begin new lives. As had been the case at home, their times and experiences were shaped by impulses and currents about which they were probably only marginally aware and over which they certainly had little direct control. These flowed from basic forces and ferments that had their genesis in the convict and early pastoral eras, but which either gathered momentum or climaxed in the wake of the gold-rushes and the dramatic inflow of people, energy and ideas these engendered. They served both to change and to reinforce key elements of Australian life and

consciousness. They also set in train a series of new and renewed journeys, some of which were completed, while others would continue on well into the next century.

The two journeys of the most immediate influence and import were the struggles for representative government and the ownership of land where, to a degree, progress in the second cause depended on prior advances in the first. Perhaps because of this, the battle to 'unlock the land' would, as we will see below, be a relatively protracted one. The achievement of political independence and the introduction of a measure of representative government following the end of transportation into the eastern colonies, on the other hand, occurred with remarkable, and for many, unexpected rapidity; a development which, from the perspective of the working class artisan or labourer, might have seemed almost too good to be true.

As described in the book's earlier chapters, the Australian colonies were, until as late as 1851, run by British-appointed governors. These initially ruled alone, issuing proclamations on matters ranging from the distribution of land to the imposition of taxes and curfews. Their gubernatorial edicts were displayed in public places, read from church pulpits and, after 1804, published in the *Sydney Gazette*. In 1823, as the colony expanded and the governor's purview widened, the British Government established an executive council whose seven members, all governmental appointees, were responsible for advising the governor on matters of both legislation and administration. In 1829 the size of the council was expanded to fifteen members, and the governor directed to heed its advice on all matters other than the distribution of land and the payment of salaries to the colonial executive. Acts of the legislative council, vetted by the colony's chief justice to ensure they were 'not repugnant' to English law, began to replace government house proclamations. The governor remained powerful, but his legislative influence at least was beginning to be circumscribed by colonial interests and concerns. While ever convicts were present in significant numbers, however, a measure of autocratic governance remained both necessary and inevitable. As John West wrote in 1852, a 'company of exiles, overawed by dissolute soldiery, interspersed here and there with few persons of superior class, could only be governed by despotism' (cited in Hartwell, 1975: 51).

As the numbers of free men increased so, through the 1840s, did the calls, by such personalities as William Charles Wentworth,

John Dunmore Lang and the editors of the *Australian* and the *Monitor*, for self-government and democratic rule although, even as late as 1850, the proponents of the second objective were unable to mobilise much public support for their cause. The spirit of Chartism that was then strong in Britain seemed to have little currency in Australia. As the Australian bush poet, Charles Harpur, and his co-members of the Constitutional Association in New South Wales despaired, the majority of their fellow colonists were both 'ignorant' of their true condition, and unwilling to rally in defence of their rights (Hirst; 1988: 1-8). Most of those who were eligible to sit in any future legislative council were suspicious of the Chartists' democratic or 'Yankee' aspirations and, in many cases, had neither the time nor the resources to become involved in colonial politics. As Governor Ralph Darling had earlier observed:

The [British] Members of Parliament are Men of Fortune, who are put to no inconvenience by residing in London for a period. Here the case is exactly the reverse. Where the Servants are All Convicts, the immediate, the constant Superintendence of the Master is indispensable to the preservation of his Property. I am satisfied there are not three Settlers in the Colony, who would or could give up their time to the necessary attendance on a Legislative Assembly (cited in Barnard, 1980:315).

A further small but important step towards self-government took place in 1842 when, having finally ceased the transportation of convicts to all places other than Western Australia, the British government decided it was time to provide the eastern colonies with a measure of representative government. In an Act duly proclaimed in New South Wales on 5 January 1843, the size of the legislative council was increased from the existing fifteen to thirty-six members where twenty-four of these were to be elected by those colonists who possessed either a grazing licence or property worth more than £200 (or the equivalent paid in rent). The Act's provisions were criticised by virtually all of the key colonial interests. The squatters and other major landowners were angry that the Crown retained control over the sale of the colonies' land. The town-based merchants, traders and artisans felt they remained inadequately represented especially compared to their country counterparts. The residents of Port Phillip, who had been allocated six seats in the expanded council, were angry that they were still to be governed by New South Wales and that their representatives were expected to bear the cost of travelling to and living in Sydney when the council met (a point they sought to underscore by, at one stage, electing the British Colonial Secretary as one of their members). And Henry Parkes, Daniel Deniehy and others from

Sydney's Constitutional Association lamented the absence of a popularly-elected and broadly representative legislative assembly.

In 1850 the British Government passed an 'Act for the better Government of Her Majesty's Australian Colonies', in which, in line with petitions submitted by Parkes and his colleagues, the council's franchise requirements were lowered to the extent that virtually all homeowners in the colony could now vote in council elections. To the delight of the Victorians, the bill finally separated Port Phillip from New South Wales and extended the parent colony's system of governance to it as well as South Australia and Tasmania. It also invited the various colonial councils to draft their own constitutions and future systems of government. These moves were welcomed by all the key colonial players except a few among the Irish and the Constitutional Association who believed that democratic principles could only triumph in a republic. Such a view, however, attracted little sympathy among the colonial mainstream who, to the dismay of the democrats, sought to outdo each other in reproducing in the colonies the key elements of Britain's constitution: the Crown, aristocracy and commons.

Thus by 1856 (or 1859 if we include Queensland), all of Australia's eastern colonies had been granted self-government and all had in place a form of parliamentary democracy that was enshrined in English law, as well as a system of government that was modelled on that which operated in Britain. Unlike the British case, however, the colonies' lower houses of parliament, or legislative assemblies, were elected on the basis of a virtual household suffrage. The upper houses, or legislative councils, in Victoria, South Australia and Tasmania were also elected, albeit on a more limited franchise, while those in the other two states had their members appointed for set terms by their respective governors. This rapid and wholesale change from a relatively autocratic to a relatively democratic system of colonial governance was quite remarkable. What was more amazing still was that it was achieved without either revolution or bloodshed, and apparently in the face of the wishes and concerted efforts of the squatters and others who both dominated the interim arrangements and stood to lose most from their reform.

The ordinary men and women of Australia had, it seemed, much to celebrate. Yet those few among the working classes who had the time to reflect on the issue were perhaps justified in being somewhat wary of what had occurred and why. To start with, as John Hirst argues in his book *The Strange Birth of Colonial*

Democracy (1988), the extension of governance beyond an oligarchic towards a fully democratic system of self-government was not sought by the mainstream colonial elites so much as forced on them, paradoxically, by the British Government. This occurred in part as a result of astute lobbying by Australian reformers and their supporters in Britain, in part out of both an appreciation and a lack of appreciation of colonial conditions by different British legislators, and in part as a consequence of Britain's experiences with Canada and New Zealand (both of which had earlier been granted a form of democratic governance). Another factor was the spirit of change that was present in Britain itself during the relatively brief period in which the colonies' proposed constitutional arrangements were being considered. As Britain itself seemed about to embrace a greater measure of democratic governance, it was hard to argue that its most loyal subjects in the antipodes should not do so as well. As it turned out Britain did not move far towards representative democracy until much later; male suffrage did not occur until 1918 for example, some sixty years after it had been adopted in New South Wales and Victoria. But those overseeing the colonies' transition from responsible to representative government weren't, of course, to know that.

Second, as the subsequent struggle over land-ownership would show, the victory for democracy was, perhaps, more apparent than real for, as R. M. Hartwell later observed, while the 'balance of power had shifted from the land to the towns...democracy continued to draw its leaders from "substantial property" for forty years after 1856' (Hartwell; 1975: 103). While some among these fought to advance the rights of the ordinary working man—women's suffrage was not yet on the political agenda—most believed that democracy needed to be balanced with interests, whether those of the squatters or the country's emerging middle classes. While they had their differences, most colonial politicians were agreed that the potential excesses of democratic or 'mob' rule needed to be kept in check if the considerable progress that had taken place in the colonies' social and economic affairs were to be maintained. In this regard at least, they were at one with the British Whig historian, Thomas Babington Macaulay, when he expressed a determination not to 'yield to the importunity of multitudes who, exasperated by suffering and blinded by ignorance, demand with wild vehemence the liberty to destroy themselves' (cited in Wilson, 2003: 115).

Third, many among the political and social elite believed that being part of a colonial democracy was of far less import than belonging to the British Empire. As John Hirst remarked in the case of New South Wales, the colony may have

...established a very different political order from Britain's, but this distinctiveness was proclaimed much less than its loyalty and essential Britishness. The trappings of the new state still bore an old-world stamp: the British governor, British troops, gentlemen volunteers, and, when loyalty and the desire to please reached their height, ministers in court dress (Hirst; 1988: 79).

Such sentiments were even stronger south of the Murray where although 'a native patriotism was to develop in time, Victoria's imperial loyalty was always...outstandingly warm' (Serle, 1977: 315). In the minds of its proponents, membership of the empire served either to offset the 'degradation' felt in belonging to a 'crude democracy' which, by the late 1850s, was being held up by those in England opposed to further domestic electoral reform as an example of what could happen if ordinary people were given the vote (Hirst, 1988: 71; Serle, 1977: 292). Or it represented a prudent, even necessary, choice since republicanism risked strategic as well as political isolation. Without Britain's resources and protection, the colonies would become vulnerable to the predations of other expansionist European powers or, worse still, the menacing presence posed by the teeming millions of Asia.

The severing of ties with Australia was, of course, never contemplated by Britain or its leaders who calculated that constitutionally independent colonies were more likely to remain loyal to the British Empire than subjugated ones. But, just as their forebears had feared social rejection by Britain, so colonial elites now feared being cast adrift by the mother country and left to fend for themselves in a dangerous and uncertain world. While some colonists argued that they should develop their own defence forces, most believed the colonies had little choice other than to rely on the British redcoat regiments and the Royal Navy for protection against external threats. The men who had earlier railed against the autocratic behaviour and practices of the British Government and its colonial representatives now focused their attention on keeping Britain directly interested in the defence of their homelands. This was to be done by emphasising not just the colonies' considerable economic worth, but by demonstrating their unquestioning fealty as well. The stage was being set for an approach that would shape the new country's foreign and defence policies for the next century. In order to survive no less, the

colonies had constantly to demonstrate their devotion and loyalty to Britain's young monarch and her Empire. Such a position fitted well with the pro-English and pro-imperial sentiments that had come increasingly to characterise colonial society and would reach their apogee during the 'high' Victorian era that extended for twenty years or so from the time of the Great Exhibition held in Hyde Park in London in 1851.

* * * * *

The colonists' fears of being cast adrift were further sharpened by the appearance at the beginning of this period of increasing numbers of Chinese workers. These were brought to the colonies by such mainland Chinese organizations as the Sam-Yap, Heang-San and Amoy regional associations to work on the goldfields. Unlike most of the others there, the Chinese diggers worked in relatively large, self-contained groups and usually on ground or mounds of soil ('tailings') that had been abandoned by European miners. As Margaret Kiddle described, the Europeans watched these latest arrivals at first with a degree of curiosity and bemusement. The Chinese

... were a race more alien than any other that walked the roads, trotting in single file, threading their way between the crowds in blue lines which often extended for miles. Their slight figures dressed in 'short frocks and voluminous petticoat-trousers', were topped by enormous hats beneath which were coiled their long pigtailed. Every one of them was bent beneath a load hanging on either end of a bamboo pole which he carried across his shoulder. Each group was guided and incomprehensively exhorted by a headman, and when they camped for the night their tents formed 'quite a little township on the roadside' (Kiddle; 1963: 193).

But these initial feelings soon turned to aversion and even hatred. The diggers disliked the 'celestials' as they called them, because they ignored, intentionally or otherwise, many of the common practices and conventions of the goldfields. The Chinese were also seen to be unnaturally frugal and, by working the 'tailings', posed a threat to the diggers' livelihood during bad times. These and other grievances fuelled a rising number of acts of intimidation and violence, the worst being the Buckland river 'riot' in July 1857. There an enflamed mob of European diggers, armed with pick and axe handles, worked their way down both sides of the river driving hundreds of terrified Chinese workers before them and systematically destroying their mining and campsites. While many

Chinese were rescued by white miners not involved in the riot, many were badly beaten. A small number drowned trying to cross the river or died of their wounds and 'were quietly buried in out-of-the way places'. When the police arrived two days later, calm was restored and the ringleaders arrested and eventually gaoled for unlawful assemblage. On their release nine months later, they were treated as heroes by cheering crowds (Serle, 1977: 326).

The miners were thus not alone in their detestation of the Chinese. Most members of colonial society also looked at the newcomers with a mixture of horror and alarm. As Kathryn Cronin details in her book *Colonial Casualties: Chinese in Early Victoria* (1982), they were concerned by the invaders' alien habits and customs—'yabbering' incomprehensively, soiling the water, smoking opium, and engaging in 'unnatural vices'. As there were few females among their number, they were seen to pose a threat to the virtues and sensibilities of the European women present, and to the morals of the colony overall. Members of Christian congregations decried such heathen practices as cockfights and gambling, and shuddered at the prospect of miscegenation which would introduce white women to 'vices which would never enter the head of a European' (Cronin, 1982: 69). Then, as later, they saw the Chinese as a potential source of moral contamination, and described them in animalistic and disease-ridden terms: the carriers of leprosy and other fevers, a 'virulent Chinese plague', a swarm of ants or locusts, and the vanguard of a 'yellow gulf-stream'. Some merchants among them also claimed the Chinese made little contribution to the colony's economy, relying increasingly on their own networks of supply and sending most of their earnings back to China.

Although early fears of the Chinese were largely culturally and economically-centred, they contained a strategic dimension as well. This stemmed from their sudden appearance and was fed by their rapid growth in numbers—from around 2000 in March 1854 to perhaps as many as 40,000 by the time of the Buckland River incident (one in five of Victoria's male population). As Geoffrey Serle notes, the commissioners investigating the 1854 Eureka uprising 'may not have taken very seriously the reported remark of one Chinese that all of China was coming, but they considered [even then] the numerical strength serious enough to recommend immediate restriction of entry'. Serle adds that Victoria's governor, Charles Hotham, believed the commissioners actually 'understated the problem' and warned Britain's Secretary of State for the Colonies that 'the history of Java shews [sic] that the

Chinese 'are not wanting in energy and spirit; they abide their time, but when they strike it is in earnest'. (Hotham cited in Serle; 1977: 323). Around the same time the editor of the *Argus*, Edward Wilson, worried his readers by wondering whether the logic of social Darwinism might eventually be used by Chinese invaders to claim rightful ownership of the colony.

We take the country from the blacks because we can put it to better uses than they would do. But...if a race were to present themselves who could take measures to apply the country to still better purposes, are we prepared to design it to them? (cited in Cronin, 1982: 72).

Such views of the Chinese and the threat they posed to both individual colonists and the community-at-large were grossly exaggerated and unfair, the usual fearful and instinctive responses to the unknown and the exotic. But they were widely-held and were encouraged by a constant stream of newspaper reports that 'exaggerated Chinese crime and vice, overstated the number of Chinese arrivals', devoted considerable column space to describing the 'putrid', 'loathsome', 'fetid', and 'vermin-ravaged' Chinese mining camps, and contributed to stereotypical and grossly caricatured images of 'Paddy' or 'John Chinaman': a 'plodding, animal or working machine', or member of 'an amoral, treacherous and barbarous' race who 'never speak the truth where a falsehood better serves their purpose'. These views were informed, in turn, by various discourses of racial difference that had been brought from Britain and held sway among the colony's religious and intellectual elites. These posited the Chinese (as they did Aboriginal Australians) as either 'lost' or 'fallen' races who needed to be 'civilised' in the superior ways of the white Europeans, or as 'races apart', 'so alien as to be hardly called men', slaves who may be 'useful to capitalists' but are a 'constant danger and menace to the working class', 'total strangers...who could never be Colonists' (all cited in Cronin, 1982: 68-76).

As in the case of their treatment of the Aborigines, such views enabled the colonists' to justify to themselves, and to others, the application to the country's Chinese minority of a range of discriminatory and illiberal legislation and practices. These included specific entry and poll taxes, the forced location of Chinese miners into separate and segregated protectorates policed by white troopers paid for by 'protection fees' that were levied on the Chinese themselves, the banning in some areas of Chinese working in large groups or from camping near settled towns, and the barring of Chinese citizens from normal legal rights or even

representations to regain property taken from them by force by European miners. The demonising of the Chinese also enabled the European leaders, then as now, to divert the attention of white miners and other workers away from their other grievances with the authorities or their ruling class backers, and to martial the colony's white population around an increasingly pro-imperial and racialised image of Australian nationalism and identity. As with the convicts and their offspring, there was no place in these imaginings for the Chinese miners and their experiences, no recognition of their significant and continuing contributions to the colony's economy and culture, and no space within Australia's emerging working class mythology and folklore for their political struggles against institutionalised bias and discrimination (see Messner, 2000).

The Chinese remained if not outsiders—for a commercial treaty between Britain and China signed in 1842 prevented those who were already here from being physically expelled from the colony—then outcasts huddled on the periphery of the colony's physical and social spaces, the subjects of sporadic discrimination and violence, and a reminder to all whites who saw them, bent over their market gardens or praying at their temples, to be both thankful and ever-vigilant. These feelings were confirmed, in turn, by sensationalised newspaper accounts of such colonial disturbances and uprisings as the massacre of the British garrison at Kabul and the subsequent Afghan wars, riots by coloured and Asian workers in the West Indies, Ceylon and other places on the edge of the empire, and the 1857 Sepoy uprising in India. The intensity of the colonists' fears and phobias slowly subsided, however, as the gold rush era drew to an end and the numbers of Chinese in the country slowly declined. But they did not disappear completely and, as we will see in later chapters, would re-emerge with considerable force in the 1870s and 1880s as the colonies' political leaders grappled with the question of how best to develop Australia's northern, tropical reaches.

* * * * *

Just as the Chinese diggers began returning home once Victoria's supply of alluvial gold was diminished, so the attention of the European miners shifted to other ways of achieving their desired financial independence. To many workers the simplest and most obvious solution was to 'go on the land'. Such a view appealed also to those commentators, merchants and legislators who were

concerned with the colony's rising unemployment levels, its limited agricultural and declining revenue base, and, as we saw in the case of the *Argus*, the perceived need to create 'a little England in Australia'. The problem, as described in an earlier chapter, was that the squatters had been able, under the provisions of the 1846 Imperial Waste Lands Act, to 'lock up' much of the land by purchasing part and leasing, for periods of eight or fourteen years, the remainder of their extensive sheep and cattle runs. They tended also to dominate the upper houses of the new colonial legislatures through which any such reforms must pass.

In the case of Victoria, the public agitation for land reform came mainly from the Victorian Land League. With the southern cross as its flag and 'advance Australia' as its motto, it became in 1857 the Land (or sometimes Peoples') Convention, an 'irresponsible outside parliament that made the Eastern Market a lively arena of debate' (Turner, 1904: 79). Under the leadership of the Irish lawyer Moses Wilson Gray, the Convention developed a program for land reform which had at its heart the free selection of 160 to 320-acre blocks of Crown or leasehold land. These could be purchased for between 10 shillings and £1 per acre and a down payment of just ten per cent of the land's overall value. The Convention's proposals were broadly incorporated into the so-called Nicholson Land Act which was tabled in Victoria's second Parliament in November 1859. As Henry Giles Turner (1904: 81-4) later recounted, the Act became the subject of extensive and rigorous debate in the Assembly where it was so amended that by the time it reached the Council it was 'a thing of shreds and patches'. Even so the grazier-dominated upper chamber insisted on further changes. Premier Nicholson offered his resignation but was encouraged by the then governor, the ever-patient Sir Henry Barkly, to stay on and seek to proceed 'by means of a conference with the Council'. Negotiations between the two chambers lasted four further and rancorous months and only ended when a 'clamorous mob' from the Eastern Market reserve invaded Parliament. Enflamed by 'demagogues' who 'coarsely derided the squatters and proclaimed as their battle-cry that every man in the colony should have "a farm, a vote and a rifle"', the mob

...burst in a door, drove back the few policemen on duty, demolished some of the windows of the library with a shower of stones, and violently assaulted two or three members whom they supposed to be identified with the pastoral interest. The mayor was summoned and read the Riot Act, and a troop of mounted police finally drove the crowd out of Parliament Yard. Not however without some casualties,

at least half a dozen constables having sustained more or less serious wounds from the flying missiles (Turner, 1904: 83).

The members inside the House lambasted Gray and the other Conventionists for having instigated the incident. Once the invaders were removed, they enacted legislation which prohibited the public assembly of persons in the vicinity of Parliament (although, prudently perhaps, they excluded the Eastern Market from the ban). They also moved quickly to pass the amended land act which, in spite of the efforts of the democrats among the opposition and even some members of the government, 'favoured the large capitalist to the injury of the poor man' (Serle, 1977: 299). The defeat of the Nicholson Land Act represented a serious setback for the proponents of land reform in Victoria and a further victory for the squatters and their supporters. The Convention and its leaders were discredited and, as a result, the notion of free selection would not be taken up again until the 1870s.

Although the tactics of the Eastern Market 'rowdies' were universally condemned, the sentiments underlying their actions began to take hold within the wider population. It would henceforth influence the platforms and public statements of all political factions and politicians other than such (by now) arch reactionaries as John Pascoe Fawcner who, from his seat in the Legislative Council, wrote to the Secretary of State 'imploing him to retain the imperial troops in the colony to keep down the Irish Convention' (Serle, 1977: 279). The changing climate fostered two further, and equally unsuccessful, attempts to introduce some form of safeguarded selection into Victoria. The first was the Irishman Gavan Duffy's 1862 'Act to consolidate and amend the Laws relating to the Sale and Occupance [sic] of Crown Lands'. This superseded the Nicholson Act and identified for agricultural settlement some ten million acres of land located in a number of designated 'Agricultural Areas' ('named after men who had distinguished themselves in parliament and the judiciary') (Powell, 1970: 95).

The legal and technical complexities of Duffy's Act enabled squatters and speculators to circumvent its provisions through such ruses as 'dummying' whereby their agents, employees and even family members were able to take up land on their behalf (Ireland, 1994; Powell, 1970: 89-118). As a consequence, little land became available to ordinary workers and the Act was dismissed by such contemporaries as John Woods, a candidate for one of the goldfields electorates, as a 'giant swindle'. "Homes and farms for

the people” had been placarded all over creation’, Woods informed one of his audiences, but ‘[w]ith what result? Moffatt [a local squatter] had got 90,000 acres for a song and Moffatt’s shepherd was about the only one who got on the land’ (cited in Palmer, 1999: 217). Writing over a century later, Stephen Roberts came to much the same conclusion:

...nearly two million acres of the best lands fell into the hands of a few persons, three squatters obtaining 50,000 acres ‘in open violations of the provisions of the Land Act’, and another getting 20,000 on the Loddon. The 1860 Act had at least reduced the area held by the squatters, while Duffy gave them a larger percentage of the land even than before 1860.

As importantly, Roberts continued, the Duffy Act

... practically completed the alienation of the western plains...[and] in consequence, settlers ever since have been forced to the less hospitable Wimmera and Gippsland, this move to the outskirts necessitating the expenditure of millions of pounds for railways and irrigation in later years (Roberts, 1969: 252)

The second (and more successful) attempt at safeguarded selection involved the Grant Acts of 1865 and 1869. These were introduced by Duffy’s successor, James McPherson Grant, a dour Scot, foundation member of the Victorian Land League, ex-digger and champion of the Eureka rebels. Grant sought to close-off the loopholes that had ruined his predecessors’ model by requiring that the settler live on and improve his land before he could either purchase or sell his lease. Even with this and other provisions in force, many squatters and speculators were able still to circumvent the Act and maintain their hold over the land in the Western District in particular. They were less successful in central Victoria where Grant made available one million acres of land for small-scale agricultural settlement around the Clunes and other goldfields. As J. M. Powell’s (1970: 26-42) account of the times makes clear, this last provision provided for the settlement of thousands of miners, labourers and tradesmen on parcels of land ranging in size from 10 to 160 acres.

By the end of the 1860s, then, land in Victoria was beginning to be unlocked and would eventually be occupied by thousands of immigrant farmers and their families. The experiences of these pioneer settlers would in many ways mirror those of the pastoralists who preceded them: moving ever outwards in search of new land, living initially in tents or rough huts in areas well

removed from any vestiges of civilisation; learning from employing unsuitable seed varieties and farming techniques the bitter lesson that hard work alone does not always lead to success; selling out in order to start again; moving on when the soil becomes exhausted or the farms too crowded; and forever at the mercy of changing seasons, distant bankers and such other pests as rust and rabbits. Despite the privations involved progress, as we will see in the chapter that follows, would be made in Victoria's Wimmera and other outlying districts. Land would be cleared, crops planted and harvested, new farming implements and techniques developed, townships and their supporting infrastructure built, and roads and railways used to spread across the land 'a thin web of settlement' (Kingston, 1988: 33).

As in the eras that preceded it, the settlement era would not be without its costs. These would include the all too frequent turnover of lands and leases, the disappointment, destitution and breakdown of many families and individuals, and the destruction of the local environment. These costs and legacies would multiply, moreover, as the 'harsh southern drama of first settlement', as Beverley Kingston aptly labels it, was repeated in the country's western, inland and northern reaches often, paradoxically, by settlers who failed in the older colonies.