

The Strange Birth of Colonial Democracy  
revisited:  
The NSW 1859 election

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## **Abstract**

This paper examines the New South Wales 1859 election. This was the 1<sup>st</sup> election held in NSW following the electoral reforms of 1858 that had introduced manhood suffrage and the secret ballot. This paper uses the election as a means of exploring the way in which politics was understood by those participating in the political process at a time when such processes were still relatively new to the majority of the participants. Despite recent tendencies to use the word 'democracy' as the key term describing political development in nineteenth century Australia, in fact the key term for the participants was liberalism. Almost every politician at this election, and most of their supporters, claimed to be liberals, and the paper examines what liberalism meant by looking at the key policies enunciated by the prospective parliamentary candidates. As well it examines the key features of the emerging political system of the colony. These include: small electorates and the personal nature of politics in an essentially 'face-to-face' society, the importance of words (and complaints about their misuse), the significance attached to 'independence' for both voter and would-be representative, the high seriousness attached to the act of voting, the extended nature of the election that allowed unsuccessful candidates to stand for more than one seat, and the role played by both meetings and the press in the election process. In this way the paper seeks to build up a picture of Australian political practices in their infancy, a picture that has both similarities and differences with contemporary Australian politics.

**T**wo images exist of the years following the introduction of responsible government in New South Wales in 1856. In the popular imagination there is what might roughly be termed the image of the triumph of democracy in Australia with the introduction of ballot and universal manhood suffrage. Amongst scholars the view is more sanguine. If anything they view the introduction of liberal and democratic institutions as a bit of a fizzer. The classic study of Martin and Loveday saw the outcome as a system of faction politics combined with a patronage system, that, if anything, hearkened back to eighteenth century English political practice rather than embodying the ideals of liberal progress. John Hirst has also accepted that the new democratic order had a distinct eighteenth century feel. He believes that democracy existed in colonial New South Wales as a social reality but that it essentially failed in the political sphere. The people of New South Wales did not create a true system of political democracy.<sup>1</sup>

This paper seeks to explore, and cast light on, the apparent oddity of these two analyses by examining the 1859 election in New South Wales, the first held after the introduction of the new and progressive institutions of the ballot and universal suffrage. If New South Wales was, like the rest of Australia, 'born modern' then how can it be that the introduction of 'advanced' political institutions failed to bring into being a 'modern' political system. It shall begin by considering the existing interpretations of what happened in New South Wales after 1856.

## **The faction system and the failure of democracy**

Martin and Loveday argue that in the 1850s the major divisions in New South Wales politics were between the liberals and the conservatives, and that this division was the primary one in the first 1856 parliament. They see the conservatives as landowners (with tenantry), officials, and members of the legal profession all of whom emphasised the need for an ordered and structured hierarchical society. Liberals they see as moderate,

respectable and bourgeois, based on the mercantile interest. They also acknowledge the presence of the radicals, who they identify with the petty traders and artisans. They emphasise, however, the ideological naiveté of the radical leadership with their faith in the spontaneous action of 'the people'. By the 1860s they claim, 'all politicians would claim to be liberal'. The faction system, then, was a function of the triumph of liberalism and the essential dissolution of both the conservatives and the radicals as meaningful political forces. Politics was no longer about ideas but the quest for office, and in the absence of parties, factions was the logical way to make the system work.

They also emphasise the 'enviable legislative record' of the Cowper/ Robertson combination between 1857 and 1863, including the Electoral Act, legislation to establish municipal institutions, district courts, a regular system of postal communication with England, public works, and the 1861 Robertson Land Bill.<sup>2</sup> In other words the faction system worked and delivered a reasonable system of government for the people of New South Wales. One should not believe the negative characteristics that contemporary observers attributed to 'faction'. New South Wales may not have produced a glorious 'democracy' but it certainly did have a workable system of government.

Hirst has quite a different view to Martin and Loveday. His judgement is that the democratic order replaced a well-established ancien regime and that fundamentally it failed. It represented not so much the founding of a new order as the vulgarising of what had gone before. He characterises the dominant political figure of the early years of responsible government Charles Cowper as an eighteenth century politician and he is not impressed by the use of patronage in the public service (a situation that was not remedied until Reid in 1894). He also accepts the conservative/radical critique of the workings of parliament from Daniel Deniehy on the left and the editor of the Sydney Morning Herald (subsequently referred to as SMH), John West on the right. According to Hirst the tone of parliamentary proceedings did not recover, indeed it never recovered, from the standards set in the first parliament. If anything, the tone of parliamentary proceedings became worse. Personal abuse of the crudest sort became endemic; proceedings were frequently riotous. Hirst accepts the argument of the colonial critics of faction, that it was about corruption and patronage. His argument also implies that colonial democracy did not mean the coming of modernity but rather a mutating continuation of an eighteenth century pattern of government. Australia was not born modern but ancien.<sup>3</sup>

This can be seen clearly in his account of the development of politics in the 1850s. According to Hirst the liberals moved constantly leftwards towards a more democratic position. This meant that the 'respectable' mercantile elements lost control of the liberal movement to men of lower social standing and more radical views with Cowper an

impoverished patrician captain, a sort of colonial Julius Caesar, presiding over an increasingly disreputable crew. It was no so much the triumph of liberalism as its vulgarisation.<sup>4</sup>

At the same time this new democratic order remained compatible with loyalty to a monarchical and aristocratic Britain. The trappings of the new state still bore an old-world stamp. The British Governor remained, along with British troops, gentlemen volunteers, and, when loyalty and the desire to please reached their height, ministers in court dress. Hence, claims Hirst, democracy was 'neutered' by association with Britain. This argument would also seem to fit with that of McKenna that the pro-British Parkes triumphed over the 'radical' republicanism of Lang, but Hirst, having a stronger sense of reality than McKenna, also stresses the lack of any real support for Lang.<sup>5</sup>

Hirst also recognises the utter rout of the Conservatives, particularly at the 1860 election. For Hirst 1860 election is to be understood in terms of a democratic hysteria. The pastoral industry became prey to class hatred, ignorance and folly as the 'people' were swept by mad passions. For Hirst the ignorance of the 'people' was as awesome as their visions. Selection before survey was a disaster; its failure brought discredit on the principles of government themselves. In its administration of the land laws the institutions of democracy had daily to sanction corruption, conspiracy and perjury.<sup>6</sup>

According to this view colonial democracy was damned both because it failed in eighteenth century terms by becoming subject to the mad passions of the people and because it proved to be servile to the British. Democracy failed to create potent local symbols but instead took a social form, a democracy of manners with people treating each other as social equals. Hirst is at variance with Martin and Loveday. For him democracy was a disaster whereas they see the faction system as a workable regime that produced a quite impressive legislative program.

Before concluding this account of the existing literature it is worthwhile considering a couple of points made by Alan Atkinson. Atkinson argues that although the relationship between 'religious faith' and 'political feeling' is 'problematic', 'it seems likely that a willingness to experiment with things of the spirit might be a suitable prelude for profound constitutional change. ... In short, the people were used to deciding, in their daily lives, between ministers and between visions of redemption, some years before the reforms of the 1850s gave them the same kind of power over their politicians.' In other words the 'liberalism' of the 1850s should be understood not just in terms of political liberty but also as the outgrowth of an established practice of religious liberty. Atkinson has also commented that the coming of universal manhood suffrage and free selection

coincided with a demographic crisis in the tenant farming communities as good soil was running out just a new generation was reaching manhood. In other words free selection may not have been a 'madness' but driven by quite rational interests.<sup>7</sup>

## **Politics in New South Wales post 1856: Modernity and traditionalism**

Hirst does, nevertheless, raise a crucial issue. What was the relationship between the *ancien regime* in New South Wales and the new democratic order? It is worthwhile considering what was happening in NSW politics after 1856 and I think that it possible to summarise the major developments as follows:

- The existing political class is either routed or leaves the colony.
- A large number of *homines noui* enter politics without having much in the way of political experience. John West had argued in 1854 that the problem of political inexperience was a major one for the Australian colonies.<sup>8</sup>
- There was a mood of expectation by colonial intellectuals in the middle to late 1850s. This was subsequently matched by disgust with the turn that politics had taken by the early 1860s.<sup>9</sup>
- There was a repudiation of republican radicalism and separatism, and an acceptance that political evolution would occur within the framework of established British constitutional principles. The key was in understanding what those principles meant. For John West they meant federalism, for Henry Parkes they implied democracy, for the majority they involved something called 'liberalism'.<sup>10</sup> This also meant that the political leaders were not involved in creating new symbols for their rapidly changing political system (something that intellectuals regard as their primary activity). The symbolism remained unchanged as Hirst has recognised. Mark Francis has argued that even when governors had exercised autocratic rule in British colonies a crucial distinction had been made between ceremony and symbolism on the one hand and politics on the other, so that the one did not affect the other.<sup>11</sup> Colonial political culture post-responsible government built on that established practice.

- Whether by design or circumstance the colonists brought into being a political system that had strong resemblances with that of eighteenth century England. The reasons for this are to be found in the political values of the colony that idealised the 'independent elector', the 'independent member' and abhorred parties or what was locally known as 'bunching'. Again this comes back to how average British people understood British constitutionalism in New South Wales. It is important to note that the development of that 'modern' political ideal utilitarianism co-existed with an adherence to the principles of British constitutionalism.<sup>12</sup>

The point regarding utilitarianism requires amplification. We tend to use terms like 'modern' as benchmarks against which to evaluate how far a political system has 'progressed'. Scholars have tended to see the presence of utilitarianism in Australia as a sign of its 'modernity'. Such an approach is highly problematic for two reasons. The first is that old-fashioned Absolutist states were often based on ideals that were essentially utilitarian.<sup>13</sup> The second is that utilitarianism in Australia cannot be considered without taking into account the wider framework of politics and political culture, much of which has been quite traditionalist.

Part of the problem is that we do not have a very good understanding of how the participants in the political process during these years themselves understood their political world. It is true that there has been a considerable amount of work in recent times on colonial political ideas but some of it, such as McKenna on colonial republicanism, has been rightly criticised for inflicting late twentieth century concerns on colonial actors.<sup>14</sup> The work on political ideas has not been matched by studies of the working of the political system itself, and particularly of colonial political culture.<sup>15</sup>

## **The 1859 elections: Modern or traditional?**

This paper seeks to make a start in remedying that situation by bringing together the study of political ideas and culture with the workings of the political system through an examination of the 1859 elections. Unlike the 1860 elections the elections that took place a year earlier have not achieved notoriety. They were the first elections held after the introduction of the ballot and universal manhood suffrage in NSW, both of them 'modern' innovations. The practice of voting was 'modern' in the sense that the individual had to go into a room, vote in private and then place the vote in a box. A number of advertisements

in the two major newspapers explained the process. Pencils were supplied and the voter had to cross out the name of the people for whom he did not wish to vote. He could not get a replacement if he spoilt the ballot paper. Manhood suffrage involved compulsory registration but voluntary voting. Prior to the election electoral officials had gone from house to house to ensure that eligible men were registered.<sup>16</sup>

So the voting took place in private with an individual having only himself ultimately to consult. Henry Parkes, amongst others, stressed the solemnity of the occasion and the need for the voter to exercise his vote in a serious and reflective state of mind. He should even consult his wife and family before going to the polling place.<sup>17</sup> This transition of the practice of voting from a public to a private activity was fully appreciated and its effects duly noted. The individual now voted alone and not in the company, and under the gaze, of his friends and peers. The ballot was welcomed because it eliminated the 'rowdiness' that habitually attended elections. Unlike previous elections, he did not know how the election was going when he voted and that obviously affected the frame of mind in which he voted. Now one did not know how the election was going, and who had won it, until the votes were counted at the end of the day.<sup>18</sup>

This modern privatised mode of voting stood in contrast to the traditionalism of the rest of the election process. The election was not so much a single event as a series of events. With individual returning officers in control of their electorates, the elections took over a month to complete. A number of candidates, including Deniehy and Windeyer, stood initially for either of the two Sydney seats, or one of the suburban seats, and upon defeat proceeded to stand for a country seat. Nor, in the opinion of the *Empire*, was it a bad thing that members were not local people; what mattered were the principles for which candidates stood.<sup>19</sup> In 1859 public nomination was still retained as the method by which candidates were formally introduced to the electorate. Two nominators would speak on behalf of a candidate and the candidate himself would also make a speech. In a large electorate like East Sydney with eight or more candidates this meant well over twenty speeches in an afternoon.<sup>20</sup> The two major Sydney electorates both returned four members to Parliament, and some other electorates returned two members. The nomination could be the end of the electoral process if there were no challengers to the existing member. An expectation continued to exist that a good local member would not necessarily be challenged. At the 1859 election 11 members were returned without challenge.<sup>21</sup> The *SMH* commented on this somewhat archaic process of nomination. There were a regular round of public meetings held on behalf of candidates in the period leading up to the nomination. They invariably concluded with the proposal that the candidate was a fit and proper person to be nominated for the local seat being carried by general acclamation. With such an amount

of public activity the *SMH* argued that the public nomination of candidates was redundant.<sup>22</sup>

Australian politics was neither born modern, nor was it just the product of English traditionalism. Rather it was this sometimes strange combination of the traditional and the modern that defined the political process in colonial New South Wales. There was on the one hand acceptance of the British constitutional framework but this was balanced by an appeal to the principle of the greatest good of the greatest number and liberal principles. As an example of the traditionalist element of the political culture it is possible to cite the constant calls for the colony to establish a peasantry as the foundation of its national strength:

We want a yeomanry, a large class of freeholders, men who are labouring not for hire and rations only, but for the purpose of acquiring or maintaining a permanent stake in the country; who have homesteads of their own, and are able to say, in the spirit of honest pride and independence, as they look upon the houses which their hands have helped to build, and the fields which their own arms have helped to clear.<sup>23</sup>

At the same time there was a constant invocation of progressive liberal principles and of democracy. In a moment of extravagance the *Empire* claimed that: 'Democracy is not to come – is not a dream or anticipation of the future. Democracy is all around us – it is part of the atmosphere we breathe – of the all-embracing Heaven under which we live.'<sup>24</sup>

There were other surprisingly 'modern' aspects of this election. One relates to the supposed manipulation of what we would now term the ethnic vote. The *SMH* criticised those who attempted to appeal to the German community as Germans, claiming that this violated the principles of equality. Hence the *SMH* concluded:

An enlightened elector will always suspect appeals made to him as a member of a particular denomination, trade, institution, or nation, if they go one step beyond the promise of equality before the law.<sup>25</sup>

Any candidate who made use of his religious affiliation to secure votes was also criticised. The *SMH* censured a Mr Byrne for having raised religious matters in the Parramatta election. It commented: 'We hope that we shall see no sect standing up on the hustings and asserting dominion over our policy and laws.'<sup>26</sup> In a similar vein the *Empire* savaged Daniel Deniehy when he complained that he had been unsuccessful in West Sydney because of his Catholicism. Deniehy had earlier incurred the wrath of the *Empire* because after being successfully elected as a liberal for Argyle in 1858 he then proceeded to engage

in constant criticism of the liberal leader, Charles Cowper. The *Empire* saw Deniehy as lacking in honesty and decency:

Mr Deniehy is the unprincipled demagogue who, incensed at his defeat (a defeat, the natural consequences of his political treachery) played upon the passions of an ignorant mob, regardless of the consequences, or the public peace.

After his loss in West Sydney Deniehy stood for a country seat in the Hunter, and the *Empire* pursued him mercilessly, lampooning and criticising him.<sup>27</sup> In fact there clearly had been sectarian elements involved in the West Sydney election. Deniehy had stood with fellow Catholic J H Plunkett in opposition to the violently anti-Catholic John Dunmore Lang. Nevertheless it was considered 'extremely bad form' to raise the sectarian issue. In both the ethnic and the religious cases the concern was that electors and candidates both behave as independent individuals and not as members of 'bunches'. It was driven, in the final analysis, by a fairly traditional notion of individualism. The final 'modern' aspect of the election was the use of questionnaires by the temperance advocates to publicise to the electors<sup>28</sup> where candidates stood on this issue.

All sides of politics seemed well pleased with the operation of the ballot and the way in which the elections were conducted. Hence the *SMH* commented:

The universal approval of the ballot by both its opponents and its supporters will tend to give weight to the arguments in its favour elsewhere. The proceedings previous to the election have been much more decorous and free from personalities than heretofore.

The electoral process had been calm, decent, respectable. The elections had been conducted with dignity. This demonstrated that the colonists were worthy of their British inheritance, but it was an inheritance defined, or rather re-defined, in nineteenth century Evangelical terms as sobriety, conscience and order.<sup>29</sup> Hence the *Empire* commented on the nomination held for the seat of East Sydney:

A more fair, orderly, well-conducted, good-humoured, and in every way creditable meeting it was never our lot to witness. We have seen a good many nominations in our time, in both the large cities and small boroughs of the old country; but never any so free from the noise, rude interruptions, and the manifestations of strong party feeling.<sup>30</sup>

The proportion of the East Sydney electorate that voted in the election was recorded by its returning officer. Allowing for plural registrations, the *SMH* calculated that, of 5432 available votes, 3437 voted, 1995 and did not. This was around two thirds of the electorate. The *SMH* believed that this relatively low rate of participation, especially given

the responsibility that possession of the franchise entailed and the good weather on election day, indicated that the ballot had not been sought by the people but by a minority, or what today we would call the elite.<sup>31</sup>

## The contemporary meanings of liberalism and democracy

By 1859 nearly everyone involved in politics in New South Wales claimed to be a liberal. As the *Empire* put it:

All men are, or profess to be, liberals. Even Conservatives are now men of progress. The only question is as to the rate at which it is safe to go.<sup>32</sup>

But this did not necessarily mean that the New South Wales liberals stood for anything that today would necessarily be identified as liberalism. The *SMH* believed that although there was a constant sprouting of 'liberal' views by candidates, in the final analysis these professions of liberal faith did not amount to much. 'Our formal speeches' it commented, 'run through a string of topics which have from their frequent recurrence assumed almost the set phrase of a ritual.' On many occasions, it claimed that 'what is stated in addresses...is but a repetition of current phrases and generalities which have no definite import...It is simply emptiness and fatuity.'<sup>33</sup> The *SMH* argued that political principles and ideas were not really relevant to the electoral process:

Our impression from all we see and read, is that what may be called abstract political questions have but little influence upon the majority of voters. The primary idea seems to be to obtain some local advantage....While theorists are meditating on the sublime problems of Government, and eulogising the reign of democracy, the people in general are thinking of roads and bridges.<sup>34</sup>

The *Empire* also saw the liberalism of New South Wales as vague and as lacking a real programme waiting to be put into place. 'What do we know of the Ministerial policy?' it asked at the end of the elections before offering its own liberal programme.<sup>35</sup>

Democracy was generally considered to be a more extreme form of liberalism. A single theoretical exposition of the democratic ideal appeared during the elections, in the *Empire*, written undoubtedly by University of Sydney professor, John Woolley. For Woolley democracy was to be understood as an expression of progress that was ushering in a new age of utopian harmony. Woolley wrote of 'true democratic equality' as 'the right of all

alike to be furnished with the means of developing those talents with which God has endowed them.' He waxed lyrical about democracy as the culmination of human progress:

A true Democracy must be ever progressive; the influence of the people must day by day be at once penetrating and extensive; until every department of civil government – every act of the administration – shall reflect the national conscience, and express the national judgment.

And, in a decidedly modern fashion, Woolley appeared at a public meeting during the election in support of the man who embodied democracy in New South Wales, Henry Parkes.<sup>36</sup>

But Woolley stood alone as a theoretician of progress and democracy. There was a general agreement that men of principle and integrity are more important than ideology and so this is what one should look at when deciding for whom to vote. The *SMH* argued that what was required were men with 'the general capacity for legislation, which character and ability, and local knowledge guarantee.'<sup>37</sup> The *Empire* could criticise one Mr Benbow for wishing to enter Parliament claiming that 'he has evidently mistaken his vocation' as he was 'a man of very crude views and imperfect education.'<sup>38</sup> At the same time it could praise Mr Murray (Gilbert's father) candidate for the seat of Argyle praising his 'high character ... his great experience, and past services.' It could also say of Mr Forster that although he 'has sometimes appeared crotchety and impracticable....we never heard any one impugn his motives, or imagine that he had any other than a just and worthy object in view. He is one of our few *thinking* men – a class not too numerous anywhere.'<sup>39</sup> This emphasis on character and principles may also be seen to reflect the values of a relatively small face to face society in which men usually had a personal knowledge of their candidates. In many electorates the number of men voting was in the hundreds.

When one looks at policy matters there turns out not to be a lot dividing 'liberals' and their opponents. The *Empire* considered itself to be a liberal organ in the sense of adhering to liberal principles. But what did it mean by those principles? For one thing it argued that 'we have got into a habit in this colony of expecting almost everything of general importance to be done for us by the Government'. For another it supported 'the cause of good and economical Government'. While proclaiming itself 'to be thoroughly liberal, and even democratic, in our principles', and attached to progress it stated that 'we do not pin our faith on any leader, on any ministry, or on section of the liberal party.'<sup>40</sup>

What did this mean in practice? First, there was almost universal approval for free trade. The only protectionists tended to be Catholics or conservatives. In terms of the land issue: all sides agreed that the creation of some sort of peasantry was a desirable thing to do. What divided them was what to do with the existing squatting interest. The same was true for the other major election issues: State aid for religion, the nature of the Upper House of parliament and public education. The *Empire* supported the end of state aid for clergymen and the cause of secular education on the grounds of self-reliance.<sup>41</sup> Others were more pragmatic, in principle they followed the *Empire* line but in practice they wanted the policies modified to take account of realities. The *SMH* commented that although everyone in principle supported the voluntary principle in religion, the real issue related to its practicability.<sup>42</sup>

In general liberal principles meant that individuals should do more for themselves. This is in line with Atkinson's argument that religious freedom preceded political freedom. It was also a British Protestant understanding of liberty as described by Linda Colley.<sup>43</sup> Only the Catholic *Freeman's Journal* denounced Free Trade as Mammon worship and argued both that 'fairtrade' was to be preferred to free trade and that 'all governments, equally with individuals, should *begin* their charity at home.'<sup>44</sup>

## **Differences between the *Empire* and the *Sydney Morning Herald***

What divided liberals and their opponents can best be considered by looking at the views of the two major Sydney newspapers. What united the newspapers was that ultimately men were more important than ideology. What divided them had to do with their view of politics and politicians.

The *SMH* was inherently suspicious of politicians and their desire to hold office. At the conclusion of the elections it divided the new members into three major groups: Ministerialists, liberals and liberal conservatives.<sup>45</sup> It tended to see politicians as adventurers who aspired only to benefit themselves and politics as a somewhat degrading activity. It bemoaned the fact that so many conservatives had left the colony because it believed that the colony needed its best men to give the political arena some stability and decorum.<sup>46</sup> At the same time it saw the *homines noui* as low grade individuals who just prattled on in vague generalities rather than sensibly advancing the best interests of the

country. This tendency just to 'talk' was also condemned by the *Empire* which commented at the end of the elections:

We cannot shut our eyes to the appalling fact, that the new Parliament is to be composed of eighty gentlemen, who for the last month have made it their business to "rave, recite, and madden round the land;" and we confess we tremble for the issue.<sup>47</sup>

The *SMH* believed that the conduct of politics required that men of substance and character be available to supply some *gravitas* to its proceedings and feared that the new democratic order did not encourage such men.

This attitude can be seen in its evaluation of the candidates for East Sydney. It characterised Cowper as a man who, in 'a long political life, and who with unusual steadiness of purpose...has pursued the end to which he has attained – place.' It argued that it was difficult to know what his principles were but concluded that 'men of his position and character ought to be in the Assembly, no doubt.' It spoke more positively of Henry Parkes stating that 'there is no man before the electors who would represent a larger amount of popular aspirations, or who would represent them with greater intelligence and discretion.' With James Martin, a true conservative, it was less impressed claiming that he had 'stood side by side with men whose principles he disapproved, fought in their cause without scruple.' It recognised his ability and the fact that he was 'one of those men without whom the House would be incomplete.' It was just concerned by the 'unsteadiness of his principles.'<sup>48</sup> The *SMH* accepted the idea that a variety of interests and viewpoints should be represented in the assembly. It just preferred that these interests be represented by men of principle.

The *Empire* supported men of liberal principle but also of character and ability. 'The safe way,' it contended in directing its readers in the use of their franchise, 'is merely to deal with general and great principles...If he be not sound on great principles, none of his details can be satisfactory or trustworthy. If he be *not* sound on great principles, the details will not do much or fatal damage, even if they turn out to be practically not the best.'<sup>49</sup>

Hence it could support a Mr Campbell because he represented 'honestly and in good faith, those enlightened and liberal principles which will find in many other men their able and eloquent exponents.'<sup>50</sup> It was also critical of Martin, claiming that he was 'a man distinguished for ability, rather than for moral weight or political straightforwardness', with 'overweening confidence in his own powers'. 'Unfortunately for himself' it continued 'he has never been able to play the hypocrite long enough to ensure success.' Yet it also acknowledged that Martin should be in the Parliament, only he should be there in his true

garb 'a rank Tory; one who openly avows his contempt for the people'. It agreed with the *SMH* that Parkes was 'a man of unquestioned ability...he will, we think, take high rank as a statesman'. Equally it was not overly impressed with Cowper, a man lacking statesman-like views, 'a cautious and a timid man', 'clear – rather than far – sighted'. But it still supported him as the only man of sufficient experience and knowledge of political life to take the lead in the government of this colony.<sup>51</sup>

What really distinguished the *Empire* from the *SMH* was that the *Empire* actually believed in liberalism and democracy while the *SMH* took a rather negative view of their workings. 'Democracy' claimed the *Empire*, 'is all around us – it is part of the atmosphere we breathe – of the all-embracing Heaven under which we live.'<sup>52</sup> The difference was less one of ideology than of approach.

## The election wash up

How then did the election turn out? Cowper was returned. The *SMH* did the following analysis: 16 ministerialists, 10 radicals 'or persons of extreme views', 25 liberals, 21 liberal conservatives, 2 conservatives. It identified only 2 protectionists amongst this group. 43 of the members were new to parliament.

In its Political Summary it commented:

The principles on which the elections have been conducted are somewhat obscure. Some constituencies have voted only for their candidate, in order that they should support Mr Cowper's ministry.

It concluded the Summary with the comment that although there was no organised opposition to the present ministry

the array of talent opposed to them is so strong – the feeling of the country against an undoubted corrupt distribution of patronage...there is no opposition that can be called a strong one, and in the general distrust which prevails to men who are vying for office, Mr Charles Cowper may preserve the tenure of his place.<sup>53</sup>

This somewhat jaundiced view of the election outcome, finished as it had begun, with a realistic view of politics as being basically about achieving 'place'. The *SMH* also acknowledged the success of the ballot but emphasised the apathy of the electorate. After

all even in a major city electorate only two thirds of the eligible voters had exercised their franchise, in seemingly propitious circumstances. In fact the theme of apathy and lack of excitement had been characteristic of the *SMH*'s coverage of the election.

Nevertheless the Herald did admit that 'upon the whole, the members returned represent the great interests of the country.' Continuing it was not pessimistic about the long-term future:

The minds of men, though in perpetual agitation, slowly progress. The whole system of government and legislation does indeed improve. The struggles for truth and right are not ultimately lost.<sup>54</sup>

In the final analysis even the *SMH* was a believer in progress.

The *Empire* was pleased about the way the election was conducted and saw it as a confirmation of liberal principles in general terms. 'The dreaded manhood suffrage' it contended, 'instead of being a dangerous ruffian turns out to be a very honest companion; and vote by ballot is as innocent as Bottom's lion.' It was less sure however about the outcome of the elections at a more practical and concrete level. Commenting on the progress of the elections it was forced to admit that 'the attitude of the country generally seems one of expectation, doubt, and even curiosity, rather than of unlimited and cordial confidence.' 'Beyond Sydney,' it conceded, 'it would appear that no very great enthusiasm has been displayed.'<sup>55</sup>

Again, like the *SMH*, it was more concerned with the long term future of the political system and its capacity for improvement. The present might not look too good, there might be too many politicians with an inadequate understanding of their calling, but in the larger scheme of things a brighter future beckoned:

many a local favourite who enters upon his novel sphere deeply imbued with mere parochial exclusiveness, and comparatively barren of political ideas, will be trained by contact with older and more cultivated politicians to nobler capabilities, and will by degrees become indoctrinated with a higher sense of duty, and with more comprehensive views of the general interest. Our deliberative assemblies for many years to come, will be schools for statesmen and politicians.<sup>56</sup>

Nevertheless in the short term the victory of Mr Cowper and the liberal ascendancy did not mean that the liberals could produce anything like a common front. Speaking of Windeyer's 'hare-brained opposition' to the government it continued that this was:

one more sign of the disintegration of the liberal ranks, which will render their efforts almost powerless for good in the ensuing Parliament, unless some steps be speedily taken by the Government to propound a good progressive policy, sufficiently generous, statesmanlike, and comprehensive, to unite together the scattered, and now almost incongruous elements of the great liberal party.<sup>57</sup>

Finally, the *Empire* had to concede that, although the election had been a liberal triumph, 'the peculiarity of our present condition is this: that while somewhat uncertain as to the particular course of policy marked out by the Ministry, we are still more in the dark as to the collective politics of those who wish to supplant them.'<sup>58</sup> This is truly an extraordinary statement because it meant that apparently nobody in New South Wales politics actually had any policies!

The essential point was, of course, that the real opposition to Cowper was not the small conservative rump but other liberals and democrats such as Windeyer and Parkes. What the election had confirmed was that a new political class or elite had come into being, one that could roughly be termed 'liberal'. This class had the support of the great mass of the electorate but unlike its conservative predecessor it lacked cohesion and the network of institutions and contacts to sustain it. For the moment, a renegade patrician led the liberals. But even his supporters regarded him as an opportunist. The parliament was full of *homines noui* who required an education in its practices. It was, in many ways, an odd situation. There was continuity between the *ancien regime* and the new order at a ceremonial and symbolic level. However, at a political level there was a hiatus caused by the desertion of the old political class. In their absence the new liberal political class attempted to create a liberal political order. The public gave them support in the 1859 election, even if it was in a rather apathetic fashion. But the situation was delicate and the relationship between the new liberal political class and the bulk of the population fragile. This was to set the scene for the much more dramatic events surrounding the 1860 elections.

## Endnotes

- <sup>1</sup> P. Loveday and A.W. Martin, *Parliament Factions and Parties: The First Thirty Years of Responsible Government in New South Wales, 1856–1889*, Melbourne University Press, Melbourne, 1966, John Hirst, *The Strange Birth of Colonial Democracy: New South Wales 1848–1884*, Allen & Unwin, Sydney, 1988.
- <sup>2</sup> Loveday and Martin, *Parliament Factions and Parties*, pp. 20, 25, 30 and chapters 1 & 2 generally.
- <sup>3</sup> Hirst, *The Strange Birth of Colonial Democracy*, pp. 181, 174–5.
- <sup>4</sup> Hirst, *The Strange Birth of Colonial Democracy*, p. 55.
- <sup>5</sup> Hirst, *The Strange Birth of Colonial Democracy*, Chapter 4, Mark McKenna, *The Captive Republic: A History of Republicanism in Australia 1788–1996*, Cambridge University Press, Cambridge, 1996, pp. 88–91.
- <sup>6</sup> Hirst, *The Strange Birth of Colonial Democracy*, Chapter 9.
- <sup>7</sup> Alan Atkinson, 'Towards independence: Recipes for self-government in colonial New South Wales', in Penny Russell and Richard White (Eds) *pastiche 1: Reflections on 19<sup>th</sup> century Australia*, Allen & Unwin, Sydney, 1994, pp. 90–1, 96–7.
- <sup>8</sup> John West, *Union Among the Colonies*, edited by Gregory Melleuish, Australian Scholarly Publishing, Melbourne, 2001, pp. 52–3.
- <sup>9</sup> Gregory Melleuish, 'The Sydney intellectual milieu, c.1850–c.1865', unpublished MA thesis, University of Sydney, 1980, Hirst, *The Strange Birth of Colonial Democracy*, pp. 266–74.
- <sup>10</sup> West, *Union Among the Colonies*, Melleuish, *The Sydney intellectual milieu*, pp. 75–83.
- <sup>11</sup> Mark Francis, *Governors and Settlers: Images of Authority in the British Colonies, 1820–1860*, Canterbury University Press, Christchurch, 1992, Chapter 2.
- <sup>12</sup> On popular politics and British constitutionalism in New South Wales see Paul A Pickering, ' "The Oak of English Liberty: Popular Constitutionalism in New South Wales, 1848–1856"', *Journal of Australian Colonial History*, Vol. 3, No. 1, April 2001, pp 1–27, on utilitarianism see John Gascoigne, *The Enlightenment and the Origins of European Australia*, Cambridge University Press, Cambridge, 2002, pp. 38–44.
- <sup>13</sup> See Keith Tribe, *Governing economy: The reformation of German economic discourse 1750–1840*,: Cambridge University Press, Cambridge, 1988.
- <sup>14</sup> On political ideas see, amongst others, Alan Atkinson, 'Time, Place and Paternalism: Early Conservative Thinking in New South Wales', *Australian Historical Studies* Vol. 23, No. 90, 1988, pp. 1–18, L. J. Hume, 'Foundations of Populism and Pluralism: Australian Writings on Politics until 1860', in *Australian Political Ideas*, Geoff Stokes (ed), University of New South Wales Press, Sydney, 1994. Gregory Melleuish, 'Daniel Deniehy, Bede Dalley and the Ideal of the Natural Aristocrat in Colonial New South Wales', *Australian Journal of Politics and History* Vol. 33 No. 1, 1987, pp. 45–59, Gregory Melleuish, *A Short History of Australian Liberalism*, Sydney, Centre for Independent Studies, 2001, Part 1. On MacKenna see Mark Francis, 'Histories of Australian Republicanism', *History of Political Thought*, Vol. XXII, No. 2, Summer 2001, pp. 351–362.
- <sup>15</sup> For two rare exceptions see Anne Coote, 'Imagining a Colonial Nation: The Development of Popular Concepts of Sovereignty and Nation in New South Wales between 1856 and '1860', *Journal of Australian Colonial History*, Vol. 1, No 1, April 1990, pp. 1–37 and A. R. Buck, 'The Poor Man: rhetoric and culture in mid nineteenth century New South Wales', *Australian Journal of Politics and History*, Vol. 42, No. 2, 1996, pp. 203–219..
- <sup>16</sup> Eg 'Plain Directions for Voting by Ballot', *Sydney Morning Herald*, 9 June, 1859, p. 4, *Sydney Morning Herald*, 18 April, 1859, p. 4.
- <sup>17</sup> Henry Parkes, *The Electoral Act and How to Work It*, Sydney, 1859, pp. 6–8.
- <sup>18</sup> *Sydney Morning Herald*, 7 June, 1859, p. 4. 21 June, 1859, p. 4.
- <sup>19</sup> *Empire*, 21 June, 1859, p. 4.
- <sup>20</sup> 'Nomination for East Sydney', *Sydney Morning Herald*, 8 June, 1859, p.6.
- <sup>21</sup> *Empire*, 9 June, 1859, p. 4, 'A general view of the new Legislative Assembly', *Sydney Morning Herald*, 13 July, 1859, p. 3.

- <sup>22</sup> *Sydney Morning Herald*, 7 June, 1859, p. 4.
- <sup>23</sup> *Empire*, 10 June, 1859, p. 4.
- <sup>24</sup> *Empire*, 23 June, 1859, p. 4.
- <sup>25</sup> *Sydney Morning Herald*, 23 May, 1859, p. 4.
- <sup>26</sup> *Sydney Morning Herald*, 21 June, 1859, p. 4.
- <sup>27</sup> *Empire*, 10 June, 1859, p. 4, 16 June, 1859, p. 4, 23 June, 1859, p. 6, 27 June, 1859, p. 4.
- <sup>28</sup> *Sydney Morning Herald*, 8 June, 1859, p. 3.
- <sup>29</sup> David Hempton, *Religion and political culture in Britain and Ireland: From the Glorious Revolution to the decline of empire*, Cambridge University Press, Cambridge, 1996, pp. 33 ff.
- <sup>30</sup> *Empire*, 7 (actually 8) June, 1859, p. 4.
- <sup>31</sup> *Sydney Morning Herald*, 1 July, 1859, p. 4.
- <sup>32</sup> *Empire*, 14 June, 1859, p. 4.
- <sup>33</sup> *Sydney Morning Herald*, 1 June, 1859, p. 4, 13 May 1859, p. 4.
- <sup>34</sup> *Sydney Morning Herald*, 1 June, 1859, p. 4.
- <sup>35</sup> *Empire*, 18 June, 1859, p. 4.
- <sup>36</sup> The style and content of these articles mark them out as written by Woolley. 'Modern Democracy', *Empire*, 23 May, 1859, p. 4, 'Modern Democracy No. 2', *Empire*, 30 May, 1859, p. 4, 'Mr Parkes for East Sydney', *Sydney Morning Herald*, p. 5.
- <sup>37</sup> *Sydney Morning Herald*, 3 June, 1859, p. 4.
- <sup>38</sup> *Empire*, 6 June, 1859, p. 4.
- <sup>39</sup> *Empire*, 21 June, 1859, p. 4.
- <sup>40</sup> *Empire*, 24 June, 1859, p. 4, 2 June, 1859, p. 4.
- <sup>41</sup> *Empire*, 24 June, 1859, p. 4.
- <sup>42</sup> *Empire*, 18 June, 1859, p. 4, 'Political Summary', *Sydney Morning Herald*, 13 July, 1859, p. 3.
- <sup>43</sup> Linda Colley, *Britons: Forging the Nation 1707-1837*, Yale University Press, New Haven, 1992, especially chapter 1.
- <sup>44</sup> *Freeman's Journal*, 7 May 1859, p. 2.
- <sup>45</sup> 'A general view of the new Legislative Assembly', *Sydney Morning Herald*, 13 July, 1859, p. 3.
- <sup>46</sup> *Sydney Morning Herald*, 9 May, 1859, p. 4.
- <sup>47</sup> *Empire*, 28 June, 1859, p. 4, also *Sydney Morning Herald*, 18 May, 1859, p. 4.
- <sup>48</sup> *Sydney Morning Herald*, 4 June, 1859, p. 6.
- <sup>49</sup> *Empire*, 27 May, 1859, p. 4.
- <sup>50</sup> *Empire*, 15 June, 1859, p. 4.
- <sup>51</sup> *Empire*, 7 June (actually 8 June), 1859, p. 4.
- <sup>52</sup> *Empire*, 23 June, 1859, p. 4.
- <sup>53</sup> 'Political Summary', 'A general view of the new Legislative Assembly', *Sydney Morning Herald*, 13 July, 1859, p. 3.
- <sup>54</sup> *Sydney Morning Herald*, 25 June, 1859, p. 4.
- <sup>55</sup> *Empire*, 16 June, 1859, p. 4, 23 June, 1859, p. 4.
- <sup>56</sup> *Empire*, 23 June, 1859, p. 4.
- <sup>57</sup> *Empire*, 27 June, 1859, p. 4.
- <sup>58</sup> *Empire*, 28 June, 1859, p. 4.