

THE FEDERAL MOVEMENT IN TASMANIA

1880 - 1900

by

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Submitted in fulfilment of the requirements for
the degree of:

MASTER OF ARTS

UNIVERSITY OF TASMANIA

HOBART

31st December 1971.

This thesis contains no material which has been accepted for the award of any other degree or diploma in any university, and, to the best of my knowledge and belief, contains no copy or paraphrase of material previously published or written by another person, except when due reference is made in the text of the thesis.

A handwritten signature in cursive script, reading "C.J. Craig". The signature is fluid and elegant, with the first letters of each name being capitalized and prominent.

C.J. CRAIG.

31 December, 1971.

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CHRONOLOGY

- 1856 Tasmania attains self-government. Twenty years of economic depression.
- 1857 Gavan Duffy of Victoria proposes intercolonial conference on federation. Tasmanian government appoints delegates, but conference never held.
- 1867 Henry Parkes, Premier of New South Wales, suggests formation of a Federal Council.
- 1870's Discovery of tin, copper, silver and gold give lift to Tasmania's economic situation.
- 1879 William Robert Giblin becomes Premier of Tasmania. Coalition Ministry formed. Economic depression begins to lift.
- 1881 Intercolonial Conference at Sydney. Henry Parkes' suggestion for formation of Federal Council supported by Tasmanian delegates, but not adopted by Conference.
- 1883 Intercolonial Conference at Sydney discusses French and German interest in Pacific Islands. Decision to form Federal Council.
- 1884 German annexation of Papua and Samoa. Joint protest by Colonies.
- 1885 Federal Council Act passed by Imperial Parliament.

1886 25 January - Federal Council meets for first time, in Hobart. New South Wales not represented.

Annexation of New Hebrides by France.

1887 Imperial Conference held in London. Imperial federation discussed.

1888 16 January - Federal Council meeting in Hobart.

13 June - Intercolonial Conference in Sydney on Chinese immigration.

30 November - Federal Council Enabling Bill passed through South Australian Parliament.

1889 29 January - Federal Council meeting in Hobart. Attended by Tasmania, Victoria, Queensland and South Australia,

Report by Major-General Bevan Edwards on Australian defence.

24 October - Sir Henry Parkes in speech at Tenterfield calls for appointment of a National Convention to draft a federal constitution.

1890 6 February - Preliminary conference on National Convention held in Melbourne.

1891 20 January - Federal Council meeting in Hobart.

2 March - Federation Convention begins in Sydney. A.I. Clark of Tasmania offers convention a draft constitution and is

made member of drafting sub-committee. Convention adopts draft constitution based largely on A.I. Clark's.

1891 22 July - Debate on Constitution Bill begins in Tasmanian Parliament.

November - Constitution Bill dropped by Tasmanian government due to lack of action by New South Wales.

1893 26 January - Federal Council meeting.

31 July - Dr. John Quick's Federal Conference at Corowa N.S.W. No Tasmanian delegates.

1894 August - George Reid, Premier of New South Wales, calls for a new convention on federation.

1895 29 January - Premiers of colonies meet in Hobart.

30 January - Sixth session of Federal Council opened.

31 January - Premiers issue statement calling for a convention consisting of ten representatives from each colony, directly chosen by the electors, and that the Constitution framed by this convention be submitted to the electors for acceptance or rejection by a direct vote.

7 August - Federal Enabling Bill introduced in the Tasmanian Parliament to allow for election of delegates to the proposed convention.

- 1895 20 December - New South Wales and Victoria pass Federal Enabling Bill

- 1896 9 January - Federal Enabling Bill passed by Tasmanian Parliament.

- 1897 27 January - Federal Council meeting in Hobart.

- 2 February - Premiers' Conference in Hobart.

- 4 March - Election of delegates to Federal Convention held.

- 22 March - Federal Convention opens in Adelaide - Commonwealth Bill prepared.

- 21 July - Tasmanian House of Assembly debates Commonwealth Bill.

- 1898 March - Federal Convention ends in Melbourne.

- 3 June - First Federal Referendum - fails to gain required number of 80,000 "Yes" votes in N.S.W.

- 1899 29 January - Premiers' Conference in Melbourne agrees to alter Commonwealth Bill to suit N.S.W.

- 20 June - Second Federal Referendum carried in all the participating colonies - Tasmania, Victoria, N.S.W., Queensland and South Australia.

1900 14 May - Commonwealth Bill introduced into the House of Commons.

31 July - Referendum in Western Australia - approval given.

17 September - Queen Victoria signs proclamation of Commonwealth of Australia.

TASMANIAN PREMIERS 1879 - 1903

1879	William Robert Giblin
1884	Adye Douglas
1886	James Agnew
1887	Philip Oakley Fysh
1892	Henry Dobson
1894	Edward Braddon
1899	Neil Elliot Lewis

NOTE ON SOURCES

There is no Tasmanian Hansard. Newspapers of the period, particularly the Mercury, gave reasonably full accounts of Parliamentary debates. It has been found convenient to also cite the formal passing of motions and bills in the Tasmanian Parliament from newspaper sources rather than the Parliamentary Journals.

INTRODUCTION

Tasmania's interest in the movement towards federation in Australia first found expression almost immediately after the attainment of responsible government in 1856. In 1857 Charles Duffy, newly elected to the Victorian Legislative Assembly, persuaded the Victorian Parliament to appoint a select committee which recommended that an intercolonial conference be held to frame a plan of federation for the Australian colonies. The Tasmanian government hopefully appointed delegates to the conference, but it was never held. A change of government in New South Wales prevented recommendations based on the Victorian report from being adopted.¹ However Tasmania maintained a continued interest in intercolonial matters.

The erection of Customs Houses on state boundaries led to an intercolonial conference on a customs union and intercolonial tariffs in Melbourne in 1863. The conference was

1. C. D. Allin, The Early Federation Movement of Australia, Ontario, 1907, pp. 373 - 386.

the first of a series of failures. Tasmania convened another conference in Melbourne in 1870 at which New South Wales, Victoria, South Australia and Tasmania agreed to effect intercolonial free trade. However the adoption of a protectionist policy in Victoria, forced on the Victorian government by the editor of the Age, David Syme, prevented the agreement being put into practice. Other matters such as defence, lighthouses and overseas postage were also the subjects of intercolonial conferences.

Tasmania throughout this early period had been a keen supporter of any moves to lower inter-colonial tariff barriers and establish closer links with the other colonies. Self-government had been gained in 1856, but the hoped for prosperity that Victoria and New South Wales enjoyed did not automatically follow. Firstly the end of transportation meant the end of the solid financial support for the colony which

the British Government had been providing up to that time. Secondly the discovery of gold in Victoria and the greater possibilities of employment in the mainland colonies resulted in the loss of large numbers of Tasmania's young men, and a general loss of initiative and energy in those remaining.

Twenty years of economic depression did not lift until the discovery of tin, copper, silver and gold in the 1870's. Even then it was only a temporary lift before the onset of the more general depression of the 1890's which, among other things, forced the closure of the Bank of Van Diemen's Land in 1891.²

Other economic difficulties were caused by Victoria pursuing its policy of protection which, while advantageous to Victoria, served only to exclude Tasmania from trade with the colony nearest her. Tasmania maintained

2. H. Reynolds, The Island Colony, M.A. Thesis, Uni. of Tas. 1963. pp. 26, 219.

an interest in intercolonial reciprocity with Victoria, and even discussed annexation to Victoria in the hope of alleviating economic difficulties. However despite various communications with the Victorian government on these matters nothing positive came of them.

The proportionately large ex-convict population following the end of transportation fortified the conservative trend of Tasmanian politics during the first generation of responsible government. The free settlers were apprehensive of political democracy and the concomitant threat of emancipist domination.³ The sense of internal insecurity came to a head in 1869, when the Imperial Government proposed to withdraw the last detachment of British troops from the colony. Cabinet reacted

3. H. Reynolds, That Hated Stain, Historical Studies, Oct. 1969, Vol. 14, No. 53, p. 19.

sharply, warning the Governor that news of the soldiers' removal could cause some serious disturbances or perhaps catastrophe.⁴

The sense of external insecurity was heightened by the war scares associated with the Franco-Prussian war of 1870 and by fears of Russian invasion. Russia, it was believed, had imperial designs on Southern Australia, and gun emplacements were built on the banks of the Derwent river. Although the fears proved groundless it is clear that a small population separated from larger populations of common origin by an expanse of water might well fear to be isolated and alone against a possible common enemy. Although a cable was laid between Tasmania and the mainland in 1859 it had a life of a few months only, and it was not until 1869, when a second cable

4. Ibid.

was laid, that Tasmania had permanent connection with the telegraph systems of the other colonies on the mainland.⁵

Despite the speed with which cable messages could be transmitted, the real problem was the sailing time. Although steamships were common in the 1870's and could average ten knots they were still subject to the vagaries of the weather. A trip from Melbourne to Hobart by sailing vessel could take as long as five days.

Given ideal sailing conditions there was no guarantee that the mainland colonies would come to Tasmania's aid in the event of an attack as there was no agreement on defence. It was believed that the British Navy would guarantee Australia's defence, but disillusionment followed the failure of Britain to prevent German and French annexation of New Guinea and the New

5. Australian Encyclopaedia, Vol. 7, p. 243a. (Sydney, 1958).

Hebrides in the 1880's.

Therefore economic, political and defence problems all accentuated Tasmania's sense of isolation and insecurity, and increased her interest in union or federation with the mainland colonies. Federation was favoured more than union, because under federation some vestige of colonial independence would be left. As will be shown there was no real anti-federation movement in Tasmania as there was in New South Wales. Although the principal initiatives in the Federation movement came from the mainland colonies, Tasmanian politicians were generally enthusiastic and did good work in Parliament and at public meetings. The absence of party divisions on this issue gave a sense of unity to their purpose. They were very conscious of the economic advantages of federation, but were not unaware of the ideals of the movement. Idealism in the Tasmanian attitude tended to centre around the 'Loyalty to

Britain' sentiment rather than the sentiment of Australian nationalism which was hardly felt in Tasmania until the late 1890's. Proposals for Imperial federation (a world-wide federation of all British Colonies) were widely disseminated in Australia in the 1880's, and Tasmanian politicians often saw the Australian federation movement in this context.

It is important to emphasize here that it was the politicians who led the movement in Tasmania. In fact they often had to prod an apathetic public to take interest in the matter. There were no Tasmanian delegates to Dr. John Quick's convention of Federal Leagues at Corowa, N.S.W., in 1893, and only one to the People's Convention at Bathurst in 1896. This was George Davies, a member of parliament. The Northern Tasmanian and Southern Tasmanian Federal Leagues were not formed until 1898. At the election held in March 1897 to choose Tasmania's representatives to the 1897

Federal Convention only 25% of 30,335 electors voted, and 1 out of 7 of the votes cast was informal. At the referendums of 1898 and 1899 less than 50% of the electors exercised their right to make a choice.⁶ It cannot be argued, therefore, that Tasmania's politicians were responding to a strong popular demand.

It is also important to note that there was no organised opposition to federation as such, although doubts were expressed about the terms agreed to at the 1897 Convention. A virulent campaign against federation, as in New South Wales, may have created greater interest, but in Tasmania it was recognised that the main obstacle was public apathy. In an age when governments often lag behind in public opinion or show a too sensitive concern for the popularity of their policies it seems strange that federation could have been carried forward by Tasmania's politicians with so little public backing. However Tasmania

6. Mercury, 12 March 1897; 28 July 1899. See below - Appendix II.

in the last century was not a popular democracy. The powers of the colonial governor, handed over in 1856, were largely retained by the landed gentry and propertied classes, who kept this power to themselves by retaining a restricted franchise and plural voting. Democracy was disapproved of and thought to mean mob rule. This conservative attitude can be largely explained by the resentment felt against the large number of ex-convicts in the colony. Any suggestion that Jack was as good as his master was stopped by the Master and Servant Act of 1856, which went so far as to give masters the right of summary arrest and prohibit servants from giving evidence against their masters in court. The Act was not reformed until 1884 and 1887.⁷

Tasmania was therefore governed by an elite who believed that they knew what was good for the colony and that

7. H. Reynolds, That Hated Stain. op.cit.

their duty was to provide leadership rather than reflect popular inclination. Although reforms were made in the eighties and the franchise widened, full manhood suffrage was not granted until the coming of federation in 1901. However the fact that Tasmania was not a democracy in the modern sense should not be taken as a condemnation of her politicians, at least as far as the federation movement was concerned. If we regard federation as a good and desirable thing to aim for, in this respect Tasmanian politicians must be regarded as virtuous. They took every opportunity to encourage the movement at home and on the 'continent', as the mainland was referred to. They also included among their number a man of outstanding ability whose influence on the Australian Constitution was profound - Andrew Inglis Clark, constitutional lawyer and a father of federation.

The politicians were assisted in their task by the

Tasmanian press, which also took an elitist view of its role. All the newspapers supported the notion of federation; however the southern papers, in particular the Hobart Mercury, raised doubts about the financial safeguards and whether Tasmania could afford to join. This proved to be the only really contentious issue in the Tasmanian campaign. There were also fears that free trade between the states under federation would be disadvantageous to the wheat growers, but it was the finance question which was raised most often in argument. It must be admitted that complicated calculations about customs revenue were probably not understood by the majority of people, but the caution expressed by the Mercury and R.M. Johnson, the government statistician, was probably a major factor in what support there was for the "No" vote at the 1898 referendum. The "No" vote was soundly defeated however by six to one.

Analysis of appeals made to voters by the "Vote Yes"

campaigners suggest that although the new sense of Australian nationalism played a part it was really the hope of economic advantage and the fear of being left out that persuaded most voters to leave the word "Yes" on their referendum ballot papers. The loss of the shipbuilding industry, the economic depression of the eighties, and the decline of the once highly profitable whaling industry had induced a sense of despondency among Tasmanians.⁸ There was a speaker at Federal League meetings who apparently got to the core of the matter:-

"Gentlemen," he would say, "if you vote for the Bill you will found a great and glorious nation under the bright Southern Cross, and meat will be cheaper: and you will live to see the Australian race dominate the Southern Seas, and you will have a market for both potatoes and apples: and your sons shall reap the grand heritage of nationhood, and if Sir William Lyne does come back

8. H. Nicholls, *The Struggle in Tasmania*, Appendix II of The Making of the Australian Commonwealth, B.R. Wise, London, 1913.

to power in Sydney he can never do you one pennyworth of harm."⁹

Such an argument was difficult to resist, and when the vote was taken in 1898 only five electorates out of thirty-one voted "No." They were all wheat growing districts, and felt themselves threatened by open competition with the large granaries of Victoria and South Australia.

At the second referendum in 1899 the "No" vote fell away and the percentage in favour (94%) was the highest in the Australian colonies. Fifty years of prodding by the politicians, the press and public-spirited citizens at last met with success.

9. Ibid.

CHAPTER 1.

THE POLITICIANS, THE PRESS AND THE FEDERAL COUNCIL.

1. THE POLITICIANS.

The long economic depression which Tasmania suffered up until the early 1880s was accompanied by a political depression in which successive governments, riddled with factionalism, struggled to keep themselves in power and the economy at bay. With the opening of the tin mines at Mt. Bischoff and at Mt. Heemskirk and the gold mine at Beaconsfield in the 1870s Tasmania's economy improved markedly. The new confidence engendered by the provision of employment, the expansion of local markets and the inflow of capital found its way into the political arena. In 1879 William Robert Giblin (1840 - 87) formed a Coalition Ministry which, by uniting the faction leaders, gave Tasmania its first period of stable government for many years. Giblin was born in Hobart in 1840, and in 1864 was admitted as a barrister and solicitor. In 1869 he was elected unopposed to the

House of Assembly as member for Hobart. He held the post of Attorney-General in two ministries, but in the elections of 1877 he lost his seat. He was elected soon afterwards for Wellington, and became first Attorney-General then Treasurer in the ministry of Philip Fysh. Giblin's Coalition Ministry remained in office for five years, and succeeded in straightening out the shaky finances of the colony and built roads and railways.¹ His role as a Tasmanian federalist was a small one but important. He ably represented Tasmania at the intercolonial conferences of 1881 and 1883 and supported Henry Parkes' suggestions for the establishment of a Federal Council. He believed in the value of a federal union of the colonies although he did not see that questions involving the annexation of Pacific Islands by France and Germany or even Chinese immigration into the Australian colonies needed to concern Tasmania. To him these problems seemed remote.

1. Australian Encyclopaedia. Vol. 4, p. 289.

However he kept Tasmania in contact with the federal movement such as it was in the early 1880s. Giblin resigned the Premiership in August 1884 due to ill health.

Adye Douglas (1815 - 1906), an English born solicitor who emigrated to Tasmania in 1839, succeeded Giblin to the Premiership. Douglas was one of the few original members of the House of Assembly when he became Premier, having been elected member for Launceston when responsible government was introduced. In 1857, in the course of his travels abroad, he saw the Second French Empire at its zenith and in the United States the rising social crisis which was to end in civil war. This latter experience made him an ardent supporter of the federal movement in Australia.² On becoming Premier in 1884 he resigned his seat in the Assembly and was elected to the Legislative Council as

2. Premiers and Political Leaders, John Reynolds - Tasmania, A Century of Responsible Government, 1856 - 1956, ed. F.C. Green, Hobart, 1956. p. 165.

member for South Esk. He held office until March 1886, when he resigned to become Agent-General for Tasmania in London. He was one of Tasmania's representatives at the Imperial Conference held in London in 1887. Douglas returned to Tasmania at the end of 1887 and was re-elected to the Legislative Council in 1890. From 1892 to 1894 he was Chief Secretary in the Dobson government, and he then became President of the Legislative Council.³

Douglas was one of Tasmania's first two representatives on the Federal Council when it met in Hobart in January 1886. He also had something of Giblin's view that events in the Pacific were a long way from Tasmania. However he was a keen federalist and was one of Tasmania's representatives at the Federal Conventions of 1891 and 1897.

3. Australian Encyclopaedia. Vol. 3, p. 273.

In 1887 Philip Oakley Fysh (1835 - 1919) became Premier. Fysh was a Londoner who emigrated to Tasmania in 1859 and who in 1862 established the firm of P.O. Fysh and Company, General Merchants. He was elected to the Legislative Council in 1866, and to the House of Assembly in 1873. He became Premier in 1877 for the first time but lost his seat the following year. In 1884 he was elected to the Legislative Council for Buckingham and in 1887 became Premier and Colonial Secretary in his second ministry - a ministry which lasted for more than five years. He was Treasurer in the Braddon ministry from 1894 to 1898, when he was appointed Agent-General for Tasmania in London. He was elected a member of the House of Representatives in the first Federal Parliament.⁴

Fysh was an active federalist and represented

4. Ibid. Vol.4, p. 237.

Tasmania at the Federal Conventions of 1891 and 1897, was on the Federal Council, and was a member of the Australian delegation that watched the passing of the federal Bill through the Imperial Parliament in 1900. Such was Fysh's popularity that when in 1897 Convention delegates were for the first time elected by the people he topped the poll. Fysh saw the advantages of federation in terms of commerce, defence and the sovereignty of the states. It was a practical man's approach uncluttered by idealistic vision. As Treasurer during the critical period before the federal referendums of 1898 and 1899 Fysh became greatly involved in public debate defending the cost of federation to Tasmania. In 1887, during his second premiership, Fysh appointed two men to the Federal Council who were to have a profound effect on the federation movement, not only in Tasmania but for all the Australian colonies. They were Andrew Inglis Clark and Edward Braddon.

A.I. Clark (1848 - 1907) was born in Hobart and trained as a lawyer, being admitted to practice in 1877. He was one of the founders of the Minerva Club, which devoted itself to literary and intellectual pursuits and to promoting liberal ideas. Clark was elected to the House of Assembly for Norfolk Plains in July 1878, but was defeated in 1882. In 1887 he was returned for South Hobart and became Attorney-General in the Fysh Ministry. Clark was a great admirer of the system of government in the United States, a fact of utmost importance for the federal movement.⁵ When he went to Sydney to represent Tasmania at the Federal Convention of 1891 he presented to the Convention a draft constitution based largely on that of the United States. He was appointed by the Convention to the Constitutional Committee and the Judiciary Committee. The Constitutional Committee consisted of Sir Samuel Griffith (Queensland), C.C. Kingston (South Australia), Edmund Barton (Victoria), and Clark. The constitution presented to the

5. J. Reynolds, "A. I. Clark's American Sympathies & His Influence on Australian Federation", Aust. Law Journal, Vol. XXXII, pp. 62-66.

Convention by the committee showed the influence of Clark's American ideas and was the model for the constitution finally adopted at the 1897 Convention and approved by the Australian people at the referendums of 1898 and 1899. Due to poor health Clark was absent overseas during the elections to the 1897 Convention. When he returned he expressed caution as to the financial provisions of the proposed constitution, believing they would disadvantage Tasmania. He remained virtually silent during the referendum campaigns, to the disappointment of the federationists. However his major contribution had been to persuade the Convention of 1891 and federationists in general to accept the United States Constitution as a model rather than the Canadian. In essence this meant constitutional guarantees of State sovereignty and specific limits on the powers of the federal government with an independent High Court to decide in individual cases where the limits of power, both State and Federal, actually lay. Alfred Deakin, who saw him at the 1890

Conference described him as; "Small, spare, nervous, active, jealous and suspicious in disposition, somewhat awkward in manner and ungraceful in speech, he was nevertheless a sound lawyer, keen, logical and acute."⁶

Edward Braddon (1829 - 1904) was born in England and 1847 went to India where he entered the Indian Civil Service. He retired with a pension in 1878 and went to Tasmania. He was elected member for West Devon in 1879 and represented that constituency for ten years. He was Agent-General for Tasmania in London from 1888 to 1893, and on his return was again elected member for West Devon. In April 1894 he became Premier and held office until 1899, the longest period any government had been in power to that date in Tasmania. He was elected to the first Federal parliament and joined Reid's 'free trade' party.⁷

6. Alfred Deakin, The Federal Story, Melbourne, 1944. p. 30.

7. Australian Encyclopaedia. Vol. 2, p. 94.

Braddon was an active advocate of federation. As well as representing Tasmania on the Federal Council he was elected to represent the colony at the Federal Convention of 1897 -'98, being second to Fysh in popularity. It was at the 1897 Convention that Braddon proposed a solution to the problem of redistributing customs duties, the collection of which the colonies would hand over to the Commonwealth. This issue, the "lion in the path" as James Service, the Victorian Premier, described it, was of the greatest importance, as most of the colonies' revenue came from this source. Various ideas had been put forward and rejected until Braddon suggested that the Commonwealth should keep one quarter, and the remaining three quarters be distributed among the states. Free traders in New South Wales objected on the grounds that this would force the Commonwealth to raise protective duties in order to find the revenue required. After the first referendum had failed to reach the required number of "Yes" votes in New South Wales

the Premiers agreed that the arrangement should continue for only ten years, and Braddon's suggestion was written into the Constitution as clause 87. The clause became known as "Braddon's Blot" in New South Wales, but it was at least a compromise solution to an issue which threatened to wreck even the Constitution itself. Deakin described Braddon as the most distinguished looking delegate at the 1897 Convention, a most amiable cynic, an accomplished strategist and an expert administrator. "He was no speaker, jerky, nervous and without flow, but for all that had a certain warmth and clearness of expression which but for a helpless manner would have made him pleasant to hear. An admirable negotiator he introduced into the Convention an element of manners in which it was by no means affluent."⁸

Other prominent politicians who should be mentioned

8. The Federal Story, p. 70.

here were Henry Dobson, Premier from 1892 to 1894, and a Tasmanian representative at the 1897 Convention; Neil Elliot Lewis, Premier from 1899 to 1903 and a representative at the 1897 Convention; and Bolton Stafford Bird, who represented Tasmania at the 1890 and 1891 Conventions. Bird was an enthusiastic federationist and stood for election to the 1897 Convention, but to everyone's surprise was not elected. He was afterwards critical of the financial arrangements agreed to by the Convention, and joined A.I. Clark in becoming something of an anti-billite.

Apart from doubts about the cost of federation to Tasmania, which arose only after the 1897 -'98 Convention, the politicians were united in their earnest desire to see Tasmania join a federal union. Each government made determined efforts to promote the federal cause at home and on the mainland. There is no doubt that economic factors, in

particular Victoria's protectionist policies, were a powerful influence, but there was also a 'virtuous' quality about it in which federation was seen as an ideal, a uniting of loyal British subjects, and even, by men like Clark, as an expression of Australian nationalism.

2. THE PRESS.

Between 1880 and 1901 fourteen newspapers of reasonable continuity were printed in Tasmania. Only three of these - the Hobart Mercury, its weekly subsidiary the Tasmanian Mail and the Launceston Examiner covered the whole period. Nine of the papers started after 1880, while two which had started in the 1870's - the semi-weekly Devon Herald (1877 - 1889) and the weekly Tasmanian (1872 - 1895), a subsidiary of the Examiner, closed before the end of the period.

In Hobart the Mercury dominated. It was founded in 1854 by John Davies, who had been a journalist in India, and whose family retained control of the paper during the course of its history. It spent much of its time absorbing other papers, including the Tasmanian News which ran daily in competition with the Mercury from 1883 to 1911. From 1893 to 1909 the Clipper, a radical paper, appeared weekly. Under the editorship of W.A. Woods and James Paton it was able to provide an alternative, sometimes an extreme alternative, to the conservatism of the Mercury and the News.

In Launceston the Examiner, started in 1842, found a rival in the Telegraph, a semi-weekly started in 1881 which became the Daily Telegraph in 1883, and which lasted until 1928. In 1891 the Tasmanian Democrat appeared semi-weekly and ran until 1898. It then changed its name to the Federalist in support of the federation movement, but was discontinued in

1899. The Launceston papers were generally of a liberal disposition.

Semi-weekly papers appeared in other Tasmanian towns, and these were:

Latrobe: The Devon Herald (1877 - 1889) and the North Coast Standard (1890 - 1894).

Devonport: The North West Post (1887 - 1916).

Burnie: The Wellington Times, started in 1890, became in 1897 the Emu Bay Times and North-West and West Coast Advocate, in 1899 the North Western Advocate and the Emu Bay Times, and eventually the Advocate.

Queenstown: The Mt. Lyell Standard (1896 - 1902).

Zeehan: The Zeehan and Dundas Herald (1890 - 1922).

Two monthly papers, the Catholic Monitor and the Anglican Church Messenger, should also be mentioned here.⁹

9. Newspapers in Australian Libraries, National Library of Aus., Canberra, 1967.

This proliferation of newspapers in the 1880's and 1890's can be partly explained by the growing literacy rate, dissatisfaction with the 'establishment' papers - the Mercury and the Examiner, as well as by the growing population in the mining towns of the West Coast. While the number of papers available then stands in contrast to the number available now it is likely that the absence of fast transport for early morning deliveries was a factor in encouraging the local papers who, after all, could better serve the local interests.

Although the papers were to a very large extent parochial their role in Tasmania's federal story is of vital importance because it was by this means above all that the politicians reached the public. The politicians were the prodders and stirrers of the movement, and what they said and what was thought of what they said helped to make the news of the day. . Although the Australian Natives

Association and the Launceston and Hobart Federal Leagues became active in the nineties and called many public meetings it was the newspapers who determined what opinions should reach the greatest number of people.

In this matter there was an interesting difference of attitude between the Hobart papers and those published elsewhere. The Mercury, its subsidiary the Tasmanian Mail, the Tasmanian News and the radical paper the Clipper, although in favour of the idea of federation, were cautious of the actual proposals put to the people in the Federal Referendums, although for very different reasons. The conservative papers, notably the Mercury, whose editor, Henry Nichols, had been a member of A.I. Clark's Minerva Club, opposed the Constitution Bill for being too democratic and not providing enough financial safeguards. In contrast the radical Clipper, edited by W.A. Woods and James Paton, claimed the Bill was

not democratic enough, and that the federation movement was in the hands of the employers who wanted to put down the increasingly active trade unions. Paton helped form the Democratic League which put up ten candidates, including himself for election to the 1897 Convention. None of them got in. The electors preferred to elect the well known men who were all leading politicians. In any case the 'establishment' papers had urged voters to avoid the democratic ticket.

Outside of Hobart newspaper support for federation was strong. In the north and west of the island merchants, potato farmers and miners found their closest contacts were with the mainland markets rather than with Hobart. The prospect of free trade had great attraction for them and their views found expression and active support in the local papers. In Launceston the Examiner, under its editor

Frederick Pritchard, and the Daily Telegraph, edited by John Gunning, campaigned strongly for the 'Yes' vote and helped to boost attendance at meetings of the Australian Natives Association and the Northern Tasmanian Federal League. Other papers such as the North West Post, the Emu Bay Times, the Mt. Lyell Standard and the Zeehan and Dundas Herald added their weight to the movement for unity. Church leaders also supported the federation movement from the pulpit and in their papers, the Catholic Monitor and the Anglican Church Messenger. They were inclined to see federation as an expansion of the brotherhood of Man. Mention should also be made of the Tasmanian Federalist, a single edition of which was put out by the Southern Tasmanian Federal League under the presidency of F.W. Piesse, M.H.A., and sent to every elector in the colony.

3. THE FEDERAL COUNCIL

It was at the inter-colonial conference of 1867 that Henry Parkes, Premier of New South Wales, proposed the formation of a Federal Council to deal with matters of common concern between the colonies. His idea was not adopted then but at the intercolonial conference held in Sydney in 1881 Parkes submitted a Federal Council Bill for approval.¹⁰ The conference had been called to discuss the restriction of Chinese immigration, an Australian Court of Appeal, border customs duties and military and naval matters. The Tasmanian delegation, consisting of the Premier, W.R. Giblin, and the Colonial Secretary, Moore, agreed to introduce legislation restricting Chinese immigration although not seeing much need for it as there were few Chinese in Tasmania. Although Tasmania's representatives took part in the discussions at the conference the only positive move was an amendment made

10. K. R. Cramp, State and Federal Constitutions of Australia, Sydney, 1913, pp. 132, 133.

by Giblin to the Naval and Military Defences Motion. He proposed a change in the wording of the motion to insist that "the naval defence of these Colonies should continue to be in the exclusive charge of the Imperial Government."¹¹ The amendment was agreed to unanimously by the conference, a fact symbolic perhaps of the weakness of the individual colonies and the strength of Imperial sentiment. However Parkes' Federal Council Bill was rejected by the conference. Although Tasmania and South Australia supported the idea the other colonies did not. They saw no need for a Federal Council and thought the idea premature.¹¹

Press opinion in Tasmania had not regarded the 1881 conference with much hope from the federation point of view¹²

11. Tas. House of Assembly Journals, Vol. XLI, Paper 43, 1881.

12. Mercury, Examiner, 3 January 1881.

however by the time the next intercolonial convention met in Sydney in 1883 an entirely new situation had developed.

German interest in New Guinea and French interest in the New Hebrides caused alarm in the Australian colonies. Queensland had attempted to annex New Guinea in April of 1881, but her action had been disowned by the Imperial Government, causing some lack of faith in the protection which British Imperial power, especially as manifested in the Navy, was supposed to give. Victoria's proposal to annex the New Hebrides also excited a great deal of interest. Officially Tasmania did not look upon annexation as an immediate necessity, but was still "Willing to co-operate with the other Australian colonies in urging the Imperial Government to take steps to prevent any of the islands between New Guinea and the New Hebrides being annexed by any foreign power."¹³ Despite this apparent lack

13. Mercury, 16 June 1883.

of official concern, no doubt caused by the feeling that it was all happening a long way from Tasmania, both the Mercury and the Examiner regarded the 'annexation' convention as the most important convention held in the Australian colonies.¹⁴

The most important result of the convention was the adoption of the Federal Council Bill. Under the terms of the Bill each self-governing colony was to be represented on the Council by two members, Crown colonies having one member each. The province of the Council was to be purely legislative, having no executive powers and no control over revenue or expenditure. On seven specified matters it was to have original jurisdiction. They were:

The relations of Australasia with the islands of the Pacific.

Prevention of the inflow of criminals.

14. Mercury, 28 November 1883, Examiner, 4 December 1883.

Fisheries in Australian waters outside territorial limits.

Service of civil process.

Enforcement of judgements and of criminal process outside the limits of each Colony.

Extradition of offenders.

Custody of offenders on board Government ships outside territorial limits.

On certain other matters such as defence, quarantine, patent and copyright, bills of exchange and promissory notes, weights and measures, recognition of marriage and divorce, naturalisation, and status of corporations, the Federal Council might legislate when requested to do so by the Legislature of two or more Colonies, and such legislation was to affect only the Colonies which had asked for it.¹⁵

At a banquet for the Federal Delegates, Giblin made a speech which was received with quite an enthusiastic

15. Tas. House of Assembly Jnls. Vol. XLV 1883, Sessn. II, Paper 7, p. 17.

demonstration. He said the Convention had reason to be satisfied with what had been done and what it was about to do. He trusted that the Federal Council would grow into a Federal Parliament, legislating on all subjects, removing all restrictions between one colony and another, drawing them together in one united people, letting the past be past, going on and looking forward with good will between all.¹⁶

The Federal Council Act was duly passed by the Imperial Parliament in 1885 after an alteration allowing any member colony to cease membership. This was included to encourage New South Wales to join. There had been a notable lack of enthusiasm for federation in New South Wales. After Sir James Service, Premier of Victoria, claimed he had woken Sydney to do its federal duty, the Federal Council was branded

16. Examiner, 11 December 1883.

in New South Wales as a Victorian invention, and it became a point of patriotism there to belittle and oppose it.¹⁷ Also Parkes had changed his mind about the Council, believing it to be ineffective, thus leaving the Council with hardly any friends at all in the parent colony.

When the Federal Council Enabling Bill came before the Tasmanian Parliament in November 1885 one member, William Crosby, who represented Hobart in the Legislative Council and supported federation for economic reasons, argued that the Bill should be deferred until a more convenient season because New South Wales had not passed the Bill and did not appear likely to do so.¹⁸ Further criticism of New South Wales' aloof attitude was made in the Mercury editorial of 8 December 1885. Announcing that the Federal Council meeting was likely to

17. Deakin, The Federal Story, p. 14.

18. Mercury, 20 November 1885.

meet in Hobart at the end of January 1886, the Mercury argued that because of her isolation New Zealand could stand out and be self-contained, but New South Wales, being shut in by colonies that were set on federation, must agree to join or suffer much more than she was likely to be able to bear. However despite the absence of action in New South Wales the Federal Enabling Bill was passed by the Tasmanian Parliament with a general unanimity "which speaks well for the movement so far as the co-operation of this colony is concerned."¹⁹ Victoria and Queensland also passed Federal Enabling Bills. The Governor of Tasmania issued a proclamation convening the Council for 11 o'clock on the 25th of January, 1886. It had been agreed that meetings of the Council would be held in Hobart to avoid the heat of mainland summers.

19. Mercury, 12 December 1885.

The Mercury did not view the meeting of the Federal Council with much optimism. New South Wales and South Australia were not represented. Victoria, for internal reasons, sent two representatives who were about to retire from public life, and one of Tasmania's representatives was the Chief Secretary, Adye Douglas, who was about to go to England as Agent-General. Thus three of the representatives were men who, said the Mercury, would soon be out of the field of view. The Mercury argued that all these things tended to destroy enthusiasm and to lessen expectation, so that the Federal Council would meet under difficulties which would require great care and ability to overcome, and which might not be overcome at all on account of a great deal of hostile criticism. However the Mercury said that federation was not to be despaired of, and that many could look for the day when the whole Empire would be federated.²⁰

20. Mercury, 23 January 1886.

The Examiner by contrast was full of enthusiasm and pronounced the opening day of the first session of the Federal Council to be an epoch in Australian history. The Examiner believed that a united Australasia would feel grateful to the colonies represented at the Council (Tasmania, Victoria, Queensland, Western Australia and Fiji) for laying the foundations of a structure which, when completed, would develop into "a 'Greater Britain' under these Southern skies, yet ever loyal and united to the motherland from where it sprang."²¹

The caution expressed by the Mercury and the enthusiasm expressed by the Examiner were to remain characteristic of the two papers in almost every stage of the federation movement.

21. Examiner, 25 January 1886.

Tasmania's first representatives on the Federal Council were Adye Douglas and the Attorney-General, J.S. Dodds. Early in the Federal Council session, at the President's dinner at Hadley's Hotel, Douglas made something of a sensation by proposing a toast to a republican Australia - the "United States" of Australia, independent of the Mother Country.²² He was perhaps influenced in this direction by his visit to the United States of America. Expressions of dissent were strong. Both the Mercury and the Examiner regarded the remarks as regrettable. However he tried to correct the impression he had made by speaking in favour of transmission of messages to the Queen from the Federal Council via the Governor of the colony in which the Council was meeting. He said it would be disloyal to ignore Her Majesty's representative, and claimed there was no man

22. Mercury, 28 January 1886.

in Her Majesty's dominions more loyal than himself. He found it strange that such an idea should have got hold of the public mind, that he, in any shape or form, was disloyal as a British subject.²³

The pressure on Douglas to retract any suggestion of republicanism is an interesting illustration of the strength of British sentiment in Tasmania. No respectable Tasmanian would care to see the federation cause as some kind of independence movement, although A.I. Clark in the 1890's pointed out that the aim of federation was political autonomy. J.S. Dodds also spoke in favour of the motion that messages to the Queen should be sent via the Governor of the colony in which the Federal Council met. He argued that it was constitutional practice as well as loyalty to the Mother

23. Official Record of Debates, Federal Council of Australasia, Session 1886, p. 49.

Country, and hoped that it would be accepted without a special provision being made for it in the procedure of the meetings.²⁴

Dodds was a very capable barrister who held the office of Attorney-General and Treasurer under Giblin's coalition government. He later became a judge of the Supreme Court and Chief Justice of Tasmania. The Intercolonial Judgements Bill, intended to make judgements passed in one colony effective in the other colonies, met some opposition from Dodds at the Federal Council meeting. Dodds argued at some length that instead of making one law paramount it would multiply the differences that existed between the laws of the colonies. His point of view was not taken however, and the bill was passed.²⁵

²⁴ Ibid, pp. 43, 55.

²⁵ Ibid, pp. 140, 147.

On the two main issues which had given rise to the establishment of the Federal Council - Germany's strategic interest in New Guinea, and France's use of Pacific islands for depositing convicts - only Douglas spoke. On the latter question, (that of preventing the French annexing more islands in the Pacific, and in particular taking the New Hebrides) Douglas moved an adjournment on the grounds of ignorance of the issues involved, and asked whether the questions were of sufficient importance. He argued that the French already had New Caledonia, to which they sent convicts, and that the annexation of Samoa and Raiatea and other islands by the Australasian colonies would in no way solve the problem of those French recidivists who occasionally escaped and found their way to Australia. On the question of New Guinea, which Germany had shown some interest in annexing, Douglas stated: "Of course in this distant part of Australasia we feel less interest than Queensland and New South Wales do in

the subject."²⁶ Douglas was no doubt expressing Tasmania's sense of isolation from important world events, but it was not a federal point of view reflecting common concern for Australia's interests.

The New Hebrides issue died down however, and it was decided not to hold a meeting of the Federal Council during 1887 on account of the fact that there would be very little work it could do, and moreover because it was hoped that South Australia would have joined before 1888.

In March 1886 Adye Douglas resigned as Premier and as representative of the colony on the Federal Council to take up the position of Tasmanian Agent-General in London. Nicholas John Brown, Minister of Lands and Works, was appointed to the

²⁶. Ibid, p. 155.

Federal Council in his place. The 'Continuous Ministry' continued under James Agnew until March 1887, when the opposition leader Philip Fysh became premier for the second time. The new administration wished to appoint its own men to the Federal Council, but received no resignation from Brown. After waiting for some months Fysh requested Brown's resignation, but he refused to give it, whereupon his commission was cancelled by the Governor-In-Council. Such a situation had not occurred before, but it served to emphasize the right of the government of the time to appoint whoever it wanted to the Federal Council. When the second session of the Council began on 16 January 1888 Tasmania was represented by Edward Braddon, Minister of Lands, and A.I. Clark, who replaced N.J. Brown.²⁷

According to the Mercury the second session did not

27. Mercury, 10, 23 December, 1887, 4 January 1888;

Hobart Gazette, Vol. LXXIII, 5 January 1888, p. 96.

meet under favourable circumstances. The paper considered that the Council had less hold on the three non-member colonies (New South Wales, South Australia and New Zealand) than it had before, that its deliberations and legislation had no benefit or interest for them, and that a feeling prevailed that the Council had no special function to perform. The Mercury believed that an increase and widening of the representation was necessary to heighten the importance of the Council, and thus create a public opinion which must listen to its deliberations and to which "all the so-called practical politicians will hasten to submit."²⁸ Even to the Examiner the Federal Council was of so little interest that it printed only one editorial on its doings, in which it argued that the Council should be "a conference of cabinets whose colonies have joined the federal union."²⁹ This

28. Mercury, 16 January 1888.

29. Examiner, 23 January 1888.

seemed to put federation first, a notable venture, but federal union was still a long way off.

After the Council had spent its time discussing such matters as an Act to regulate the Queensland Pearl-shell and Beche-de-Mer fisheries beyond territorial limits,³⁰ perhaps the most disillusioned attitude was expressed in the Mercury editorial of 21 January 1888: "The chief event of the past fortnight has been, of course, the Federal Council, which has met, discussed such things as it could find to discuss, practised a little attitude to show the world it was still alive, and has vanished for another year at least."

So far as the federal movement was concerned it appears, even at this stage, that the Federal Council had failed to consolidate federal feeling. In the first place its failure to attract New South Wales, South Australia and New

30. Federal Council Debates, Hobart, 1888, p.17.

Zealand into membership was no doubt a serious handicap, but perhaps a more serious handicap was its failure to arouse public interest. Without vital issues to discuss and with virtually no powers this was hardly surprising. Further, delegates were chosen by the colonial politicians and not by the people in open elections. The Council thus lost what credibility it might have had as an embryo parliament.

However intercolonial co-operation continued. The chief item of intercolonial interest during the remainder of 1888 was the question of Chinese immigration into the Australian colonies, which became the subject of a conference held in Sydney in June of that year. Tasmania was represented by Fysh, who, on behalf of Tasmania, dissented from the legislation proposed on the grounds that sufficient legislation already existed to cope with the problem.³¹ In fact Tasmania did not have large numbers of Chinese, nor feel any threat

31. Mercury, 23 June 1888.

from them. Although the Mercury denied that Fysh had represented the opinion of the people in this matter, and said that the conference could be considered as forced federal action,³² the issue was not sufficient to bind the colonies in a federal direction.

In July 1888 came the important news that South Australia had introduced a Federal Enabling Bill into parliament. This was welcomed by Fysh, who hoped that the accession of South Australia would lead to a parliamentary union of Australasia,³³ a hope unfulfilled when South Australia left the Council two years later.

The third session of the Federal Council met on 29 January 1889. A vacancy was left in Tasmania's

32. Mercury, 25 June 1888.

33. Mercury, 23 November 1888.

representation when Braddon departed to be Tasmanian Agent-General in London in succession to Adye Douglas. The vacancy was filled by Bolton Stafford Bird, the Treasurer, another keen federalist.

One of the principal subjects discussed at the 1889 session was the question of changes to the constitution of the Council in order to increase its membership and change its mode of representation. It was felt that this would make the Council more important. A.I. Clark suggested that a mixed method of choosing representatives be employed: two by the Governor-in-Council, and a larger number elected in order to obtain a greater variety of talents and temperaments, and to avoid party representation.³⁴ Clark believed there was no halfway house between the Council as it was then, except by increasing its members, and a complete Federal Parliament with a Federal Executive. He even suggested the Council's extinction to make way for the establishment of a Federal Parliament or a Federal

34. Federal Council Debates, Hobart, 1889, p. 29.

Executive as soon as possible. He felt that the interest which the larger powers of Europe were taking in the islands of the Pacific must bring about a closer union and convince public men of the necessity of federated action.³⁵

Apparently Clark was more optimistic about the formation of a Federal Parliament than the other members of the Federal Council. During the course of his speech he referred to the fact that the members and public men outside were of the opinion that none of them would live to see a Federal Parliament of Australia.³⁶ This may have been a reflection on the older delegates - Clark referred to himself as one of the youngest members - but it seems to be more a sign of the general lack of faith in the federal movement. Perhaps working on the almost impotent Federal Council engendered this feeling, but it had been clear for some time that each colony was basically

35. Ibid. p. 100.

36. Ibid. p. 101.

interested in going its own way.

The absence of public enthusiasm for the Federal Council stands in contrast to that shown for the jingoistic Imperial Federation League, the Tasmanian branch of which was formed on 9 March 1888. The object of the League was to secure, by federation, the permanent unity of the British Empire. In a year there were almost 300 members in Tasmania including the politicians Agnew, Fysh, Bird, Brown, Braddon and Moore as well as Bishop Sandford, Messrs. Justice Dodds and Adams, Colonel Legge, the lawyer H.R. Nicholls and businessman G.P. Fitzgerald. In May 1889 the Tasmanian Hall was "crowded to excess" to hear G.R. Parkin, the League's Canadian enthusiast.³⁷ The League declined after 1890, however, and in 1894 the parent League in England was dissolved.³⁸

37. Mercury, 10 March 1888; 22 March, 21 May 1889.

38. C.S. Blackton, 'Australian Nationality and Nationalism: the Imperial Federationist Interlude, 1885 - 1901', Historical Studies Selected Articles, Second Series, Melbourne, 1967, p. 197.

The Federal Council, despite its shortcomings, continued to meet until 1899. It played no real part in the federation movement during the 1890's, but it continued to provide the representatives of the member colonies with an opportunity to meet and discuss mutual problems. From the Tasmanian point of view its two-yearly meetings served to remind Tasmanians that federation was still a matter of importance. It also provided experience in federal matters for Tasmanian politicians, and thus prepared them better for the big conventions of 1891 and 1897 - '98. However any Australian federal movement without the involvement of New South Wales was doomed from the start. As it happened it was in 1889 that New South Wales began to take the lead.

CHAPTER II.

THE FIRST FEDERAL DRAFT CONSTITUTION.

1. PRELIMINARIES.

Concern about the defence of Australia caused the Imperial Parliament to send Major-General Bevan Edwards to the colonies in 1889 to make a study of the situation. His report attracted widespread attention, particularly its warning against the dangers of the colonies having separate forces. One section of his report was of particular interest to Tasmania. He pointed out that the isolation of Tasmania was of greater menace to Australia than the isolation of Western Australia and Port Darwin. "No enemy", his report stated, "could seriously threaten Australia until he had established a convenient base near at hand, and such a base he would find in Tasmania, with its numerous harbours and

supply of coal."¹ Edwards advocated the federation of the military forces of the colonies, and Sir Henry Parkes used this opportunity to re-enter the federal arena. In a speech at Tenterfield on 24 October 1889 he opened a campaign for the appointment of a National Convention to draft a federal constitution.

After some difficulty and suspicion amongst the other Premiers it was decided to hold a preliminary conference in Melbourne. It met from 6 February to 14 February 1890. Tasmania was represented by the Attorney-General Andrew Inglis Clark and by the Treasurer Stafford Bird. Both the Mercury and the Examiner expressed pessimism about the value of the conference. "The question of Federation is in a decidedly peculiar position," said the

1. Proposed Organisation of the Military Forces of the Australian Colonies, Major-General Bevan Edwards, from Federation, Hill of Content Archives, ed. M.J. Jennings. (Melbourne, 1967)

Mercury, "a Conference is to meet next month in Melbourne to discuss nobody knows what nor anybody knows how."² The Examiner said: "Whether the Intercolonial Conference about to assemble in Melbourne will be able to make much permanent headway in the face of the existence of hostile tariffs and local jealousies is a moot point almost too much to expect."³ On the opening day of the Conference the Mercury expressed the hope that the Conference would proclaim a Convention in which the delegates were elected by the people, and claimed that the main obstacle to Federation was the politicians.⁴ Tasmania's two representatives, both of whom were keen federalists, did not share this pessimism.

Andrew Inglis Clark, who had already distinguished himself on the Federal Council, made Tasmania's principal

2. The Mercury, 24 January 1890.

3. Examiner, 6 February 1890.

4. Mercury, 6 February 1890.

contribution. Feeling that he could speak for the people of Tasmania he said they were quite ready, even anxious, for federation. He even claimed that a feeling existed throughout Tasmania which was quite prepared to accept a federation of the four contiguous colonies of Victoria, New South Wales, Queensland and Tasmania in case the other colonies were not quite prepared at once to bind themselves into a federative union.⁵ He went on to compare the difficulties which the United States had to contend with in 1787 and which induced them to adopt their constitution with the difficulties of the present convention. According to A.I. Clark the American difficulties were the same - commerce and revenue.

He also argued that if the colonies had a Federal Court of Appeal its aid would be invoked much more frequently

5. Report of Federal Conference, Journals and Papers of Tas. Parliament, Volume XX 1890, Paper Number 1. p.29.

than the aid of the Privy Council. A visit to England as counsel for the Tasmanian Government in the Main Line Railway Company dispute had not left him with a good impression of the Privy Council. Referring to the financial question, Clark did not want discussion at the Melbourne conference to turn in any degree on the unresolved and possibly conflicting fiscal policies of the several colonies. He said he was aware that some of the delegates had spoken as the mouth-piece of colonies in which a protective policy was in force, and that he might be pardoned for looking at the question from the point of view of a free trader.

A very significant point Clark made was his statement to the effect that for his part he would prefer the lines of the American union to those of the Dominion of Canada. He regarded the Dominion of Canada as an instance of amalgamation rather than of federation, and was convinced that the different

Australian colonies did not want amalgamation. "When we observe the large territory which we have in Australia," he said, "territory which we hope will some day be peopled to the same extent as is that of the United States and when we notice the variety of climate and soil which will produce so great a variety of industrial and social life, we must come to the conclusion that we also ought to have a system which will preserve local public and national life in the same manner as it is preserved in America."⁶ Clark had always been an admirer of the United States and its constitution. His influence on the embryonic Australian Constitution was important, and will be examined later.

Although he had dealt largely with the practical side of federation, Clark said he valued very highly the sentimental

6. Ibid, p. 34.

side. He hoped that the vision of a future Australian nation before the eyes of young Australians would not be laughed at or knocked out of them by rough contact with the world.

Finally Clark expressed the loyalist hopes of the Australian nationalist: "We are proud to have sprung from the same race as the inhabitants of the British Isles. I believe, however, that it is our destiny to produce a different type of manhood from that which exists in those Islands. It is political autonomy which we are now asking for Australia as a whole."⁷

This last sentence was perhaps the most significant. Clark was the only Tasmanian politician and one of the few in Australia who saw the movement towards federation as an independence movement. The Imperial Parliament at Westminster could disallow any law or action of a colonial parliament, and did so when Queensland attempted to annex New Guinea in 1881. Federation,

7. Ibid, p. 36.

Clark hoped, would end all this.

At the Conference Clark had stated that something might even be learnt from the Federal Council of Australasia. Tasmania's other representative, Bolton Stafford Bird, also spoke about the powers of the Federal Council. He urged that any scheme of general defence should be formed under the Federal Council so that some form of organization to meet any emergency might be more speedily achieved than under the proposed Federation. He argued that for some of the colonies defence would cost more than it had already if they waited for a federation to be set up. Bird claimed that the possibilities which existed of forming a federal government under the Federal Council Act had not yet been exhausted. He proposed that some slight alterations might make the Federal Council acceptable to New South Wales. This emphasis placed on the Federal Council by the two Tasmanian representatives was

essentially a practical one. The Federal Council existed, it only needed to be made to work. However Henry Parkes was no longer interested in it. With reference to the financial question Bird said that the loss of revenue to colonies which levied protection would be offset by the establishment of intercolonial free trade and the certain large increase in the commercial transactions which would follow. Finally Bird expressed a strong imperialist sentiment. He advocated an Australian empire to include the New Hebrides and Fiji, and hoped the convention would induce the Imperial Government to negotiate with France to remove the prison from the New Hebrides in exchange for some other piece of territory, so opening the way to incorporating one more free colony.^{7a}

The Conference ended on 14 February 1890 with the adoption of an address of loyalty to the Queen. Included in the address were the resolutions adopted by the Conference in

7a. Ibid., p. 59.

which it was affirmed that an early union under the Crown was in the best interests of the Australian colonies, that remoter Australasian colonies should be entitled to admission on agreed conditions, and that each colony should take steps to appoint seven delegates (four delegates for Crown Colonies) to a National Australasian Convention to consider and report upon an adequate scheme for a Federal Constitution.^{7b}

It now remained for the delegates to return home, and for their respective parliaments to appoint the appropriate number of delegates for the proposed Convention. On 1 July 1890 the fifth session of the ninth Parliament of Tasmania was opened by the Governor, Sir Robert Hamilton. In his speech he said that on no occasion during the thirty five years in which Tasmania had enjoyed the blessings of responsible Government had it been the duty of the Governor to submit for the consideration of Parliament proposals so vitally affecting the

^{7b}. Ibid., p.111.

future welfare of the colony as those which he had now to submit. He referred particularly to the report of Major-General Edwards on the defences of Australia bringing into prominence the necessity for a Federal Executive, and to the adoption by the present session of the resolutions passed by the Melbourne Conference regarding the appointment of representatives to the proposed Convention to meet early in 1891.⁸

On 3 July 1890 the Treasurer, Stafford Bird, moved in the House of Assembly the adoption of the resolutions of the Melbourne Conference. He said it was always gratifying to him to observe that Tasmania was one of the foremost colonies in the matter of federation, and it was a noteworthy fact that the Parliament of Tasmania had always shown a federal sentiment. He said that members of the Federal Council would not regard the

8. Examiner, 2 July 1890.

establishment of a Federal Convention as a slight on the Council. It was not for Parliament to decide on what basis federation was to be established, and in agreeing to the resolutions before them he would like it to be distinctly understood that by adopting them they were not in any way committing the colony, but were affirming the desirability of better and more complete union, and showing themselves willing to send representatives to consider the matter. He would like to see the delegates left perfectly free, and not bound by Parliament to agree to any specified scheme for federation. They could then reserve their judgement as to the terms of union until the complete scheme was placed before the House for adoption or rejection.

To introduce discussion on the resolution he outlined a few of his opinions as to why there should be a Federal Parliament. In the first place there were many matters which

should be dealt with by such a Parliament, the most important being the question of defence. Tasmanians were not an aggressive people nor warlike, but he contended that until they had matters of defence under a Federal Parliament, so long would they be in a measure unguarded. He did not think Tennyson's dream of "the federation of the world" was near at hand, but there was hope indeed of that dream being applicable to Australia. The next and most important question that should be dealt with by the Federal Parliament, he said, was the interchange of produce. Until federation was accomplished it would be impossible to have free interchange. Fiscal barriers would be broken by a customs union, and although there might be some loss in the customs revenue, he believed it would be recouped by the immense benefits which could be incurred by unrestricted commercial interchange. He wanted to see absolute national free trade with all colonies in the group. Next he referred to post and telegraph rates. If a Central Government

had charge of subsidising the Telegraph Companies and others, and in fact had the whole responsibility of the post and telegraph rates, it would carry out the matter more satisfactorily.

One of the principal matters the Federal Convention would be called upon to decide would be the question of finance. At present it did not appear there was any need for the assumption of the entire debts of the colonies by a Federal Government as was done by the provinces of Canada, for he thought each colony might be well left with its own financial burden. A Federal Government might undertake to guarantee all colonial loans. He believed if the whole of the colonies were consolidated and placed under the guarantee of a Federal Government they would save £5,000 per annum upon every million owing. As the debt of the Australian colonies was £175,000,000, through consolidation they would save £850,000 per annum - a sum

sufficient to cover the entire cost of the Australian defences.

He would not agree to the debts of the different colonies being placed together, nor uniform tax per head of the population being charged and made payable to the Federal Treasury. He would advocate each colony paying a sum in accordance with its own particular debt.

Bird did not wish to advocate any particular form of election for representatives to Federal Parliament, but hoped that a scheme would be devised that was entirely just and equitable. Arrangements would be made in order to give expression of the peoples' will on all great matters which affected the individual interests of the colonies, or affecting them as a whole. In regard to contributing revenues to the Federal Government he would not say which in his opinion would be the best means of collecting them, or what ratio should operate. There were many things which the Federal Executive would deal

with, and it would be the aim and ambition of them all to occupy a high and honourable position on the Federal Executive. He was satisfied that the colonies should be federated, and there was no time more opportune than the present to carry it out. There were no obstacles in the way which could not be removed, and in his opinion there was no "lion in the path" towards the attainment of that grand result which thousands of eager eyes and patriotic hearts were being strained to see the consummation of. To secure a seat in the Federal Parliament was an ambition which every man should entertain. They could not all hope to be elected as representatives on the Convention, but even if they did not play that prominent part in laying the basis of the future prosperity of Australia, he hoped they would do what they could in assisting the movement outside. Local Parliaments would, he believed, make excellent training schools, for their local Parliaments would not lose their status, nor would they be giving up any of their

rights.⁹

The Treasurer was cheered at the conclusion of his speech. A general debate followed, but although a number of members spoke, little of consequence was added to what he had said. All speakers supported the resolutions and spoke in favour of federation, and when the resolutions were put to the vote they were carried unanimously.

In the Legislative Council the Premier, P.O. Fysh, introduced the Federal Resolutions on 15 July 1890. Addressing the members the Premier said that for themselves there was no question of glory or aggrandisement - the spirit in which Australia took up the question of Federation at the present time was a spirit of purity itself. There were,

9. Examiner, 4 July 1890.

however, difficulties in the way, one of which was the indifference of the masses. The Press was doing a great work in the direction of educating the people up to Federation, and it was lack of education on the point that, in his opinion, was the cause of the people's indifference.

Difficulty number two was whether small colonies like Tasmania and West Australia should go into the Federation on the same terms as the larger colonies. The forming and ratification of the constitution of the Federal Authority was yet another difficulty. When the time came he hoped that all would be prepared to show patriotism, and that the people would rise to the occasion and see that local interests and jealousies must give way for the purpose of attaining the highest general advantages which would follow federation.

In the debate that followed support was given to the resolutions and to federation, though some regret was expressed that the Federal Council had not fulfilled federal

hopes, and there was some criticism of Sir Henry Parkes for not supporting the Council. The resolutions were agreed to.¹⁰

The Mercury in its editorial on the federal resolutions debate pointed to an important fact: "The debate on the federal resolutions in the Legislative Council yesterday did not add anything to what has been said already, although it showed that the Council, like the Assembly, is staunchly federal."¹¹ The debates on the federal resolutions had made it clear that although doubts might be expressed about the financial provisions of federation or about the autonomy of the States, Tasmania's public men were strongly in favour of federation, and regarded it as a matter of patriotic duty to be so. Generally speaking dissension in Tasmania did not occur over the issue of whether to federate with the mainland colonies

10, 11. Mercury, 16 July 1890.

or not, but over questions of detail on the mechanics of federation.

The first item of dissension occurred immediately the debates on the federal resolutions were over. This involved the question of representation to the proposed Federal Convention. On 9 July 1890 the House of Assembly met to elect from its members five of the seven delegates to represent Tasmania. The men elected were the Treasurer, Stafford Bird, the Attorney-General, Inglis Clark, who had represented the colony at the Federal Conference in Melbourne in February, and also Brown, Burgess and Hartnoll, all members of the Opposition. As party politics were not imported into the question at any time the election was not regarded as an Opposition victory. The voting for Hartnoll gave the North of the island a resident representative. The other four were residents of Hobart.¹² When, however, Fysh introduced into

12. Mercury, 10 July 1890.

the Legislative Council the resolution that five members of the House of Assembly and two members of the Legislative Council be appointed delegates to the National Australasian Convention, an amendment was proposed to give the Council three members rather than two, reducing the Assembly representation to four.

There was now a deadlock between the two houses. The Mercury, commenting on this, said it was "a striking illustration of the fact that we are inexperienced in federal matters."¹³ This certainly appears to be the case as such a deadlock could easily have been avoided, but it is perhaps more illustrative of how keen members of parliament were to take part in the federal movement. There was an awareness that the Federal Convention was going to be an historic occasion and jealousy as to representation on the Convention was perhaps inevitable.

13. Mercury, 17 July 1890.

The deadlock dragged on until September, when an attempt at conciliation was made by the Treasurer. He proposed that the Assembly should content itself with choosing four delegates, and the Council should have its two, the remaining one being the joint choice of both Houses by ballot. The Assembly accepted this proposal, but when it went to the Council it was agreed there that the seventh man should be chosen by the other six. It was also proposed that only two members of the Executive Government should be elected. The Premier feared that this motion might embarrass the Assembly where elections had been held already. It was eventually decided that the whole matter be referred to a conference of both Houses. On 9 October the Mercury reported that the election of representatives to the Federal Convention had been advanced a stage by the holding of a joint conference between the two Houses of Parliament, at which, after half an hour's discussion of a conversational character, a decision

was come to that the proceedings should be continued in the following way: the Assembly was to elect four members and the Council two, the seventh man to be chosen by a ballot of both Houses. Each member was to have the same voting power, and the method of election of representatives was to be as for the Council of the University. Both Houses agreed upon that course, but the final result was still an open question.

The Council elected Moore and Douglas as its representatives, Fysh having been left out in the cold. It was understood, however, that Fysh would most probably be chosen as the seventh member, and that thus the Council would get three representatives at the Convention. The next day the House of Assembly elected four representatives. The sitting was a private one. It lasted all the afternoon, the discussion being very warm in character at times, and a good deal of difference of opinion being expressed by the members present.

The Treasurer, Bird, who opened the proceedings, expressed considerable regret at the rejection of the Premier by the Council, and avowed his willingness to retire in his colleague's favour if that gentleman would have permitted him to do so. Fysh had, however, declined to countenance any such proceeding. Several motions were then proposed, and eventually it was decided the the election of the four delegates should be made by ballot from the whole House. The results of that election were: the Attorney-General, A.I. Clark, 23 votes; Burgess, 22 votes; Brown, 19 votes; and Bird, 15 votes. A majority of members had expressed their opinion in favour of Fysh's selection, but they had also shown they did not think more than two Ministers should go, hence no doubt Bird's low position on the list.¹⁴

14. Mercury, 10 October, 1890.

The only problem remaining was the election of the seventh delegate. The other colonial parliaments had elected their Premiers as a matter of course. It appeared certain that Fysh would be elected, and so it proved. In the Legislative Council on 10 October, the Acting President who took the chair said: "In accordance with the resolution of both Houses of Parliament, I have the honour to inform the Council that the Hon. P.O. Fysh has been nominated as the seventh delegate to the Federation Convention. No other person having been nominated, I declare the Hon. P.O. Fysh duly elected."¹⁵

Thus it was that a contentious issue was brought to an amicable conclusion. The delegates elected by Parliament were, in all, the Premier, P.O. Fysh, the

15. Mercury Supplement, 11 October 1890.

Attorney-General, A.I. Clark, the Treasurer, B.S. Bird, the President of the Legislative Council, W. Moore, N.J. Brown, W.H. Burgess and Adye Douglas. Although the election of the federal delegates might have been more dignified, it cannot be said that Tasmania's proceedings were less graceful than those of the other colonies. In New South Wales the Premier proposed to exclude the leader of the Opposition, and in Victoria the debate was burked in order to attack the Ministry on its railway proposals.

All that now remained was to wait for the assembling of the Convention, and there was some discussion on where it might be held. Stafford Bird favoured Hobart, and hoped to induce the delegates to think likewise. It was considered that if the Convention were held during the first four months of the year delegates from all the colonies would find it very much pleasanter to be in Hobart than anywhere else.

However the matter was settled on 26 November when a telegram arrived from the convenor of the Convention, James Munro, Premier of Victoria. Munro announced his intention of convening the meeting for Monday, 2 March 1891, in Sydney.¹⁶

Despite all the fuss in Parliament public interest in federation appeared to be nil. The Mercury commented: "It might almost be supposed that the people of these colonies are unmindful of their fate, if we judge them by the degree of interest which they show in matters relating to Federation. Though the time is drawing near when the Conference or Convention, whichever is its proper name, is to meet to deal with the most important question in relation to the colonies ever raised, there is absolutely no interest shown by the public, which seems to be quite indifferent as to whether

16. Mercury, 27 November 1890.

success or failure may be the result."¹⁷ Federation may have seemed too abstract or complicated to the Tasmanian public, separated as they were from the mainland by two hundred miles of ocean. A people's movement never really developed until 1898, when it came mainly as a response to the impending referendum of that year and with the formation of the Federal Leagues.

Before the meeting of the Federal Convention an earlier vestige of the federal movement had to play its part. This was the Federal Council, which met in Hobart on 20 January 1891. The Council was less representative than it had been at previous meetings. Western Australia and Fiji did not send delegates, and South Australia withdrew. The only colonies represented were Victoria, Queensland and

17. Mercury, 22 November 1890.

Tasmania. As the Mercury said: "The meeting of the Federal Council today must be regarded as merely a formal affair, intended to keep the institution, if it is worthy of that name, alive, pending the result of the Federal Convention. It will be admitted, we suppose, even by those who, like ourselves, were most ardent in the cause, that the first federal attempt is a failure."¹⁸ To a large extent this is fair comment. The Federal Council had not only failed to receive the support of all the colonial parliaments, but had completely failed to arouse any popular support. Its resulting ineffectiveness further aggravated the situation. However there was some valuable discussion on the New Hebrides question and the Council decided to address the Imperial Government, asking it to make better provisions for the registration of agreements for the purchase of land. The

18. Mercury, 20 January 1891.

Council asked for inquiries to be made relative to the removal of natives from one island to another. This argument concerned the rights of British subjects to own land in the New Hebrides. A.I. Clark explained that under the present regulations British subjects were placed at a disadvantage in trading and in acquiring possession of land in the New Hebrides compared with the subjects of other nationalities. He argued that if the dual control exercised by England and France was to be equitable the British Government ought to look into the matter, and see that its own subjects were not placed in a worse position than the French subjects.¹⁹ Clark's interest in the New Hebrides stands in contrast to that of Adye Douglas at the Federal Council meeting of 1886. No longer it seemed did the New Hebrides appear to be too far away to be of interest to Tasmanians.

19. Federal Council Debates, Hobart, 1891, p.34.

Other matters dealt with at the Federal Council meeting concerned a Bill to facilitate intercolonial recognition of Orders of Lunacy; the Western Australian Fisheries Bill; the representation at the Council of Western Australia and Fiji; and amendment of the constitution to allow for an increase in members. Hobart was chosen as the next place of the Council's assembling and the usual Standing Committee was appointed, being composed of the senior members for Queensland (Sir Samuel Griffith), Tasmania (A.I. Clark), Victoria (James Munro) and Western Australia (Sir James Lee-Steere), Munro being appointed chairman. Western Australia having recently become self-governing it was thus included in the Standing Committee for the first time, and a provision was also made for the senior representative of South Australia to join the Committee should that colony again enter the Council.²⁰

20. Ibid., pp.8-11.

2. THE FEDERAL CONVENTION IN SYDNEY.

On 26 February 1891 the Tasmanian delegates left for Sydney to attend the Federation Convention. Prior conferences between the Tasmanian delegates had been held, but the details were not made public. Bird had also to attend the Intercolonial Postal Conference which was being held in Sydney at the same time. On 2 March 1891 the National Australasian Convention opened amid pouring rain. The proceedings were commenced by James Munro, the Victorian Premier, reading the resolution of the original Conference, declaring the necessity of a general conference of all the colonies on the question of Federation. The preliminaries over, Munro proposed that Sir Henry Parkes be President, with power to take part in the debates, and the motion was seconded by Sir Samuel Griffith, eulogizing Sir Henry Parkes and characterizing him as eminently fitted for the position, and as the immediate author of the present movement. The motion was carried unanimously.

On 4 March, following discussion concerning procedure,

Henry Parkes moved:-

"That in order to establish and secure an enduring foundation for the structure of a Federal Government, the principles embodied in the Resolutions following be agreed to:-

1. That the powers and privileges and territorial rights of the several existing Colonies shall remain intact, except in respect to such surrenders as may be agreed upon as necessary and incidental to the power and authority of the National Federal Government.
2. That the trade and intercourse between the Federated Colonies, whether by means of land carriage or coastal navigation, shall be absolutely free.
3. That the power and authority to impose Customs duties shall be exclusively lodged in the Federal Government and Parliament, subject to such disposal of the revenues thence derived as shall be agreed upon.
4. That the Military and Naval Defence of Australia shall be entrusted to Federal Forces, under one command.

Subject to these and other necessary conditions, this Convention approves of the framing of a Federal Constitution, which shall

establish,-

1. A Parliament, to consist of a Senate and a House of Representatives, the former consisting of an equal number of members from each Province, to be elected by a system which shall provide for the retirement of one-third of the members every years, so securing to the body itself a perpetual existence combined with definite responsibility to the electors; the latter to be elected by districts formed on a population basis, and to possess the sole power of originating and amending all Bills appropriating revenue or imposing taxation.
2. A Judiciary, consisting of a Federal Supreme Court, which shall constitute a High Court of Appeal for Australia, under the direct authority of the Sovereign, whose decisions as such shall be final.
3. An Executive, consisting of a Governor-General, and such persons as may from time to time be appointed as his advisers, such persons sitting in Parliament, and whose term of office shall depend upon their possessing the confidence of the House of Representatives expressed by the support of the majority," - ²¹

21. National Australasian Convention, Sydney, 1891. The Votes and Proceedings of the Convention, p. xii.

The resolutions provided the central point of discussion on the main issues of federation and the business of the Convention. The contribution of the Tasmanian delegates to the debates will now be examined.

The Tasmanian Premier, P.O. Fysh, was the first Tasmanian delegate to speak. He said the essential work of the Convention was centred around three points, - commerce, defence, and the sovereignty of the States. The federal government should be asked to administer nothing that would be administered locally, and no interference should be forced upon the colonies from an Executive sitting thousands of miles away. The manner of the Convention should be to support the harmony and prestige of the local Legislatures, while devising useful powers for a Dominion Parliament. The people were more interested in the commercial union of the colonies than in any other point, and the advantages of their great commercial partnership should aim

at securing the greatest good for the greatest number. On the defence question he counselled the recollection that they had borrowed over £170,000,000 from various creditors throughout the world. Any desultory marauder attacking the colonies would depreciate the value of the securities, and they would be wise to provide their own defence. He viewed with great concern any suggestion that the Senate should be restricted in its right of veto over money bills or any other bills. Experience in Tasmania had shown, he said, that although the popular voice must win in the end, no injury had been felt as a result of the brake placed on public expenditure by the Legislative Council. He favoured the proposals for a Federal Supreme Court and High Court of Appeal, but trusted that the law officers of the Convention would carefully consider whether it would be right to give up the privilege of final appeal outside of Australasia.²²

22. National Australasian Convention, 1891, The Reports of the Debates, p. 20.

Stafford Bird was the second delegate from Tasmania to speak. Apologizing for not having been present throughout the early stages owing to his attendance at the Postal Conference, Bird said he thought the earnestness displayed by the members who had already spoken augured well for the success of their deliberations. Their business, he said, was to consider how they should unite, and for this object he thought the resolutions submitted afforded a basis. He asked that they should all keep in mind that any successful scheme of federation must be formulated on principles just and fair to all the colonies, especially the smaller ones. It appeared to him that inconsistencies existed in some of the resolutions, which were hardly in accordance with the principle that the States should not surrender the rights, powers, or privileges they now possessed. Any scheme invading the privileges would be fatal to the movement, he continued. It would be vain in this case for the delegates to go back and ask their colonies to join

the union. Victoria appeared more willing to surrender rights than the smaller colonies, certainly more so than Tasmania. Bird said Tasmania would perhaps require more consideration than her more powerful sister colonies. He was astonished at the Victorian delegates crying out for a few years more grace after the establishment of a federal government before inter-colonial freetrade came into force. He was certainly not a strong freetrader, and by no means an ardent protectionist so would better imagine South Australia joining the Union than Victoria, but he could not agree to any arbitrary rule as to the commencement of new systems. He was not a protectionist but a unionist and his inference was that some time must necessarily elapse to prepare the manufacturers for the new tariff and attend to the conditions of a new government. He was glad to see that even ardent protectionists in and out of the Convention favoured absolute freedom of trade between the colonies. The proposals concerning colonial defences entirely

accorded with his views, as did those over the vessels coming out as a naval squadron, to whose costs of maintenance the colonies contributed. On this point he thought no one had yet clearly explained how far the Federal Government was to be in partnership with the Imperial Government, and how far the vessels should be under Imperial control in time of war. He feared that the proposals restricting the Senate or States House from dealing with money bills would not be fair or just to smaller States, who would certainly not surrender their revenues and expenditures to the control of an outside power such as the House of Representatives. He thought the representatives should be in close touch with the people. Proposals had been made elsewhere that the Senate should be elected by the Legislatures, but none of the existing Legislative Councils were fit to send popular representatives to the new Senate, and the only good selection would be a direct vote of the people which would return the precise sort of Senate wanted

which could safely be entrusted to deal with Money Bills.

As to the judiciary proposals, he was ready to be guided by the professional members of the Convention. Bird hoped whatever scheme was adopted would result in making the federation one of the brightest jewels in Her Majesty's crown.²³

N.J. Brown was Tasmania's next speaker. He said the interest Tasmania had shown in the federation cause was well known. He regretted to some extent that use was not made of the Federal Council to develop the federal idea. Nobody when that Council was formed looked upon it as anything more than the taking of an initiatory step, and it was a matter of extreme regret that New South Wales had not come in at that time. The most important of the resolutions before the

23. Ibid, p. 56.

Convention, in his view, were those referring to the tariff question, but the Convention was without the necessary information concerning that. He hoped to see a system of free interchange of commodities come into force from Port Darwin in the North to Hobart in the South; in fact to New Zealand. Thus hostile barriers between the provinces should be swept away. If not, as the military forces increased, and the power of the colonies increased, there was always a risk of very serious conflict arising between the colonies. He was surprised to hear Victoria be the first to cry out for some consideration in the arrangements that might be made for intercolonial freetrade. However he was inclined to agree to a time for its advent being fixed, and that was all. He hoped New South Wales would not be too rigid; if delegates did not give and take they would arrive at no conclusion. He hoped to see New Zealand in the federation. It was undesirable that any should stand out, and he regretted that West

Australia should be so coy. That colony should remember it was yet the day of small things, and they would soon remove the great disparity of population. It would be for the Convention to see if it could not arrange that there should be a minimum of representatives for the smaller States of say twelve. He could understand any representative of Western Australia taking exception to the small amount of representation which that colony would secure if the number of population alone were to be taken into consideration.

If the defences of the colonies were to be under one head, he would like to know what financial arrangements would be made with respect to the defence they now received from the Mother Country. Was the defence provided by the Mother Country to continue or would there be some sort of treaty? There was no doubt, he said, that defence under federation would involve the colonies in a much larger expenditure. With regard to the Senate he believed the Convention should give it all possible

power, and he could not see that it would encroach on the rights of the people as Deakin had suggested. While advocating that it would be a great advantage to have a local Court of Appeal, he could not see why the right of appeal to the Privy Council should be taken away. He would deeply regret anything that would lead to separation, and did not think the Mother Country wished to hamper these colonies. If there was to be a complete separation, as Dibbs of New South Wales had so injudiciously indicated, it would only be with the full concurrence of the empire. He was content to take things as they were. The constitution should be formed in an elastic manner, and they should not repose blind faith in the finality of any one institution. He hoped, in conclusion, that the work of the Convention would result in unity, strength, peace and concord being established among the colonies.²⁴

24. Ibid, p. 99.

A.I. Clark addressed the Convention on the sixth day's debate. His contribution to the federation movement was considerably greater than that of the other Tasmanian delegates. Possessing an intimate knowledge of the American, Canadian and British constitutions and a fine analytical mind he was able to contribute much to the actual drafting of the constitution drawn up by the Convention. Clark was made chairman of the Judiciary Committee and a member of the drafting sub-committee of the Committee on Constitutional Machinery with Sir Samuel Griffith (Queensland) and Charles Kingston (South Australia). Although Griffith was largely responsible for the Constitution drawn up, a draft bill prepared by Clark and circulated to all delegates formed a large basis of the discussion in the sub-committee. "The internal evidence to be gathered from an analysis of his draft as compared with the Draft Bill and the Constitution itself offers persuasive testimony of the part played by Clark. From the comparison of the provisions of these

three documents and of the British North America Acts of 1867 and 1871, and the United States constitution and other sources it will be seen that of Clark's ninety-six sections, all but eight found their way into the Draft Bill in similar or reworked form, and only ten failed to find a recognizable counterpart in the constitution."²⁵ It was Clark more than anyone who persuaded the delegates to accept a Constitution based on that of the United States rather than Canada. Parkes had expressed a preference for the Canadian type of federation in correspondence in 1889 with the Premier of Victoria, Duncan Gillies. However Clark's arguments in favour of transferring specified powers to the federal government and reserving the residue to the states could not but help to appeal to delegates very concerned with the preservation of individual colonial identity.²⁶

25. J.M. Neasey, "Andrew Inglis Clark Senior and Australian Federation", Australian Journal of Politics and History, Vol. XV, Number 2, August 1969, p. 7.

26. Ibid, p. 5.

In his speech to the Convention Clark said that although he held very strong and decided opinions on some of the questions, there was no one more ready than he to compromise for the sake of the principle and substance of federation. He asked that the constitution should be elastic so that if it was found that responsible government could not be worked under the constitution there might be room and opportunity left to adopt some other system. He pointed out that in the Australian colonies responsible government had been at the same time a success and a failure. As a working machine it was a success, but party strife had often lowered the character and quality of legislation. However the question of responsible government in the proposed federal constitution only became of chief importance in connection with the distribution of powers between the two branches of the legislature. He gave as an example the attempt by the House of Lords to initiate a tax in the shape of a paper

duty. When the bill came to the House of Commons it became a dead thing. So long as no tax could be imposed except by message from the Crown, and if every proposal to impose a tax must come from the cabinet , it was only a matter of detail whether it should be introduced into one house or the other. However, he argued that in Australia, as in America, right of initiation should be restricted to one branch of the legislature, for although they might commence with responsible government the time might come when they would change the system. Clark seems to be suggesting here that Australia might eventually adopt the American system with a president and cabinet outside the legislature.

Clark said that the strongest argument he had heard against giving the power of veto in detail on finance bills to a Senate in which each state was equally represented was that it would lead to the minority ruling the majority.

However this argument rested on the belief that the British Government in particular and representative government in general was founded on the principle of an absolute rule of the majority. Clark flatly contradicted this idea, and pointed out that minority government happened under all representative systems, and that it was judgement, reason and intelligence that should hold sway rather than absolute majorities. In any case the American Constitution had worked very satisfactorily for 100 years, and although the American Senate had the power to veto in detail there had been no deadlocks between the Houses on financial questions. Also the states must be able to protect themselves - a federal export tax on sugar, for example, could adversely affect Queensland.

Clark urged that each state be allowed to retain its own criminal law and its own judiciaries. However there must be a Court of Appeal that could take the place of the Privy

Council in purely Australian matters, although not in matters that might involve Imperial statutes. He also argued that the power of disallowance of legislation should be retained by the governor-general in order to maintain the link between themselves and the Crown. He sympathized with Dibbs of New South Wales in looking forward to independence as the ultimate goal of the colonies, but felt they were not yet ready to sever connections with the empire.²⁷

Moore and Douglas also spoke in the debates, but did not add anything very new to what had already been said. Moore repeated the view that the Senate should have among its powers the right to a voice in financial questions and power to veto in detail, but not be empowered to initiate money bills. While the House of Representatives had the power of initiating all

27. Ibid, p. 117.

questions of finance there could be no danger to the larger colonies, he thought. He felt sure that unless the Senate had some power, the colonies would have no guarantee of the inviolability of their rights. He believed the question of free-trade or protection might very well be left to the federal parliament. He ended by pointing out that if federation came national works could be undertaken which the colonies could not carry out on their own.²⁸

Douglas also urged that the Senate have the power to veto in detail money bills. On the question of customs and excise he asked - with free-trade established among the colonies, would it not seem a strange exhibition of loyalty to levy duties on imports from the Mother Country, and so treat her as a foreign nation ? He believed that the Governor-General

28. Ibid, p. 136.

should be appointed by the Crown, and if the colonies sought to remove the Governor-General's right to disallow legislation then their assertions of loyalty would be nothing but a sham.²⁹ Douglas may have been remembering the fuss made at the time of the first Federal Council meeting in 1886 when he had proposed a toast to the "United States of Australia - independent of the Mother Country".³⁰ His insistence at the Federal Convention on the importance of loyalty to Britain suggests he was keen to avoid being labelled a republican again.

Overall, the principal concern of the Tasmanian delegates was the question of what powers the Senate should have in financial matters. The thing they feared was that in a House of Representatives, in which each state was to be represented in proportion to its population, New South Wales

29. Ibid, p. 143.

30. See above, p. 44.

and Victoria would dominate, and Tasmania's voice would not be heard. The Senate, in which each state would have an equal voice, was seen as the guarantor of the rights of the States. Therefore it was crucial to the smaller states that the Senate should have the power to veto in detail any financial measures sent to it by the House of Representatives. On the question of defence the Tasmanians did not appear overly concerned with Major-General Edwards's warning about the island colony's vulnerability. There was still a strong residue of faith in the power of the Imperial navy, and also, perhaps, a feeling that Tasmania was too insignificant and far away to interest a foreign power. However the Tasmanian delegates were willing to co-operate in the setting up of a unified command of the Australian forces.

Clearly the Tasmanians were as jealous of states'

rights as the other colonies, despite their eagerness for federation. Federation at any price was never a theme taken up by Tasmanian politicians in spite of the colony's economic difficulties. However there was to be a great deal of argument in Tasmania about what price should be paid.

The Convention debates ended on 9 March with a speech from Sir Henry Parkes, and the delegates then went into committee to discuss in detail the resolutions. On 18 March three committees were appointed. These were on Constitutional Machinery, Judiciary, and Finance and Taxation. A.I. Clark was appointed to the first two, Douglas was appointed to the Committee on Constitutional Machinery, and Burgess to the Committee on Finance and Taxation. On 1 April Sir Samuel Griffith moved "That the Draft Bill to constitute the Commonwealth of Australia brought up by the Constitutional Committee, be referred for the consideration of a Committee

of the Whole Convention."³¹ The Convention went into committee and debate ensued on the details of the Draft Bill drawn up by the Constitutional Committee. The most contentious issue proved to be the question whether the Senate should be allotted equal powers with the House of Representatives in financial matters. This involved Chapter 1, Clause 55 of the Draft Bill, which said "The Senate shall have equal power with the House of Representatives, in respect of all proposed Laws, except Laws imposing taxation and Laws appropriating the necessary supplies for the ordinary annual services of the Government which the Senate may affirm or reject, but may not amend. But the Senate may not amend any proposed Law in such a manner as to increase any proposed charge or burden on the people."³²

31. The Votes and Proceedings of the Convention, p. lxxv.

32. Ibid, p. xcvi.

R.C. Baker of South Australia moved an amendment leaving out the words which placed a restriction on the powers of the Senate. In the debate which followed a split became apparent between the views of the Tasmanian members. Stafford Bird, though in favour of the Senate having equal powers, said he would vote against the amendment in view of the Statement from the Premiers of New South Wales and Victoria that neither of those colonies would join the federation if the Senate was to have equal powers with the House of Representatives "and thus agree to a compromise for the sake of the federation of the whole of the colonies."³³ Adye Douglas, who followed Bird, immediately attacked him, saying that Bird would argue one day in one way and vote in the opposite direction the next day. Douglas strongly supported the amendment, and bitterly attacked New South Wales and Victoria. "You might as well

33. The Reports of the Debates, p. 353.

say", he said, "that Victoria and New South Wales are to settle the laws of the whole of Australia as pass this clause as it is. That is the meaning of it."³⁴ When the vote came Bird and Clark voted for the original clause, and Burgess, Douglas and Moore voted for the amendment.³⁵ The amendment was lost.

The debate on the details of the draft constitution continued until 8 April, and on 9 April Sir Samuel Griffith moved adoption of the Commonwealth Constitution Bill. He congratulated the Convention on the measure having passed through committee without being materially altered. After addresses of a congratulatory kind the motion was carried. Two other important motions were also put and carried: the

34. Ibid, p. 354.

35. Ibid, p. 365.

first, that the several colonial parliaments submit the constitution to a plebiscite on a one man one vote basis; and the second, that if the constitution were adopted by three colonies the Imperial Government should be requested to take the necessary action to establish the constitution in respect of those colonies.³⁶

The business having been concluded, Sir Henry Parkes declared the Convention dissolved, upon which the delegates rose and gave three cheers for the Queen and one for the President. It now remained for the delegates to return to their respective colonies and put into effect the resolutions of the Convention.

36. Ibid, p. 454.

CHAPTER III

REACTIONS TO THE DRAFT BILL IN TASMANIA

1. THE REACTION OF THE PRESS AND PUBLIC.

The principle newspaper critic of the Bill was the Mercury, which attacked it in no uncertain terms. The proposed constitution, said the Mercury, would give rise to serious difficulties because it was an attempt to graft British practice on to a government which would be dependent on a written document and thus try to work together two systems which were directly antagonistic. As for the proposed Supreme Court, it might be called upon to regulate the procedure of one or both Houses of the federal legislature with no way to enforce its decisions - a strange novelty. On the question of the redistribution of surplus revenue by the federal government the Mercury urged that it be done on a population basis rather than in proportion to the amount of revenue raised in each colony as proposed.¹

1. Mercury, 16, 18 April 1891.

When W.H. Burgess, speaking to the Hobart Chamber of Commerce as its newly elected President, attacked any limitations on the powers of the Senate, he was supported by the Mercury which said he expressed the general opinion in Tasmania. "We naturally look to the guarantees against being overwhelmed by mere numbers, and we find them, as in the United States, in the constitution of the Senate." However the Mercury was by no means anti-federal. On Burgess' warning that Tasmanian farmers might be injured by throwing open the ports to the products of other colonies the Mercury's comment was that as the farmers insist they cannot live under the present system, they may as well try another, and one which may give them a wider scope.²

In Launceston the Examiner made no criticisms of the Bill but contented itself with using its editorial column to outline

2. Mercury, 30 May 1891.

the constitution and explain the dispute over the powers of the Senate.³ The Daily Telegraph however attacked Stafford Bird for his attitude to the veto powers of the Senate and, as Adye Douglas had done, accused him of voting against an amendment he had spoken for. The Telegraph claimed that federation would cost Tasmania £100,000 but her influence in the House of Representatives would be infinitesimal. It further complained about the absence of arrangements for finalizing disputes between the two Chambers of the Federal Legislature and of any provision for or against secession. The paper urged the absolute necessity of Adye Douglas speaking to constituents on the whole matter.⁴ One gets the impression of panic here. Bird had written an article for the Telegraph on the Constitution, but the paper claimed he had thrown no light on the subject. It could be that the split in Tasmania's ranks at the Federal Convention had caused confusion and uncertainty and a fear

3. Examiner, 13, 15, 18 April 1891.

4. Daily Telegraph, 13 April 1891.

that federation must involve loss of colonial identity.

The regional papers showed less interest than the Hobart and Launceston papers when the new Constitution was promulgated. The North West Post (Devonport) and the Wellington Times (Burnie) carried reports on the Bill⁵ but made no editorial comments. The Zeehan and Dundas Herald carried no reports or comments at all.

The general public also showed a lack of interest. Although A.I. Clark spoke to a large gathering in the Hobart Town Hall on 15 June,⁶ only 80 people turned up to hear Adye Douglas in Launceston's Temperance Hall on 1 July. This led the Daily Telegraph to claim that the meeting was not representative of Launceston.⁷ Clark and Douglas to a large extent reiterated the arguments they had presented to the Convention, but the differences of view they held

5. North West Post, 2, 9 April 1891; Wellington Times, 4, 8, 11, 15, 22 April 1891.

6. Mercury, 16 June 1891.

7. Daily Telegraph, 2 July 1891.

on the question of the powers of the Senate became very clear. Clark said that he considered the compromise arrived at in the Draft Constitution really gave the smaller colonies all the protection they needed. Though the Senate would not be able to insert an amendment in a financial bill and send it to the House of Representatives in the bill itself, it would be able to send the bill and amendment side by side in separate documents, and could refuse to pass the bill if its wishes were not met. To him the distinction seemed a mere matter of form.⁸ Douglas, by contrast, believed the compromise gave the Senate power to do practically nothing. Douglas was doubtful whether Tasmania could raise the revenue it needed if it handed over customs to the federal government. He had not made up his mind whether it would be advisable for the colony to join at present, for he would like to see the question of cost more fully explained. He advised Tasmania to wait, as there were provisions for a colony to come in after, "and it would be

8. Mercury, 16 June 1891.

advisable to try to find out first the extent of our 'loo' before we took a step that we could not retrace." In reply to a question, Douglas said that if Tasmania did stand out "we should be no worse off than we are now." ⁹

With such remarks as these from a former Premier it is hardly surprising that the public took little interest in federation. So long as the colony was reasonably prosperous and secure, and it was at this time, there didn't seem to be much point in bothering about federation.

2. THE DEBATE IN PARLIAMENT.

On 8 July 1891 the Governor, Sir Robert Hamilton, opened the first session of the tenth Parliament of Tasmania. In his speech the Governor said the most important business of the session would be the question of Australian Federation. He indicated that

9. Mercury, 2 July 1891.

a bill would be submitted "providing means for ascertaining the will of the people of Tasmania on a question so vitally affecting their present and future interests."¹⁰ The bill was brought in for the first time by the Attorney-General, A.I. Clark, on 22 July. It was read the second time on 26 August, and debate ensued. The bill proposed that a special Tasmanian Convention should be elected, on the same franchise as the House of Assembly, in order to consider the proposed Constitution, and either accept or reject it in the name of the people of Tasmania. The bill also provided that the Convention could suggest amendments in the Constitution. If the Tasmanian Convention and the Conventions of the other colonies suggested that amendments be made, another Convention would be held representing all the colonies to reconcile those amendments. A.I. Clark, introducing the bill, said he did not think there could be much divergence of opinion, on the part of those who had fairly considered the matter, on the general question of calling a

10. Mercury, 9 July 1891.

Convention instead of submitting the question directly to the consideration of Parliament. This was done because the Legislature had received no particular mandate from the people of the colony to deal with the matter. None of them were elected upon that issue. The Federal Constitution which was adopted at the Convention in Sydney was not a law in the sense of any law passed by the House of Assembly or by the Parliaments of any other colonies. It was a proposal to invite the people of all the colonies to remove themselves to a large extent from the jurisdiction of their present Parliaments, and to sever ties with regard to their subjection to those Parliaments, and to make new ties with a new legislative body. On that view of the case, it would be at once seen that that body from which they were asked to sever themselves ought not to be made the judge to decide that question. He went on to say that another reason why this matter should be submitted directly to the people in some form was that the strongest government was "broad based on the people's will." If any other method than putting this question

direct to the people were adopted, at some future time irritation might be felt in regard to federation, and an agitation got up to dissolve it.¹¹

The Treasurer, Stafford Bird, followed. He dealt with the financial aspect of the question, and explained the nature of the objections to the system of returning the surplus Customs revenue to the States in proportion to the amount originally contributed, instead of on the basis of population. He conceded that this would put Tasmania at a disadvantage, but expressed a confident opinion that under the bill, as soon as the Federal Parliament adopted a uniform tariff, the surplus would be returned upon the basis of population. He estimated the direct loss to Tasmania by federation at, probably, £50,000 a year. For this they would gain the advantage of unity between the people of the colonies, open markets for their produce, and a common system of defence. He

11. Mercury, 27 August 1891.

considered the boon of free ports would be in itself so great that £50,000 would not be too much to pay for it. He would support the bill.¹²

Lette raised an objection to the bill on the ground that they were handing over the powers of Parliament to the people of the colony. He held that Parliament should first pronounce on the bill, and that the people afterwards should ratify its action or otherwise. Fenton said that the proposed election of a Convention would cause a great deal of trouble and expense. He said he would like to see the bill gone through clause by clause in the House. Other members spoke in favour of the bill. Reibey pointed out that Parliament was the creature of the people, appointed to carry out a certain form of constitutional government, and it had no power to alter that form of government without the direct consent of the people. Henry and Dobson spoke strongly in favour of the Commonwealth Bill,

12. Ibid.

complimenting Tasmania's representatives at the Convention in the highest terms. Davies raised an objection to the schedule of the bill on the ground of inequality of representation, but said this might be amended in committee. He expressed his intention of supporting the bill. Crisp pointed out some of the disadvantages likely to arise from federation, but supported the bill and expressed a desire to hear the Speaker, N.J. Brown, on the subject. With this object in view he moved that Lette take the chair. This was carried, and Brown, having taken his place on the floor of the House, moved the adjournment of the debate until four o'clock on Thursday, which was agreed to.¹³

Brown, taking up the debate on Thursday 27 August, said that it was to be regretted that the Federal Council, which was the germ or beginning of the federal movement, had not been allowed to work out its destiny. For his own part he was not at all

13. Ibid.

in love with the term 'Commonwealth', which was objected to by some and supported by others because of its historical associations, he would rather prefer the term 'Federation'. In regard to the clause of the bill relating to the power of the Senate, it seemed to him there was not a great deal of difference between sending down suggestions and sending down amendments, and therefore he did not think it necessary to take up a decisive position on this question. As to the bill before the House, Brown confessed that it did not recommend itself to him very much when he first perused it, but on further consideration he asked himself what better plan could he propose, and he was compelled to say that he could not propose a better one. For that reason he would give the bill his very hearty support.¹⁴

A.I. Clark, in replying to the debate, said, on the question of the Federal Council, he sympathised with everything

14. Mercury, 28 August 1891.

that had been said with regard to the Council's past work, but he had always thought that it was bound to be abolished to make way for the larger federation. It could not possibly grow into the larger federation that they were now looking for. Referring to the objections to the bill, he dismissed as trivial the ones as to the monetary cost of holding the Convention in Tasmania. The other objections were confined under two heads. The first was that they were taking some power away from the present Parliament; and the second that Parliament was competent to deal with the questions, and more competent members could not be elected. With regard to the first objection, he contended that this Parliament never had power to deal with the subject of federation, and therefore it was impossible to take from it that which it never had. The Legislatures of the colonies were the creatures of the Imperial Parliament and the British House of Commons was omnipotent in regard to such questions. It could, if it liked, take away all or any of the powers held by the colonial legislatures. Referring to the competency of the Parliament

to deal with federation, as compared with that of a Convention, he submitted that the members of the House required to be educated on the question. He believed that this would be accomplished during the election of members to the proposed Convention, as candidates for that honour would have to go before the electors, discuss federation with them, and answer questions. Clark moved the second reading and the bill was then dealt with clause by clause.¹⁵

The Assembly agreed to the title 'The Commonwealth of Australia (Tasmania) Act' after Clark explained that there was no lurking motive in adopting the word "Commonwealth" in the direction, as had been suggested by some of their ultra-Tory friends, of setting up an independent Republic. The Assembly also agreed to clause 2 - that the Constitution be submitted to the Convention for adoption - after some discussion on the powers of amending the proposed Constitution. However the Assembly did not come to agreement on the

15. Ibid.

question of electing delegates to the Convention. There was some discussion on whether electors to the Legislative Council should have more votes than electors to the House of Assembly and whether women should be included in the franchise. Discussion on the clause was postponed.¹⁶

When the debate on the clauses of the bill was resumed on 1 September, Colonel St. Hill moved, as an amendment, the insertion of the words - 'No man shall vote in more than one electoral district' - thus giving effect to the principle of one man one vote. The proposal did not gain the favour of the members and the amendment was lost four votes to fifteen.¹⁷ Discussion on the issue of one man one vote highlighted the restrictive nature of the Tasmanian franchise, which was eventually widened only when the coming of Federation in 1901 provided for one man one vote and the enfranchisement of women.

16. Ibid.

17. Mercury, 2 September 1891.

On 4 September the House of Assembly continued discussing in detail the provisions of the draft Commonwealth Bill. As might be expected a great deal of the discussion centred around the money powers of the Senate and the prevention of deadlocks between the two Houses. Despite objections from Hartnoll, Lewis, Brown and Bennett, the clause in the bill limiting the power of the Senate was agreed to by the Assembly. It appeared that members were prepared to accept a compromise for the sake of federation, and were swayed by Clark's argument that if they returned fit and proper men to the Senate, men with backbone, so to speak, who knew their powers, they would find that under this clause that they had all the powers that they needed.¹⁸ However on 9 September the Assembly changed its mind. Bennett, speaking on clause 55 "Appropriation and tax bills" asked that the clause should be reconsidered, because he thought it most objectionable. If they thought that the Commonwealth was being formed with equal rights to the States and the people, then this clause did the very

18. Mercury, 5 September 1891.

contrary, because it took away the only safeguard the colonies had for equal representation. What was the use of giving equal representation in the Senate if it had not power to amend money bills? He proposed an amendment to the clause which would have the effect of giving the Senate this power. Hartnoll, Sutton and Barrett supported the amendment, which was agreed to, and the clause as amended passed. The Assembly further resolved that the question of joining the Federation should be left to the Parliament to decide, thus taking to itself the power to override any decision which the Convention might happen to arrive at.¹⁹ The Mercury's comment at this stage would appear to be quite fair: - "If there is to be a Convention to which the whole case is to be submitted, what has Parliament to do with the business? Is it proposed to bind the Convention as to acceptance although it is to be capable of making whatever amendments it may deem desirable in the Federal Constitution?..... Surely, if the Convention has any spirit, if it has any idea that it is a real thing

19. Mercury, 10 September 1891.

and not a most transparent sham, it will insist that its delegates shall do what it has decided upon, and not something else..... The work has, clearly, been gone about in the wrong way."²⁰

On 15 September the Attorney-General moved the third reading of the Commonwealth Bill with amendments. After a protest from Lette and some other members who did not believe in transferring to the people the powers of Parliament on so great a subject the bill was passed. Lette moved that the third reading be postponed for a fortnight so that the Attorney-General might discover some other way of taking the opinion of the people than that proposed. Some little discussion took place on the motion for postponement, but the House evidently felt that there was nothing more to be done, and so the motion was lost without a division.²¹

20. Ibid.

21. Ibid. 16 September 1891.

Perhaps the clearest fact that comes out of the whole issue is that the House of Assembly was not really willing to give up its powers for the sake of federation. Despite professions of enthusiasm for federation on all sides, when it came down to detail members of parliament were unable to resist the temptation to hold on to power. This may be accounted for by the conservative nature of Tasmanian politics and its undemocratic tendencies. One man one vote was not yet a fact in Tasmania and, as mentioned before, it was only Federation which made it a fact.

On 30 September 1891 the Premier, P.O. Fysh, moved in the Legislative Council the second reading of the Commonwealth Bill. Speaking to the bill he said Tasmania had a great deal to gain by federating, as she was bound to become a great manufacturing colony, and to be so only needed the greater markets of the adjoining colonies thrown open to her. These she could only get by joining the Federation. The bill he was asking the Council to pass provided for

the election of 50 delegates to specially consider this great question of federation, and it was not necessary that these delegates should be members of Parliament. It rested with the people themselves whom they should elect to carry on this work and to make recommendations for its future development. It was not a question of whether but how they should federate. He defended at length the use of the name "Commonwealth", and in proceeding to deal with the provisions of the bill said that Tasmania was pledged up to the hilt to federation. "As far back as 1851 a proposal had been approved of for the formation of a federal council."²² In 1861 the subject came before Parliament and Tasmania had since taken part in all conferences

22. In 1849, following a suggestion from Earl Grey, Secretary for the Colonies, a Committee of the Privy Council recommended that one of the Colonial Governors should be constituted the Governor-General of Australia and that he should have power to convene a General Assembly. In 1851 Sir Charles Fitzroy, Governor of New South Wales, received a commission as Governor-General of the Australian colonies. - K.R. Cramp, State & Federal Constitutions of Australia, p. 126.

on the subject.²³ No such important problem had ever been considered, he said, as they were now called upon to deliberate. It meant not only the present but the future, when there would be a much greater population in Australia. In referring to the power of the Senate over money bills he took a strong position and stated that he was not prepared to place State rights at the mercy of the democracy of the future. This was one of those rights which he had received from the people of Tasmania, he said, which he hoped to hold as one of their servants and to hand down. He wanted to be a Tasmanian and also an Australian, but still did not wish in some matter to lose his individual rights. He expressed himself favourable to the formation of a final Court of Appeal for all the colonies. Fysh believed that federation could be carried out at a comparatively small cost, considering the great benefits it would confer. The extra cost to Tasmania would not exceed £50,000. He hoped in the course of a few years that that amount would be considerably reduced, owing to the

23. See Thesis, pp. 1, 2.

free interchange of products which would follow and tend to the advancement of Tasmania. On the motion of Douglas the debate was adjourned for a week. "There was no hurry, and it was important that everyone should carefully consider this question, which was of vital importance."²⁴

On 7 October Douglas resumed the debate. He said he regretted that there was so little public interest manifested in this very important question - a question which involved the giving up of the government of the colony to a very much higher power. He criticised the acceptance by the Sydney Convention of the limitation of the Senate's power over money bills and was sorry to say that on that occasion the Premier, the Attorney-General and the Treasurer were offenders. He also criticised clause 52, in which they found the postal and telegraphic services would be under the control of the Federal Parliament. If federation was entered into, he said, they

24. Mercury, 1 October 1891:

would not be able to put up a little bit of a telegraph station themselves, and he wanted to ask why they should give up that right. It should not be forgotten, he went on, that when once they put their necks into such a halter they could not get them out. They ought to remember that at present Tasmania knew her position - she had had to fight against the great tariff wall of their big neighbour across the Straits for years; they were fighting it still and they knew how they stood. But, he said, if the mineral fields of the colony turned out one tithe of what they promised the little island of Tasmania had nothing to fear. Therefore why should they rush into this federation without duly considering the whole of the circumstances? When they got the bill into committee he would propose an amendment in clause 11, providing that one of the two other colonies adopting the Constitution must be either New South Wales or Victoria, because it would be perfectly useless for Tasmania to join any other colony. He would do all he could to prevent their being rushed into this bill until he saw what was done by the other colonies. He sincerely asked

the Council to pause before rushing into the matter until they had settled whether they could not get at a better means of obtaining the opinion of the people than that proposed in the bill. He was inclined to think that they could not get a better opinion than could be obtained from the present Parliament sitting as a convention. He asked for some member who intended speaking to the bill to move the adjournment of the debate in order that the public mind might be gauged upon it. He said since he left Sydney in April he had never come across many persons who talked about it, or cared a straw how the thing went. After speeches by Rooke, who opposed the principle of universal suffrage for the House of Representatives, and by McCall, who supported federation and hoped the seat of government would be in Tasmania, the debate was adjourned for a fortnight.²⁵

25. Mercury, 8 October 1891.

3. THE FAILURE OF THE FEDERAL ENABLING BILL.

It should be clear that the real leaders of the federation movement at this stage in Tasmania were the Attorney-General, A.I. Clark, the Treasurer, B.S. Bird, and the Premier, P.O. Fysh. It was these three who were prepared to make compromises for the sake of federation, particularly in the case of the money powers of the Senate. Douglas was a states' rights man and although not opposed to federation he regretted that even such small matters as the placing of a post-office would have to be given up to the federal government. His reference to the Tasmanian mineral discoveries, however, was very significant. His belief that Tasmania might be able to afford to stand alone was to be disproved with the onset of the great economic depression of the 1890's which affected all the Australian colonies including Tasmania. Other members were in favour of federation, but were prepared to be cautious. The press was also in favour of federation and gave the parliamentary debates a great deal of publicity. The Mercury took a strong states' rights view, but the

Examiner contented itself with "educating" the public about federation in general. One Examiner editorial devoted itself to an outline of the parliaments of the world to give its readers a basis of comparison in order to help them make up their minds on the matter.²⁶ However despite the frequent expressions of opinion about federation by both politicians and the press it appears that the Tasmanian public were quite uninterested. Douglas's statement that he had never come across many persons who cared a straw how the thing went since he left Sydney in April gives the impression that the public was content to let the politicians make the decisions for them. It may be, too, that despite all the talk of mutual defence and the advantages of free trade, the politicians saw federation chiefly as an opportunity of finding a larger stage to act on. Certainly there had been great keenness among them to attend the Sydney Convention. There was no doubt that the people were loyal and patriotic to both Great Britain and the British Empire - volunteers were readily found for the Soudan

26. Examiner, 24 April 1891.

contingent in 1885, and there was still a lot of interest in the Imperial Federation movement - but the concept of an Australian nation in any sense separate from the Mother Country was yet but dimly seen by the public and by many politicians. One notable exception must be made, Tasmania's A.I. Clark, who had helped in the drafting of the first federal constitution, clearly saw that federation involved political autonomy, that the proposed Australian parliament would be independent of the British Parliament. Clark even proposed doing away with appeals to the Privy Council, a proposal which did not gain much support. The general state of affairs was pointed to in an editorial of the Mercury of 9 November 1891. The Mercury feared that federation was in a bad way. In spite of the optimistic predictions of Sir Henry Parkes the paper believed that the colonies were not yet at the beginning of a real federal movement. The Mercury said there was no enthusiasm, no real patriotism visible anywhere or any signs of national feeling that might impel unity in spite of all obstacles and in defiance of what appeared to be local interests.

The Mercury's view was confirmed when the debate on the Commonwealth Bill was resumed in the Legislative Council on 11 November 1891. The debate had been postponed mainly for the purpose of learning what New South Wales was going to do about federation. Hart, resuming the debate, said they were not much further ahead than when he had moved the adjournment. As matters stood at present he feared they might go too fast, and on that account, although desirous of federation, he would not support the second reading of the bill. He thought it would be as well to await further developments in the matter, and for that reason he hoped the bill would not pass just then. Crosby remarked on the lack of enthusiasm outside, and the fact that the matter was only being kept alive by a few politicians and the press. It was evident that the men and the time for federation had not arrived, and that it would be wise to delay the proposal to proceed. Whenever the subject was taken up he hoped to find the Tasmanian delegates taking it up from a Tasmanian point of view. In the matter of customs duties, he said, there was great difference of opinion, and

a uniform tariff would not be any good without a uniform wharfage rate because in Victoria wharfage rates often exceeded customs duties. There were many other questions upon which Crosby preferred not to touch just then, except to say that he did not agree with the proposal to adopt the 'one man one vote' principle. He was willing that all men should have a vote but believed that property also should have a vote. He moved the adjournment of the debate for a month. The Premier said that as members appeared to be of one opinion - that Tasmania should follow and not lead in this matter - he would accept the position and fall in with Crosby's motion. The debate was adjourned for a month.²⁷

On 21 November the Mercury reported: "Federation is dead, or, at any rate, the Commonwealth Bill is dropped for the year, so far as Tasmania is concerned. It had reached the Legislative Council, upon the order of which Chamber it remained for some weeks. Then, seeing

27. Mercury, 12 November 1891

how matters stood in the other colonies, and what a difference of opinion existed in them in regard to the functions of the branches of the Federal Legislature, it was thought better to let the matter rest for the present year. So the bill was discharged from the paper, which means the closing of the subject so far as the present session is concerned."

Thus the first attempt in Tasmania to put a federal constitution into action fizzled out. The bill to set up a Tasmanian Federal Convention did not complete its course through Parliament, and it was forgotten. In the other colonies discussion continued on their enabling bills but nothing was resolved. There was no reason why Tasmania should not have proceeded with the bill and the Convention. It may have acted as an impetus to the other colonies. However the other colonies were now concerned with saving themselves in thier own individual ways from the great depression. Their almost total lack of enthusiasm for federation, and Tasmania's acceptance of

her role as a follower rather than a leader, did not seem to make the expense worthwhile. Much certainly did depend on the leadership of New South Wales and Victoria, and when this was seen to be wanting the Tasmanian politicians were not prepared to step into the breach. Besides this the lack of public interest in Tasmania provided no inspiration to proceed with the movement. Despite all this it cannot be said that the work of the Sydney Convention and its aftermath were without value. In the first place it provided a constitution which was to form the basis of the Constitution eventually adopted for the Commonwealth of Australia. In the second place it provided the politicians of all the participating colonies with experience and education in those matters of detail which were to prove to be obstructions to agreement and had yet to be resolved.

CHAPTER IVTHE DOLDRUMS 1892 - 941. ECONOMIC CRISIS AND THE FEDERAL COUNCIL.

Indicative of the doldrums which the federation movement had entered following the failure of the colonial parliaments to act upon the resolutions of the Sydney Convention was the decision of the Standing Committee of the Federal Council of Australasia not to hold a meeting of the Council in 1892. It was felt there was nothing of importance to do. The Australian colonies at this time were in the grip of the severe economic depression which was affecting the whole world. In July and August 1890 a financial crash occurred in Argentina. In November 1890 Barings failed in London, and this in turn led to the rapid withdrawal of deposits in Australian financial institutions.¹ Forty-one land and finance companies failed in Melbourne and Sydney between July 1891 and August 1892.²

1. M. Clark, A Short History of Australia, New York, 1963, p. 159.

2. E. Shann, An Economic History of Australia, Melbourne, 1967, p. 328.

In Tasmania the Van Diemen's Land Bank closed its doors on 3 August 1891. The mining industry was severely jolted and individuals ruined by the bank crash, but this was only a portent of the depression which followed.³ "Markets closed, trade dwindled, wages fell and employment evaporated. Public revenue fell from £800,000 in 1891 to £690,000 in 1894. Between 1892 and 1895 expenditure declined from £920,000 to £750,000. Customs receipts shrank by a quarter and the value of imports slid from £2,000,000 to £980,000 between 1891 and 1894. The government severely curtailed its public works schemes and retrenched every department. Between 1891 and 1894 the average wage of artisans and labourers fell by 8s.6d. per week. Workers with continuous employment were hard hit. Those without suffered considerably."⁴

Although the depression proved how closely tied together

3. H. Reynolds, The Island Colony, M.A. Thesis, University of Tas., 1963, p. 219.

4. Ibid.

the Australian colonies were, each colony tried its own remedies. In Victoria Graham Berry, Treasurer in the Shields Ministry, increased customs duties to 50 per cent while in New South Wales the Premier, Sir George Dibbs, empowered the Treasury to issue its own notes and made legal cash of the notes issued by the banking companies.⁵ In Tasmania lingering laissez-faire doctrines inhibited action, although by 1893 the government provided some relief work for the unemployed.⁶ One line of action the Tasmanian government did take was to revive the question of lowering customs duties between the colonies. In May 1892 the Premier, P.O. Fysh, with the Attorney-General, A.I. Clark, visited the mainland colonies to discuss federation and intercolonial reciprocity in customs. While in Brisbane Fysh expressed support for the continuing employment of coloured labour both in Queensland and in the Northern Territory of South Australia, a topical sentiment in view of the controversy over

5. Shann, Economic History of Australia, pp. 330, 334.

6. Reynolds, The Island Colony, pp. 221, 222.

the recruitment of kanakas for work in the canefields and of Chinese coolies for the North Australian Railway. Fysh said he did not regard either form of indenture as an obstacle in the way of the federation of the colonies. These remarks were not in line with the growing demand for a White Australia but were apparently an attempt to induce South Australia to rejoin the Federal Council.⁷ In New South Wales, which had recently adopted its first protective tariff, discussions were held on the question of free-trade.

On his return to Tasmania Fysh reported to the Hobart Chamber of Commerce that he had been unable to get any agreement on intercolonial free-trade from Queensland, New South Wales or Victoria. With South Australia the only agreement he could get was over the duty free exchange of wines and timber.⁸ The Mercury, commenting on Fysh's speech, said it "does not leave much hope that

7. Mercury, 4 June 1892.

8. Mercury, 17 June 1892.

there will be an early casting down of the barriers which divide the colonies from each other."⁹ Clearly in such an irresolute situation it could not be expected that much progress would be made with federation. In a statement to Parliament amplifying the details of his visit to the neighbouring colonies Fysh said that if his proposals for intercolonial reciprocity were not to be adopted all Tasmania could do as a remedy would be to wait for the time when the Commonwealth would be in full session. With power delegated to it by every Parliament to assimilate the whole tariff for Australasia her inhabitants would be not only one kin but one commercial people.

With the failure to achieve the aims of both the Federal Convention and Fysh's visit to the mainland, the Tasmanian Government now looked to the Federal Council for a means of

9. Mercury, 18 June 1892.

salvation from the economic crisis. The Council had fallen into decline and, under its rules, would pass out of existence altogether unless a meeting was held by January 1893. South Australia decided to rejoin the Federal Council and Holder, Premier of South Australia, proposed that the number of members representing each colony should be increased in time for the Council's next meeting, to give greater weight to its deliberations and additional importance to its recommendations and requests. The suggestion was received with favour in Tasmania and Victoria, but met with the most determined opposition from Sir Samuel Griffith, Premier of Queensland, and an architect of the Draft Constitution of 1891. He saw in the extension of the Council's basis a slur upon the greater movement which had developed beyond the Federal Council.¹⁰ He was supported in this view by Sir John Forrest of West Australia. Henry Dobson, the new Tasmanian Premier, in reply to Griffith's

10. Mercury, 22 September 1892.

objections said he thought the Federal Council should be enlarged and that he believed this course would not delay federation an hour. He added his further belief that the quickest and surest way to federation would be to refer the matter to delegates elected by the people.¹¹

To a large extent Tasmania's leaders were grasping at straws in a desperate situation. The delays in the New South Wales legislature in connection with the Commonwealth Bill had been the cause of much comment in the Tasmanian press, and yet it was still admitted that the leadership of New South Wales in the federal movement was essential. Fysh's visit to New South Wales had raised no hopes of accelerating the movement towards intercolonial unity, and those in Tasmania who were still interested in federation hoped that it might be saved by an enlarged Federal Council, even though

11. Ibid.

New South Wales expressed no interest in the Council. The economic depression of the early 1890's had hit the colony hard. The Premier's attempt to gain the advantage of intercolonial free-trade with the wealthier mainland colonies had been a failure, and federation, a first Common Market, must have seemed the only hope for a small colony unable to compete on equal terms with its big neighbours.

The deep reliance which Tasmania's leaders were now prepared to place in the Federal Council was expressed in a letter to the Mercury by N.J. Brown. Writing of the Federal Council he said that it seemed to be the part of wisdom to make the best possible use of this instrument readily at hand, an instrument well calculated to have an educational influence on the minds of the electors of Australasia and to promote the desire for full federal union. He argued that the placing of the expense and organisation of defence in the hands of the Federal Council would

result in a system of defence that could be cheaply administered in time of peace, and that would be an effective protection in time of war.¹² In a second letter Brown suggested that a Federal Treasury might be constituted by vesting all funds at the disposal of the Council in a Board of Finance composed of the Treasurers of the various colonies. The contributions of the several colonies for ordinary local defence expenditure could be levied and paid into the Federal Treasury pro rata, according to population, just as the contributions for naval defence were paid to the Imperial Government but with the difference, that the taxpayers, through their representatives in the Council, would have direct control over expenditure. The Board of Finance might also be reasonably expected to evolve a scheme for the consolidation of the public debts, saving large amounts annually in interest and removing the objection of the Imperial Parliament to legalising the investment of British trust

12. Mercury, 27 September 1892.

funds in colonial securities. Brown's concern for the financial advantages to be gained from the federation is clear. It becomes clearer still in his final remarks with regard to New South Wales. He wrote as follows: "It is possible that some of the irreconcilables, even in New South Wales, may regard with favour, and with toleration at least, a partial federation, which for the present would place the difficult fiscal question in abeyance, leaving the protective craze to fructify undisturbed, to produce in due season its plentiful crop of poverty amongst wage earners, and embarrassment for those responsible for financial affairs. Thus only, it seems, may we hope that a demand for full fiscal and legislative union will come and those barriers to free commercial interchange which should never have been allowed to be erected be broken down. Will the other colonies think the further concession of fixing the meeting place of the Federal Council at Sydney too high a price to pay for securing the adhesion of New South Wales?"¹³

13 Mercury, 28 September 1892.

On 13 October 1892 the Mercury reported a rather curious situation in Federal Council matters as they affected Tasmania. Through a change in the Ministry Henry Dobson - now Premier - had come into prominence in federation matters. Clark, who had been the principal representative of Tasmania in the Council, had not yet returned to his private position after being displaced as Attorney-General. The result was that both were in telegraphic communication with the Victorian Premier upon federal questions, and curiously enough, so far as Clark's correspondence was concerned, unknown altogether to one another. Dobson's cablegrams referred to questions raised by the South Australian Premier, and had very properly been made public. Clark's messages referred to different subjects opened up before Dobson took office and regarded by Clark as confidential. The unusual feature lay in the exercise of a dual authority, and the pressure it placed on the Victorians to discriminate as to whom they should regard in Tasmania as the Council's representative. Bird and Clark openly declared that they were

prepared to resign their positions as Federal Councillors as soon as the new Ministers seemed ready to appoint new men. It emerged from a later report that the messages received from the Victorian Premier by Clark did not involve the question of representation at all, but the powers of the Federal Council in regard to certain aspects of international law, upon which the legal members of the Standing Committee were being asked to express their opinion.¹⁴ Thus it appears that there was in reality no doubling of authority as first reported by the Mercury.

During October Shiels, the Victorian Premier and chairman of the Standing Committee of the Federal Council, dispatched a circular note to the Premiers of Queensland, Tasmania and Western Australia, and the Colonial Secretary of Fiji drawing their attention to the fact that the last session of the Federal Council

14. Mercury, 20 October 1892.

had terminated on 29 January 1891, and pointing out that another session must, under Section 4 of the Federal Council Act, be held not later than 29 January 1893. He reminded members that bills to be introduced to the Council must be sent one month at least before the commencement of the session to the Chairman of the Standing Committee.¹⁵ To a reminder cable received from Shields on 15 November Dobson sent the following reply: "We have referred the following bills to Federal Council:- Trial and punishment in one colony of offenders against law of adjoining colony; Enforcement of process of Supreme Courts of other colonies, and to compel production of wills, deeds, etc. in certain cases. I think the Australian Judgements Act requires amending, and would it not be well to make an order in any colony appointing a Curator of Intestates to have force and effect in all other colonies?"¹⁶

15. Mercury, 20 October 1892.

16. Ibid, 17 November 1892.

Despite Tasmania's support for increased membership in the Council and N.J. Brown's grandiose ideas nothing radical was going to be introduced by Tasmania's representatives.

The prospects for federation were not bright. South Australia had reversed its decision to rejoin the proceedings of the Federal Council, and New South Wales continued to stand aloof. Proposals to increase the membership of the Council had been abandoned in view of opposition from Queensland and Western Australia. There was some controversy too over the appointment of Tasmania's delegates to the Federal Council. At first it was reported that the two delegates would be the Premier, Henry Dobson, and A.I. Clark whose long connection with federation had led to his being chosen once more.¹⁷ The Fysh Ministry had asked the Governor to remove N.J. Brown from the position of delegate to the Council - apparently,

17. Mercury, 19 November 1892.

according to the Mercury, because he was not a Minister. The Mercury accused Clark of recommending Brown's removal to the Governor and accused him of inconsistency in the fact that he himself was no longer a Minister and yet was still a Council delegate.¹⁸ Clark wrote a stinging letter to the Mercury saying there was nothing in the Federal Council Act which insisted that the delegates should be Ministers, and that Brown's removal had nothing to do with the fact that Brown was not a Minister.¹⁹ So it turned out that when the Premier announced to the House of Assembly that the next Federal Council meeting would be held in Hobart he also announced that Tasmania's two delegates would be himself and the Speaker of the House, N.J. Brown.²⁰ Clark had been removed.

18. Mercury, 24 November 1892.

19. Ibid, 25 November 1892.

20. Ibid, 16 December 1892.

2. THE FEDERAL COUNCIL SESSION OF 1893.

The fifth session of the Federal Council of Australasia duly met in Hobart on 26 January 1893, Founding Day and also Hobart Regatta Day. On account of the holiday the first sitting was a short one confined to the election of the President, Sir Samuel Griffith, and the election of officers. Although this session of the Council was to play little part in the whole federation movement, Tasmania's hopes were pinned on it. This time defence as well as economics played an important part in Tasmania's arguments for unity. The imperialist powers of Europe had become intensely competitive in their search for additions to their empires. The young ambitious Kaiser Wilhelm II of Germany had dismissed the cautious Bismarck in 1890 and had embarked on a policy of "Weltpolitik". Britain was quarrelling with France over who should be dominant in Egypt and the Soudan. In Asia the newly emerging Japan was picking up the pieces of the decaying empire of China, already being torn to shreds by the hungry dogs of Europe. Clashes

and wars seemed inevitable and although the Tasmanians felt relatively safe in their isolation they could not afford to ignore Major-General Edwards' warning about their island's vulnerability.

The Federal Council was formally opened by the Administrator of Tasmania, Sir Lambert Dobson, C.J., on 27 January. In his speech His Excellency said that as the several colonies had not yet passed the Commonwealth Bill which had been drawn up at the Sydney Convention in 1891, the Federal Council continued to be the only medium through which united action might be taken or united opinion expressed. He recommended that because of the likelihood of considerable delay before any scheme of general federation would supersede the Council, the Council should consider increasing the number of representatives for each colony. Outlining the programmes of the Council he mentioned the defence question and a Bill to provide for the discipline and government of the garrisons at King George's Sound and Thursday Island. He also mentioned that a

report of the Standing Committee on affairs in the Pacific would be placed before the Council.²¹ This referred specifically to the consolidation of French influence in the area.

Speaking in the debate on the Address-in-Reply, Dobson referred to the Administrator's recommendation that the size of the Council be increased by having more representatives from the member colonies. He said he thought the larger federation would grow in the course of historical development from this germ of federation. The reasons for enlarging it were enormous, he said. He did not think he had ever felt so embarrassed or depressed as during the past few hours of his short public life in having only one colleague in the representation of this island of Tasmania. It must be apparent to all, he said, that the Council could not hope to adequately represent the opinion of all the Australian colonies. It lacked the debating

21. Federal Council of Australasia, Official Record of Debates, Hobart, 1893. p. 8.

power, the width of thought and the constitutional knowledge to command the respect of Australia. The very smallness of the Council, he added, would prevent it from doing almost any good at all. It appeared to him to be an institution about which very little was known, and less cared. Dobson went on to hope that the Council would consider increasing its numbers, and then approach South Australia and New South Wales with a view to gaining their membership. He thought those colonies by standing out were unconsciously, but most positively, hindering the cause of federation: - "If the question should be asked", he said, "what is the most important thing at this moment to do in reference to the larger movement? the answer undoubtably is, get all the colonies represented in the Federal Council and increase the number of representatives."²²

N.J. Brown, speaking to the Address-in-Reply, referred to

22. Ibid. pp. 16 - 20.

the question of defence. He stated that it might take five or ten years for the colonies to agree on the Constitution Bill, and therefore urged that the Federal Council take some kind of concerted action on defence. When the Federal Garrisons Bill came before the Council for its second reading on Monday 30 January Dobson made a long speech in which he made it clear that Tasmania was prepared to help the other colonies with their defences provided that they helped Tasmania provide for her defence. The Federal Garrisons Bill provided only for King George's Sound and Thursday Island. Dobson, quoting Major-General Edwards and other officers, argued that Tasmania was of as much importance to the mainland colonies as the two places mentioned. He further argued that Tasmania's defence was important not only to Australia but to the Empire. Gavan Duffy of Victoria refuted Dobson's arguments on the grounds that the commerce with Australia and Tasmania passed so close to King George's Sound and Thursday Island that if they were in an enemy's possession the colonies would be

cut off from the Empire altogether. "If it can be shown to Australasia", Duffy said, "that the Derwent is on a line of commerce that would, in the event of war, cut us off from Europe and the rest of the world, the same as is the case with Thursday Island and King George's Sound, then I am sure Australasia will take it into consideration as to whether they cannot give Tasmania the assistance she requires to defend her port."²³ Thus it was that Tasmania was put in her place. Although assurance was given that in the event of an attack the other colonies would come rushing to her assistance it was not felt by the mainland delegates that Tasmania was a sufficiently important place to warrant spending money on defences immediately. Tasmania's position in the federal scheme of things was realised by Dobson, who pointed out that Tasmania had reason to be anxious at the lack of unity in questions of defence, and that until they could refer the matter to a federal body they were only

22. Ibid. pp. 49, 51.

beating at the winds.

It is clear that feelings of isolation and insecurity in Tasmania were a powerful motive for her anxiety to join up with a stronger federal body. The sense of inadequacy of the Federal Council was expressed immediately following the second reading of the Federal Garrisons Bill in the motion proposed by N.J. Brown: that the Council recommend that a Federal Union of the Australasian Colonies be established as soon as possible along the lines recommended by the National Convention of 1891 and that in the event of serious delay the Council take into consideration the advisability of increasing the number of members of the Council and taking such action as they think fit for that purpose.²⁴

Speaking to his motion Brown brought up again the arguments

24. Ibid. p. 53.

he had presented in his letters to the Mercury - that the savings effected by the consolidation of the debts of the colonies would more than offset the loss of customs duties that would come with federation. He referred to the loss of confidence in colonial loans which existed at that time, and believed that their good faith would soon be restored. Going on to speak of the defence of the colonies he said the present system of separate expenditure on defence must be very wasteful. This waste could only be avoided, he said, by placing the whole matter in the hands of a general body like the Federal Council, armed with the necessary powers, having at its command the best available expert advice, and guided by a desire not to pander to mere local whims and caprices, but to organise a system of defence that can be cheaply administered in time of peace, and that will also be effective for the purpose of protection when required. Brown went on to express the hope that an increase in the membership of the Council would result in the "adhesion of the colonies that have hitherto stood out."²⁵

25. Ibid. pp. 53 - 61.

The following day, 31 January, Sir James Lee-Steere of West Australia moved an amendment to Brown's motion. The amendment proposed that the number of representatives from each colony should be increased to five and that the Standing Committee request the Governments of the colonies represented in the Federal Council to move an address to Her Majesty praying that she will be pleased to issue an Order in Council to increase the numbers of representatives, and that the Standing Committee be also instructed to take such action as they may think fit for securing the adhesion of the colonies not represented in the Council.²⁶ Brown's motion was thus made more specific, and Brown himself supported the amendment, though he said he would not support any resolution if he thought it would endanger the general acceptance of the broader basis provided for in the Commonwealth Bill of 1891.

26. Ibid. p. 88.

The debate on Brown's motion and the amendment was concluded on Friday 3 February, when Dobson spoke at length. He spoke in favour of the Commonwealth Bill but hoped that the power of the Senate would not be checked. He also hoped that the Bill would not force the "one man one vote" principle on the colonies. Dobson thought a deristricted franchise would only tend to mar the Commonwealth Bill and cause disunion and dissension. He saw no freedom in the colonies being compelled to give a man a vote "who does not deserve it; who has not qualified himself in any reasonable way, either by renting some house at as low as £5 and £7, or by being able to earn wages to the extent of £60 per annum."²⁷ Dobson had stated clearly one of the fears that some of Tasmania's more conservative leaders had in regard to federation - that they would be forced to introduce democratic suffrage.

On the question of defence Dobson spoke very much as a

27. Ibid. p. 114.

British Empire loyalist. He said the greatest service Australia could render to the Empire and to the world would be to have a navy near at hand and to be able to provide troops which could be despatched to India should their services ever be required. He believed that the naval forces of Australia would be of much more service in India than they were ever likely to be in the defence of Tasmania. However he was not really prepared to accept that Tasmania should pay for its own defence as is shown by his argument that if an attack was made on Tasmania it would only be for the purpose of establishing a base of operations from which to attack the richer colonies of Australia, where they could get something. "Therefore, I say the question of the defence of the little Island of Tasmania is not a question for us, but for the other Australian colonies and the Imperial Government."²⁸ Perhaps he was trying to get federation on the cheap. Certainly the colony's finances were

28. Ibid. p. 117.

in a bad way, and he laid the blame for this on the protectionist policies of the mainland colonies. "If some action of a Federal nature is not taken very soon," he said, "Tasmania will have to try and formulate a treaty with some of the sister colonies, because if the other colonies continue imposing duties on everything we can grow and produce, it is perfectly certain, unless they alter their line of policy, they will absolutely and positively prevent the little colony of Tasmania from progressing as she ought to do." ²⁹

A clearer statement of Tasmania's basic reason for wanting federation could hardly be found.

Dobson ended his speech by placing the role of Australian federation as an important contribution to Imperial Federation:

"I think the interest and the consolidation of the Empire in all its parts, with one life, one flag, one fleet, one throne, can be best brought about by this Federation, and that it will be of great use

29. Ibid. p. 119.

in preserving the dignity, the liberties, the happiness, and the prosperity of our people."³⁰

Brown's motion and the amendment (concerning increased representation on the Council) were agreed to. The other important business of the Council, the Federal Garrisons Bill, was also passed. The present session being concluded, the Council resolved that the next session be held in Hobart.³¹

The success of the Council's proceedings may be gauged by the Mercury's comment that the impression left by the last session was that the Council was more important than it was generally thought to be, and that it might yet occupy a place of the very first importance in the government of the colonies. "If the closer union of the colonies is delayed", it continued, "there will be very

30. Ibid. p. 120.

31. Ibid. p. 121.

important work for the Federal Council to do."³² There is no doubt that in Brown's motion Tasmania contributed an important part to the Council's proceedings. The passing of the Federal Garrisons Bill was also an important piece of work, and although Tasmania did not directly benefit from its provisions it was a start towards the "federal action" which Dobson had pleaded for.

3. MORE TASMANIAN MOVES.

The Tasmanian Government continued to make probes in a federal direction during the remainder of 1893. Much of this interest was motivated by the economic depression which affected all the Australian colonies. As the Mercury pointed out: "The colonies might be said to be federated for evil, if not for good. The bank failures, which have been to a large extent brought about by a panic in the one colony which used to boast of its wealth (Victoria), are felt in all the colonies, and in some even more severely than in the

32. Mercury, 4 February 1893.

particular colony which had been the main cause of the trouble."³³

There was no question of some Australian colonies standing alone and unaffected by economic pulsations in the other colonies.

On 2 May Dobson sent a circular letter to the Premiers of Victoria and New South Wales urging that they convene a conference for the discussion of the principles of Intercolonial Freetrade and the establishment of a Customs Union for Australia. In support of his case he said that the high protective tariffs of the Australian colonies were in their effects a cruel wrong against Tasmania. Her area of good land was small, he said, and it was a necessity to Tasmanian industrial life that she should find a market for the few products which Tasmanian people could produce in quantities sufficient for export, but under the excessive duties levied against Tasmania by the sister colonies many hop growers had been ruined, more than half of the timber mills had been shut down, and those who grew

33. Mercury, 4 May 1893.

fruit and potatoes were likely to find at any moment that their margin of profit was too small to afford a living.³⁴ Dobson's letter had a favourable reception in Victoria but no progress was made in securing Victorian-New South Wales co-operation.

A banking conference was held in Melbourne at the end of May. It was attended by the Premier of Victoria, now J.B. Patterson, the Premier of New South Wales, Sir George Dibbs, and the Premier of South Australia, Sir John Downer. Dobson was unable to attend the conference partly because of ill-health and partly from insufficient notice having been given him. However he used the opportunity to send a telegram to Patterson suggesting that Dibbs and Downer be persuaded to bring their colonies into the Federal Council, and that its members and powers be enlarged. Dobson also asked Patterson to hold the proposed conference on intercolonial freetrade in Melbourne when delegates were on their way to the next Federal Council

34. Mercury, 10 May 1893.

meeting unless they could legislate to discuss and arrange a Customs Union when the Council met. He further urged that all colonies obtain power to appoint another convention to finally settle the Commonwealth Bill and that the Chief Justices and Senior Judge of each colony be included in the delegates, the other representatives to be selected by the people. Dobson said that in view of the widespread depression the people demanded action and not words, and that finality in what was done was essential.³⁵ Despite the sense of urgency expressed by Dobson's telegram Patterson's reply put off everything to a more convenient season.

On 18 July 1893 the third session of the 10th Parliament of Tasmania was opened by the Administrator, Sir Lambert Dobson. During the discussion of the Address-in-Reply there were a few patriotic references to the Federal Council and to reciprocity, but a note of dissent was heard from a new member, Burke. He argued

35. Mercury, 3 June 1893.

that the farmers of Tasmania needed protection against the mainland colonies as they could not grow wheat as cheaply as in the other colonies. He maintained that the agricultural interests of Tasmania, notwithstanding their depressed state at that time still formed the backbone of the colony, and asked members to remember that if they brought about a Customs Union or Intercolonial Freetrade a great deal of care would have to be exercised that it would not result in the agricultural districts being reduced to sheep walks.³⁶ Burke's point of view is interesting as to this date it is the most strongly expressed opposition to federation from a Tasmanian public man. Discussion between the colonies continued on the proposed conference on Intercolonial Freetrade, with Tasmania always supporting the idea but without any agreement to hold the conference being reached with New South Wales.

On 6 September 1893 the Tasmanian House of Assembly, acting

36. Mercury, 20 July 1893.

on Brown's motion and its amendment in the Federal Council which was put to the House by Dobson, agreed to send an address to the Queen requesting that she make an Order-in-Council increasing the number of representatives of each colony on the Federal Council. Dobson said that the Commonwealth Bill of 1891 was as dead as Julius Caesar, but the movement of federation was living and gaining ground. He regretted that New South Wales had not joined the Federal Council but hoped that she might be induced to do so. He believed that if the proposed Customs Union was to be decided on the question "Will it pay?" half the amount of trouble required to procure it would bring about federation. The moment the colonies got federation they would have to set about having a commercial union of some kind. The movement hitherto had been in the heads and brains of the politicians, and had not yet seized hold of the hearts of the people. He said a second convention would be necessary, and that he would like to see as members the Chief Justice and the senior Puisne Judge. He thought also that as no colony would dream of living in federation apart from

the Imperial Government, the Governors of the different colonies should be included among the representatives.³⁷ Dobson does not appear to be very clear on what he believed would be the best means of bringing about federation. Deakin, who saw him at the 1897 Convention, described him as a lawyer of an irrelevant mind.³⁸

Stafford Bird and the Treasurer, Henry, supported Dobson's motion, but some members objected to the nominee system of the Council and urged that the representatives be elected by the people. Replying to their objections, Dobson said that when the Council met steps would have to be taken to alter its constitution if the people were to have a voice in the election of members. The Council would then have to be constituted on a more democratic basis. Whatever power was left in the hands of the Government would be exercised, he was sure, for the good of the colony.

37. Mercury, 7 September 1893.

38. The Federal Story, p. 71.

In the Legislative Council the Chief Secretary, Adye Douglas, moved that the Address to the Queen adopted by the Assembly receive the concurrence of the Council. He said that Australia was fighting against herself with border tariffs and that Tasmania suffered in consequence. Fysh, seconding the motion, said that he was glad the Government had taken this step to increase the number of representatives to the Federal Council as at present there was stagnation in the federal movement and this would put new life into it. He said that Commercial Union must be established and that the public debts of all the colonies must be consolidated. These must early draw the colonies together, but it could not be done under the Federal Council. He argued that the Federal Council, as it was a nominee body, would carry the work to a certain point and then stop; the higher federation required the elective voice of the people. Rooke questioned whether they were approaching federation in the right way, and reiterated the old fear that the smaller colonies would be absorbed by the larger communities. Grant spoke in favour of

federation but warned that it would not have much effect in hastening or retarding the movement whether Tasmania joined the other Australian colonies in the grand and higher federation or not. Crosby said it would be well if the people took more interest in the proceedings of the Federal Council, and said the time might come when the federal representatives would be elected outside Parliament altogether. He added that for defence purposes federation was essentially desirable, and that probably Tasmania would then not have to defend herself alone. He said he supported the motion with pleasure. The motion was agreed to on the voices.³⁹ Thus the eagerness of Tasmania's leaders to promote the federal movement was confirmed by both Houses of Parliament.

A new probe in a federal direction was made in the Legislative Council by the member for Hobart, Crosby, on 21 September 1893, when he moved that the question of the adoption of a uniform

39. Mercury, 9 September 1893.

customs tariff for Australia and Tasmania be referred to the next meeting of the Federal Council. Speaking to his motion he said he wished to see the Federal Council frame a tariff, and intercolonial free trade established. Fysh seconded the motion for the sake of discussion, but said that if intercolonial free trade were established a great loss of revenue would take place in Tasmania from Queensland sugar, Victorian brandies, Melbourne boots and shoes, and many other goods entering duty free. After further discussion in which W. Moore, as President of the Legislative Council, pointed out that it was beyond their jurisdiction to refer the question of the adoption of a uniform customs tariff for Australia as well as Tasmania to the Federal Council Crosby withdrew the motion. He hoped nevertheless that the question he had referred to would be taken up by the Council.⁴⁰ He regarded it as one of vital importance to the future prosperity and well-being of the colonies.

40. Mercury, 22 September 1893.

The withdrawal of Crosby's motion cannot be seen as any indication of a lessening of enthusiasm for federation among Tasmania's leaders. Early in October Dobson sent another telegram to Patterson (the Victorian Premier and Chairman of the Standing Committee of the Federal Council). He asked if the Standing Committee would advise holding a session of the Council during the coming summer. He also inquired if it would not be well to ask, in order to save time, for communication by cable of the Royal Assent to the colonies' request for an increase of representatives. He asked Patterson if there was any prospect of New South Wales coming in, and if so, whether it would not be well for each colony to try to get legislative sanction to refer the question of intercolonial free trade to the Federal Council. Apparently as a last resource he requested the Victorian Premier, if the invitation to the mother-colony failed, to arrange with New South Wales and other colonies to hold a reciprocity conference after the rising of the Council.⁴¹

41. Mercury, 6 October 1893.

Tasmania's eagerness to hold another Federal Council Session in January 1894 was not matched in the other colonies. Patterson saw no need for it and both the Queensland and West Australian Premiers wrote to Patterson concurring in his view.⁴² Part of the reason for their lack of eagerness was the failure of South Australia to re-enter the Federal Council and the continued aloofness of New South Wales. On 8 November 1893 Dobson and Brown sent a telegram to Patterson accepting postponement of the next meeting of the Council for the above reasons, but expressing the view that the Council was of use in accustoming statesmen to federal action and preparing the people to accept a Federal Constitution. They also expressed the view that the Federal Council could begin having full powers over all subjects of general Australasian concern, but without executive authority or the responsibility of finance, and so attain gradually to the complete form of federal government; a process which seemed to them in accord with common sense and the

42. Mercury, 23 October 1893.

teachings of history.⁴³ However Patterson was still not persuaded, and confirmed that as Chairman of the Standing Committee in consultation with the members of the Committee he did not consider a meeting necessary at the present juncture.⁴⁴

With the decision not to hold a meeting of the Council until 1895 and the failure to secure a conference on reciprocity there was not much the Tasmanians could do but wait. In May 1894 news was received that the Queen had consented to an increase in the number of members for each colony on the Federal Council from two to five. A change of ministry in Tasmania had brought Sir Edward Braddon to the Premiership, and there now arose the question of appointing new representatives to the Federal Council. Dobson and Brown offered their resignations to the new government, so five new members had to be nominated. Braddon decided to nominate two

43. Mercury, 13 November 1893.

44. Ibid.

members and leave the other three to be elected by both Houses of Parliament by ballot.⁴⁵ The two members Braddon nominated were himself and A.I. Clark, who was again the Attorney-General. There was some debate on the manner of the election of the three other representatives. The Government proposed an informal ballot by which the members of each house would write down the names of three members on a ballot paper and the Governor-in-Council would take this as a guide to the nomination of three representatives. Dobson objected that Parliament might prefer to lay down the rules for election.⁴⁶ However the Government's view prevailed, and it was later announced that the three other members were the Treasurer, P.O. Fysh, the President of the Legislative Council, Adye Douglas, and the former Premier, Henry Dobson.⁴⁷ Dobson, in a speech thanking members of both chambers for re-electing him, said it had struck him as most extraordinary that during the present cyclone of depression

45. Mercury, 7 June 1894.

46. *Ibid*, 23 June 1894.

47. *Ibid*, 10 July 1894.

the matter of federation had not already been warmly taken up in all the other colonies and forced to a conclusion: "for we were bound to get from the federation movement those advantages so particularly desired in the direction of unfettered and larger markets for our goods, cheaper money, a return of more than the confidence of old, and greater security by our defences being organised in future upon some intelligent unity of action." He desired to congratulate the Premier upon the steps he appeared to be taking to join Tasmania with Victoria and New South Wales by proposing a conference on the subjects of reciprocity and federation.⁴⁸

Dobson's remarks appear to accurately reflect the greater sense of urgency felt by Tasmania's leaders in regard to federation than was felt on the mainland. They had really tried everything they could, but had been baulked at every step. Part of the reason

48. Mercury, 18 July 1894.

for this was the inclination of the mainland colonies to regard Tasmania as unimportant. None of them felt particularly dependent on the small Tasmanian market and were singularly unimpressed when Tasmanians pointed out how essential the security of the island was to their own defence. All the Tasmanians could do was wait. As it happened they did not have to wait for long.

CHAPTER VFEDERATION ON THE MOVE AGAIN1. THE PREMIERS' CONFERENCE OF 1895.

In May of 1894 George Dibbs, the New South Wales Premier, proposed a scheme for colonial unity - the abolition of the colonial parliaments and the setting up of one national parliament - which was emphatically rejected by all the leading federationists.¹ However on 2 August 1894, after being defeated in general elections, the Dibbs ministry resigned. George Reid became Premier, and he immediately placed federation on his programme. Although Reid was a staunch free-trader, he was not generally regarded as a strong federalist, but he had been influenced by the growing popular movement in New South Wales in favour of federation. This had sprung up after the Convention in Sydney in 1891 and Federal Leagues had been formed in New South Wales and Victoria. On 31 July and 1 August 1893 a "people's" conference had been held at Corowa to

1. Mercury, 23, 24 May, 7, 19 June, 1894.

which representatives from trading and commercial bodies, Federal Leagues, branches of the Australian Natives Associations, and kindred associations were invited. One of the leaders of the newly grown popular movement, Dr. John Quick of Bendigo, had proposed a resolution at the conference that each colonial legislature should pass an Act providing for the election of representatives to attend a Convention to consider and adopt a Bill to establish a Federal Constitution and that the Bill be submitted to the people by referendum in each colony. The seventy-two delegates, among whom there were no Tasmanians, passed the resolution unanimously. After the conference Quick elaborated his resolution into a definite scheme which he framed as an "Australian Federal Congress Bill". This Bill in its main features became the basis of the Enabling Acts which were afterwards passed in all the colonies. It provided in its procedure:-

- (1) That each colony should elect, on its Parliamentary franchise, ten representatives to a Federal Congress.

(2) That the Congress should frame a Federal Constitution.

(3) That, on a day to be arranged between the Governments, the Federal Constitution should be referred to the electors of each colony for acceptance or rejection.

(4) That if the Constitution were accepted by majorities in two or more colonies, it should be forwarded to the Imperial Government to be passed into law.²

The new proposals attracted immediate attention, and when Reid became Premier he sent a circular letter to each colony calling attention to the static position of the federation movement. He asked if the colonies were disposed to join with him in placing the question of federation once more in that position of practical and urgent importance to which, in the opinion of his Government, it was pre-eminently entitled.³ Braddon cabled to Reid his hearty congratulations on the position Reid had taken up with regard to

2. Quick & Garran, "Annotated Constitution of the Australian Commonwealth", Sydney, 1901. p. 153.

3. Mercury, 28 August 1894.

the Federal movement, and assured him that the Tasmanian Government would cordially co-operate with him in bringing about the end he had in view.⁴ The new moves won favourable comment in the Mercury, which had previously despaired of federation: "The attempt now being made to rehabilitate the subject of Federation will be hailed, let us hope, with general acclaim, especially as it appears to be on broader and more stable lines than hitherto."⁵

A.I. Clark, who returned from a mainland trip on 29 August, said that Reid had mentioned in conversation with him the idea of holding a Federation Convention elected by the direct vote of the people. Clark told Reid that he was in favour of the suggestion and said that one of the practical objections to the last Convention was that the delegates were elected by the Parliaments, and in Tasmania it had led to disagreement between the two Houses as to the

4. Mercury, 31 August 1894.

5. Ibid, 3 September 1894.

number of delegates that should be elected by each Chamber. A direct vote of the people would avoid anything of that kind. Clark then suggested to Reid that although New South Wales had not yet joined the Federal Council, he and one or two of his colleagues might take the opportunity of paying a visit to Hobart at the time of the Federal Council meeting in January 1895. They could then have an informal conference over the prospects of bringing about federation. Reid had appeared quite pleased with the idea and said he would do what he could and would bring one or two of his colleagues with him.⁶ It appears that the Mercury's new-found confidence in the federation movement was justified, and that federal prospects at this time were definitely brightening. It can be said also that Tasmanian initiatives in a Federal direction were not lacking.

On 25 September 1894 a deputation from the Hobart

6. Mercury, 31 August 1894.

Chamber of Commerce met the Treasurer, P.O. Fysh, to ask the Government to enter into negotiations with the Premier of New South Wales with a view to gaining commercial reciprocity between New South Wales and Tasmania. Fysh told the deputation that the Chamber could rest assured that Ministers were not half-hearted in the matter but would do their best to ensure early recognition of the Chamber's proposal. Henry Dobson and G.P. Fitzgerald, members of the deputation, also asked if the Government would impress upon Reid the desirability of getting a Federal Enabling Act passed in New South Wales before he came to Tasmania. Fysh told the deputation he would furnish the Premier (Braddon) with a copy of the Tasmanian Enabling Bill accompanied with a request backed by the Chamber of Commerce for it to be forwarded to the Premier of New South Wales, with a view to getting a similar measure passed there in the current session. This, Fysh said, would help forward and ultimately give effect to the larger federation.⁷ Although many

7. Mercury, 26 September 1894.

members of the deputation were members of Parliament the Chamber's approach may be taken as an example of widening public interest in federation in Tasmania, no doubt largely inspired by economic factors. The Mercury confirmed this view in its editorial of 27 September 1894: "The deputation, which was mainly composed of a number of business men, did, undoubtedly, express the opinion of the people of this colony in regard to their relations with the other colonies, and especially their keen desire that a beginning should be made." Fysh sent a copy of the Tasmanian Enabling Act to the Victorian Government as well as to New South Wales, hoping that it might be sympathetically received in the adjacent colony.⁸

Although in fact imminent reciprocity with Victoria did not seem likely, when Braddon expressed willingness to meet the other Premiers in Melbourne Turner, the new Victorian Premier, said that he would be glad to take part in any such conference if the

8. Mercury, 2 October 1894.

result was likely to advance federation of the colonies.⁹

Encouraging news was also received on Tasmania's freetrade proposals.

On 25 October the Legislative Assembly of South Australia resolved that immediate steps be taken to arrange a conference of representatives of the colonies to consider intercolonial freetrade and consolidation of the whole or portion of the colonies' public debts.¹⁰

When informed by a despatch from the South Australian Government of the proposals, Braddon replied expressing agreement with the sentiments of the despatch and promising hearty and loyal co-operation in every step taken to promote Australian union.¹¹ One interesting offshoot of the movement towards reciprocity was the proposal to hold a Conference of Chambers of Commerce of all the colonies in Hobart. The Sydney Chamber of Commerce, though in favour of absolute freetrade, was prepared to support freetrade between Tasmania and New South Wales in the event of absolute freetrade not

9. Mercury, 16 October 1894.

10. Ibid, 26 October 1894.

11. Ibid, 3 November 1894.

being made the policy of the New South Wales Government. Further evidence of growing public interest was noted by the Mercury in its comment on the Tasmanian International Exhibition which opened on 15 November 1894: "We may note as a sign of the times that yesterday there were numerous references to Reciprocity and Federation from all sorts of persons, as if the scene had inspired some of them with new ideas, and others with new faith in hopes long cherished. The spirit of Federation was, certainly, abroad."¹²

On 24 November 1894 the Mercury reported that Braddon had received a telegram from Reid approving of 29 January 1895 as the date for the meeting in Hobart of the Premiers of Australasia. The Federal Council was to sit on 30 January. A.I. Clark's suggestion to Reid to this effect had borne fruit. The Victorian Board of Directors of the Australian Natives' Association and the Australasian Federation League sent Braddon their expressions of approval. The

12. Mercury, 16 November 1894.

Australasian Federation League sent from Sydney proposals for framing a federal constitution to be considered by the Premiers.

The Conference of the Premiers of all the Australian colonies duly met in the Chief Secretary's office, Hobart, on 29 January 1895. Sir Edward Braddon was made President of the Conference. Although the proceedings were private it was reported that in order to test the attitude of those present towards the question of federation the following resolution was moved:- "That this conference regards Federation as the great and pressing question of Australasian politics." It was carried unanimously. Then followed a general discussion as to the best method that could be adopted to advance the movement to a definite and successful conclusion. Questions discussed by the Conference concerned the Commonwealth Bill passed by the Sydney Convention and the best way of allowing the people to express their opinions on federation. Should the next Convention be elected by the Parliament or by the people ? The Conference

adjourned to meet again on 31 January.¹³

On 30 January the proceedings of the Sixth Session of the Federal Council of Australasia were formally opened - again, as it happened, on Hobart Regatta Day. Sir Edward Braddon was elected President, and in his speech of thanks spoke of the Council as being so far the only living embodiment of the great principle of federation. A representative of Queensland, A. Archer, put a resolution that the question of federation should be brought under the review of the Council. Before the Council adjourned to the next day Dobson proposed, in view of the resolution, that the President of the Council as Chairman of the meeting of Premiers should bring it under the notice of the Premiers and then report back to the Council the directions and suggestions which the Premiers had to make. Dobson argued that he wished to avoid a clash between anything that the Council might decide and anything that the Premiers

13. Mercury, 30 January 1895.

might decide, and if possible to bring about a kind of conference before the statesmen left Tasmania. This should include the members of the Council and the Premiers, with a view to having "what we all desire" - united action. Braddon, in reply, said he could not see how he could interfere in the matter in the way proposed or why, as President of the Federal Council, he should in any way bring the proceedings into collision, or any sort of contact, with the proceedings that were being separately conducted by the Premiers elsewhere.¹⁴ It was now official, despite the coincidence of the two meetings, that they were to be conducted quite separately, and it is in this manner that they will now be treated.

The Premiers' Conference met again on Thursday 31 January at the Tasmania Club, and at 10.30 p.m. Reid announced to the press that the following resolutions had been agreed upon:

14. Federal Council Debates, Hobart, 1895, pp. 7, 8.

- "1. That the Conference regards Federation as the great and pressing question of Australasian politics.
2. That a Convention consisting of ten representatives of each colony, directly chosen by the electors, be charged with the duty of framing a Federal Constitution.
3. That the Constitution so framed be submitted to the electors for acceptance or rejection by a direct vote.
4. That as soon as the Constitution has been accepted by the electors of three or more colonies it be transmitted to the Queen by an address from the Parliaments of those colonies praying for the necessary legislative enactment.
5. That a Bill be submitted to the Parliament of each colony for the purpose of giving effect to the foregoing resolutions.
6. That Messrs. Turner and Kingston be requested to prepare a draft bill for the consideration of this Conference."

The Premiers of Queensland, West Australia and South Australia issued separate statements agreeing with the main body of the proposals but disagreeing on procedure.¹⁵

15. Mercury, 1 February 1895.

The Premiers had undoubtedly made important progress in a federal direction. Even the Mercury was moved to say that the Conference of Premiers had ended more happily than many persons had predicted.¹⁶ The Examiner was enthusiastic and said that another step had been taken towards the goal of federation. It pointed out that the methods the Premiers advocated were, on the whole, the same as those formulated by Dr. Quick and endorsed by the Australasian Federation League.¹⁷

The fruit borne by A.I. Clark's suggestion to Reid that he should meet the Premiers in Hobart had certainly ripened. As the Premiers set the pattern for accomplishing federation which eventually followed, Tasmania can claim some credit for arranging the Conference.

In the meantime the Federal Council was continuing its

16. Mercury, 2 February 1895.

17. Examiner, 2 February 1895.

own deliberations. Apart from motions concerning companies and banking law, intercolonial quarantine, the appointment of an Australian Judge to the Privy Council and the Colonial Conference at Ottawa, two motions of some federal importance were put to the Council. The first of these concerned federal finance. P.O. Fysh moved that the Council should represent to the Governments of Australasia that more economical finance might be secured by the Australian Governments jointly, or by some federal authority inviting subscriptions and undertaking the management of future loans.¹⁸ Fysh supported his motion with figures to show the advantage that would be gained by consolidating the debts of the colonies. Other representatives spoke in favour of the motion, but Sir John Forrest pointed out that the colonies were already very conversant with information on the matter. He said he did not think any real good would come of Fysh's motion.¹⁹ The motion was put and carried.

18. Federal Council Debates, 1895, p. 46.

19. *Ibid.* p. 58.

The other motion of some federal importance was that put by Archer of Queensland. He moved that the 1891 Constitution should be considered by the various Australasian Parliaments as soon as possible, and that the Governments of the various colonies should take steps to deal with any amendments which might be suggested. P.O. Fysh, speaking to the motion, referred to the proposals of the Premiers, and said that they ran parallel to those already made by the Legislature of Tasmania in its Bill of 1891. Dobson said he could not support the motion. He found it too conservative, and the action of the Premiers' Conference a little too democratic. He said he hoped the motion would be withdrawn as he believed it would give the appearance of disunity and would set the people against them. The motion was put and carried, but the Victorian members left the House and abstained from voting.²⁰ The Council closed its business at the end of this debate after agreeing that the next place of meeting should be Hobart.

20. Ibid. pp. 67, 83, 88, 92.

Even had there been unanimous agreement on Archer's motion by the Federal Council it could not be regarded as anything more than a recommendation and was not binding on member colonies. The relative value of the work done by the Federal Council and that of the Premiers' Conference was remarked by the Examiner when it said that the Conference in setting the federation ball rolling had done more in a few days than the Council could have done in as many years.²¹ The Mercury also said that the result of the Conference of Premiers should be a long step in the direction of federation.²²

The Premiers finished their work by drawing up an Enabling Bill, intended to displace the Commonwealth Bill of 1891 and to be submitted to the Colonial Parliaments in its stead. The bill for the Australasian Federation Enabling Act (Tasmania) was published on 7 February 1895. Its objects were set out as follows:

21. Examiner, 4 February 1895.

22. Mercury, 6 February 1895.

1. For framing a Federal Constitution for Australasia by a Convention consisting of ten representatives of each colony directly chosen by the electors of the House of Assembly in each colony.
2. For submitting the Constitution so framed to the electors for the House of Assembly in each colony for acceptance or rejection by direct vote.
3. For transmitting the Constitution for Legislative enactment by the Imperial Parliament.

Section four of the Act declared that the Act would come into operation on a day to be fixed by proclamation, when two colonies in addition to Tasmania had adopted legislature providing for the chief objects of the Act as declared in the preceding section.²³

There can be no doubt that the Premiers had made important progress in a federal direction. It now remained for the various colonial parliaments to adopt the proposed Enabling Bill. There appeared to be agreement among the Premiers that New South Wales should be allowed to take the lead, and that the other colonies

23. Mercury, 7 February 1895.

would wait until the Enabling Bill was dealt with by the New South Wales Parliament.²⁴ Patience was needed as Reid had made clear his intention to deal with the proposals for intercolonial freetrade before he introduced the Bill. Also his fiscal policy became a matter of dispute between both Houses in the New South Wales Parliament. In May Henry Parkes joined with the protectionists in moving a motion of censure against Reid.²⁵ Although Parkes had been a strong opponent of Dibbs and the protectionists he had been bitterly disappointed at not being chosen as Premier in 1894 instead of Reid.²⁶ A.I. Clark, on a visit to Sydney in June, attended a federation meeting convened by Parkes at which Clark suggested that Reid had committed a breach of faith in not bringing the subject of federation before Parliament. Reid later accused Clark of bad taste. He said the truth was that he had absolutely declined to forego settlement of the fiscal question, and therefore it could not

24. Mercury, 13 February 1895.

25. Ibid, 16 May 1895.

26. Australian Encyclopaedia, Vol 6, p. 488.

be urged that he was guilty of deception.²⁷ The Mercury criticised Clark for taking Parkes's side, and said that Reid should be supported by Tasmanians because his proposals would mean open ports and a free interchange of products which could only be to Tasmania's advantage.²⁸

When the new Tasmanian Parliamentary Session opened on 25 June 1895 Dobson attacked Clark in the House of Assembly. Dobson said he believed Clark was in earnest when favouring a policy of freetrade, but judging from what Clark had said in Sydney he gave one the impression that he had cast it all aside in an effort to back Sir Henry Parkes in the most disgraceful and humiliating coalition that the people of Australasia had ever witnessed - the pact between Parkes and the protectionists. He accused Clark of acting against the efforts of Reid to secure a measure of freetrade

27. Mercury, 12 June 1895.

28. Ibid, 27 June, 1895.

in New South Wales which would mean the admission of Tasmanian produce into that colony free of duty. Dobson regretted that Clark, when in Sydney, had not rather gone to Reid's meeting to back him up.²⁹

These attacks on Clark by the Mercury and Dobson were significant as they revealed there were important differences of view between those who were genuinely seeking federation with all its aims, and those who were more interested in intercolonial freetrade. The latter saw federation not as a primary aim but simply one means among others of improving the economic situation. The conservatives were not really prepared to make sacrifices for federation, and if reciprocity had been achieved they might have been content to leave it at that. Negotiations for reciprocity had been re-opened with Victoria and South Australia, but so far without result.

29. Mercury, 27 June 1895.

Pessimistic views on federation came from members of the Legislative Council during the debate on the Address-in-Reply to the Governor's opening speech. Collins said that whatever might be done with federation he did not think, seeing that two of the principal colonies - New South Wales and Victoria - were working on diametrically opposite lines over free trade and protection, that federation would come for some time. Dodery held that the Conference of Premiers was likely to be fruitless because in matters of tariff the leaders were bound to disagree. He said that except for defence federation would be of little value to Tasmania. The Chief Secretary, Moore, said he thought they were getting further away from federation instead of coming closer. He said Tasmania could not join without a consolidation of debts, for if she gave up her Customs, revenue could not be found to pay the £330,000 or £340,000 annual interest on the debt. Unless Tasmania was relieved of that responsibility in some way or other federation would run her into bankruptcy. Rooke said that Tasmania could not afford to join a

federation in which her delegates would number only five to New South Wales' or Victoria's fifty. Watchorn considered that federation would be ruinous to Tasmanian farmers and pastoralists, but thought free trade might be beneficial.³⁰

Despite the success of the Premiers' Conference in January, some disillusionment with federation appears to have set in. Much of this was no doubt due to the continuing lack of leadership from New South Wales. The Mercury commented that the political situation in New South Wales had given rise to several very grave questions, and claimed that no one could tell what was to become of federation as the colonies might have to wait for a considerable time for New South Wales to take the lead.³¹ Early in July 1895 Braddon wrote to the Premiers of Victoria and South Australia regarding federation, and "without wishing to interfere

30. Mercury, 27 June 1895.

31. Ibid, 1 July 1895.

with or show any hostility to the action of New South Wales in the movement", suggested that something should be done to keep it going.³²

2. THE PASSING OF THE TASMANIAN FEDERAL ENABLING BILL.

On 24 July 1895 elections were held in New South Wales in order to resolve the disputes over Reid's fiscal policies. Reid was returned but Parkes, who had formed a Federal Party to fight the elections, lost his seat never to regain it.³³ It was a triumph for Reid's freetrade policy, but it did not hasten the movement towards federation. On 6 August Braddon gave notice in the Tasmanian House of Assembly that he would move the next day for leave to introduce the Federal Enabling Bill. On the same day he wrote to Turner, the Victorian Premier, urging him to introduce a Federal Enabling Bill in the Victorian Parliament.³⁴ On 7 August Braddon introduced the

32. Mercury, 9 July 1895.

33. Ibid, 25 July 1895.

34. Ibid, 7 August 1895.

Bill in the House of Assembly and it was passed through the first reading.³⁵ Tasmania thus became the first Australasian colonial parliament to take positive action towards implementing the new proposals for federation. Braddon's action won immediate approval from the Australasian Federation League of Victoria, which passed a unanimous resolution expressing satisfaction with the move.³⁶ Also of interest was a Bill passed by the House of Assembly on 13 August to establish a standard of time in Tasmania. The Premier, speaking to the Bill, said it was designed to bring Tasmania into time harmony with the other colonies. He said it was a step - a small one, but still a step toward the federation for which so many of them were anxious.³⁷

On 23 August it was reported that Braddon had written to Reid urging him to further the federal movement by pushing on the

35. Mercury, 8 August 1895.

36. Ibid., 9 August 1895.

37. Ibid., 14 August 1895.

Enabling Bill, and advising Reid that he had taken steps in that direction in the Tasmanian Parliament. It was also reported that it was Braddon's intention to go on with the matter even though the other colonies lagged, as there was no absolute necessity for Tasmania to leave the initiative to them.³⁸ Tasmania's position at this time in taking the lead in the federation movement is no doubt to her credit, however her position as a follower rather than a leader was soon resumed following an exchange of telegrams with the Premier of Victoria. Turner sent to Braddon the message:

"Australian Federation League waited upon me yesterday, and urged introduction of Federal Bill in our Parliament as framed at Hobart Conference. It was thought advisable for one colony to first deal with Bill, others following as soon as possible on same lines to secure uniformity. I now see you have introduced Bill. Do you intend to push on with it; or are you waiting for Victoria to take lead? If latter, then provided New South Wales has no objection, I will as soon as possible introduce Bill here. Have telegraphed to South Australia in similar terms."³⁹

38. Mercury, 23 August 1895.

39. Ibid, 29 August 1895.

To this Braddon replied:

"Glad to follow you with Enabling Bill, that being introduced here being Bill adopted at our conference." ⁴⁰

Early in September Braddon received a letter from Reid intimating his intention of proceeding with the Federal Enabling Bill in New South Wales as soon as possible.⁴¹ To what extent Braddon's action in introducing the Federal Bill in the Tasmanian Parliament had prodded the other colonies to do likewise is difficult to gauge, but it had certainly kept the federal question alive. News also came at this time that the South Australian Government did not intend waiting for Victoria, but proposed to push on with its own bill if there was not early action on the part of New South Wales.⁴² However on 27 September news came that Reid had telegraphed to Turner that he intended introducing a Federal Enabling Bill during the present session of the New South Wales Parliament. Turner

⁴⁰. Ibid.

⁴¹. Ibid, 4 September 1895.

⁴². Ibid, 6 September 1895.

replied: "Will be glad to follow you." ⁴³ In view of Reid's decision the leadership had clearly passed back to New South Wales where it undoubtedly belonged, and Tasmania now delayed action to allow the Federal Bill to be dealt with by the larger colonies.

On 4 October the Attorney-General, A.I. Clark, in reply to a question from Lewis in the House of Assembly, said that it was proposed to prorogue Parliament for four or five weeks - perhaps six weeks - to see whether in the interval the other colonies would deal with the Federal Enabling Bill. If they did it was proposed to deal with it in Tasmania also.⁴⁴ On 18 October the House adjourned. In conformity with practice the order to read the Federal Enabling Bill a second time was cleared from the notice paper.

A diversion which occurred at the beginning of November was

43. Mercury, 27 September 1895.

44. Ibid, 5 October 1895.

the receipt by the Tasmanian Government of an offer from the New South Wales Government concerning a reciprocal arrangement for trade in New South Wales coal and Tasmanian fruit. Braddon replied that the Tasmanian Government would be glad to emulate the liberality of New South Wales in dealing with the Customs tariff, but said the difficulty of re-opening for consideration a tariff that was only enacted a year ago must make his Government pause. The special sanction of Parliament was needed to repeal the Customs duties on New South Wales coal, and nothing could be done until Parliament was again in session. Braddon hoped that the progress of federation and intercolonial freetrade in the meantime would be such to justify taking action towards reciprocal dealings with New South Wales.⁴⁵ The new interest in federation throughout the colonies had clearly led the Tasmanian Government to place its hopes in that rather than in reciprocity agreements.

45. Mercury, 2 November 1895.

The Federal Enabling Bill came up for discussion in the New South Wales Assembly during the first week of November, and it attracted widespread attention. An article in the London Times expressed approval of the federation of the Australian colonies.⁴⁶ However it seemed that public interest had still not been captured. F.W. Piesse, M.L.C., in a lecture under the auspices of the Australian Natives' Association delivered in the Hobart Coffee Palace on 3 December 1895, said that federation had never received adequate public consideration and that even in Tasmania little public attention had been given to the matter. In that fact lay one considerable obstacle to federation. Very few persons, he said, even among the most intelligent, would be able, if suddenly called upon, to explain what federation meant and what it carried with it. Mulcahy, who spoke after Piesse, said the very sparse attendance at the meeting yielded sufficient proof that intelligent enthusiasm for federation did not exist.⁴⁷

46. Mercury, 12 November 1895.

47. Ibid, 4 December 1895.

Braddon decided not to hold a further sitting of the Tasmanian Parliament before the end of 1895 because the mainland colonies had not yet finished with the Bill.⁴⁸ On 13 December the Bill was introduced in the Victorian Assembly by the Premier. On 14 December the Mercury was moved to say that an advance in federal matters was decidedly the event of the day, and that the action being at last taken in several of the mainland Parliaments was very gratifying to all believers in the advantages to be gained from Federal Union. The Mercury predicted that as Tasmania had always been to the fore in federal matters it was likely that the Tasmanian Parliament would be called together for a short session in January with the special object of considering the Enabling Bill. On 20 December the Assemblies of New South Wales and Victoria passed their respective Federal Enabling Bills. On the same day it was announced that the Tasmanian Parliament would open on 7 January to consider the Bill.⁴⁹ With the major colonies now set on

48. Mercury, 5 December 1895.

49. Ibid, 21 December 1895.

federal action there could be no stepping back. All that remained for Tasmania to do was to follow the tide that had been set in motion.

On 7 January 1896 the Tasmanian Parliament was opened by the Governor, Lord Gormanston, for the special purpose of considering "A Bill to enable Tasmania to take part in the framing acceptance and enactment of a Federal Constitution for Australasia." The Federal Enabling Bill was introduced in the Legislative Council by the Chief Secretary, Moore, and in the House of Assembly by the Premier, Braddon. In each House it was read a first time, the second readings being postponed till a later hour. In the evening of the 7th the Premier moved the second reading of the Bill in the Assembly in a very brief speech, in which he dealt only with general principles. He pointed out that sooner or later Tasmania would have to come into a federation, and as three colonies could settle what the Constitution was to be it would not do for her to be unrepresented

at the coming Convention. Lewis, the Leader of the Opposition, supported the Bill in a brief speech, in which he also dwelt on the general principles of the Bill. He pointed out that the delay in dealing with the measure had been advantageous, as it had enabled Tasmania to have the benefit of the experience of the other colonies. The first note of dissent came from Fenton, who argued that the time was inopportune for the introduction of such a measure and that Tasmania should have waited until revenue had been built up. He was also unable to see how the financial difficulty was to be overcome. The Treasurer, Sir Philip Fysh, followed. He said the Premier had not been far wrong when he said the whole of the united colonies would save about one million pounds a year on their actual expenditure. He thought that the late Convention had put the cost of the federal government at too high a figure, namely £2,200,000. All that was required could be done for much less, and even of this sum £800,000 represented old expenditure, such as that for defence and other things. He argued that there would be a saving of

$\frac{1}{2}\%$ on a consolidated debt as the interest would be that much less, while the actual increase in the total by conversion would not make the annual interest up to the existing amount. He showed how savings could be effected in various ways, such as by the uniting of the offices of the various Agents-General. He went into figures at some length, and showed that there was every reason to believe that the supposed saving would really be brought about. Fysh then showed that the House was not committing itself to any final decision, because the Bill framed by the Convention would have to be referred to the Parliaments, which would make amendments if necessary. He spoke of the advantages of free trade, and said that Tasmania would eventually be compelled to enter federation. "This small community could not stand aloof," he concluded. Burke followed, and denounced the whole thing as the ruin of Tasmanian farming, a calamity, and an impending catastrophe, and moved that the Bill be read a second time that day six months. He could not, however, find a seconder. Dobson thought that the people were

ignorant of the subject of federation, and must be educated. He suggested that the Chief Justices should be appointed to the Convention, and the Governors as well. This latter suggestion was not received with much favour. Woolnough questioned the value of an elected Convention and thought the whole people utterly indifferent. He was, however, in favour of federation.⁵⁰

The debate was continued in the House of Assembly the next day (9 January). Gilmore said he did not see why Tasmania should not take the lead in such a movement and not simply follow the other colonies. He believed thoroughly in the appeal to the people, and that the wishes of the people should be given effect to without limit of any kind. N.J. Brown spoke in favour of the motion and disagreed with Fenton and Burke about the effects of federation on agriculture. A.I. Clark also spoke strongly in favour of the Bill and said the only problems in regard to federation were financial

50. Mercury, 8 January 1896.

ones.

However Clark was in favour of the colonial Parliaments, rather than the people, electing the Convention delegates, and agreed with Woolnough that the latter course was a backward step. Once they had an organised community that community ought to act through the organs of its public life. When they were electing a Convention to frame a constitution for a separate and single state they must go back to the electors; there was no other course. But when a number of organised communities were going to act together they should act as organised communities, and not go back to separate communities. Clark said Lewis had talked about the delegates going to the Convention with fads in their minds. That was an objection to the election as proposed, the candidates would be tied down by fads. He did not think this would happen very much in Tasmania, but in the larger colonies, where strong labour parties existed, delegates would be asked to give all manner of pledges. At this point Dobson

interposed: "Then you distrust the people: you are not as democratic as us?" Clark replied "No, you get the candidates tied down."

Clark said that when the delegates were elected by the Parliaments, as happened in 1891, they were free. He also argued in favour of the Convention meeting with closed doors. He said that open doors at the 1891 Convention had allowed speeches to be published which would have been better not distributed throughout the colonies. In support of his argument for the delegates to be elected by the Parliaments Clark quoted the practice followed by Canada, the United States and Switzerland. In these countries the separate governments of the colonies, states and cantons had elected delegates to frame their respective federal constitutions. Australasia was going to make an entirely new departure. However Clark said if he himself was elected he would do all in his power to make the Convention a success. "History might record that a very noble constitution was devised by Australasia in the Convention elected by the people." On the problem of finance Clark believed that, if economies were observed, the total

cost of carrying out the government of the separate states as well as the federal government would not exceed the present cost of local government alone.⁵¹

Clark's conservative attitude to the election of delegates stands in marked contrast to his support for a popularly elected convention to deal with the draft constitution of 1891.⁵² It appears that he was greatly disillusioned with the absence of intelligent public interest in federation in Tasmania. He had mentioned in his speech how little understood by the Tasmanian public was the difference between a federal system and a unitary system. Although no Federal Leagues had yet been formed in Tasmania Clark had not really allowed for the strong popular movement on the mainland and the active part played by the Victorian and New South Wales Federal Leagues and the Australian Natives' Association. If Parliamentary

51. Mercury, 9 January 1896.

52. See above, p. 122.

election of delegates had been adopted Dr. John Quick, the leader of the popular movement and a noted lawyer, might not have been a representative at the 1897 Convention. Clark's reference to the labour parties inhibiting the freedom of popularly elected delegates also placed him among the conservatives. Clark had once been regarded as a revolutionary⁵³ but by 1896 was not even thought to be a radical. As it happened the people generally chose established politicians. Whether history has recorded that a noble constitution was devised by the Australian people is still an open question.

Other members made their comments on the Bill. Henry deprecated any discussion of the broad question of federation. There was general unanimity, he said, in the House and in the country, that Tasmania could not afford to stay out of it. He spoke in favour of the advantages of free trade and in favour of the Senate having strong powers to protect the smaller states. McWilliams said that if the

53. J. Reynolds, "The Clarks of 'Rosebank'", Tas. Historical Research Assn., Papers and Proceedings, Vol. 4, No. 1, Jan. 1955, p. 9.

people elected the representatives he believed Hobart and Launceston would practically return the whole of them, for in the colony generally there was but little interest shown in the question. Hartnoll and Best expressed doubts of the value of federation to Tasmania's wheat growers, and said the interests of the colony with regard to federation were conflicting. Hamilton said he hoped the movement was a great deal nearer consummation than many thought.⁵⁴ The second reading was agreed to and the House went into committee to discuss the Bill in detail. On 9 January the Bill was read and passed by the House for the third time amid loud cheers. Only minor amendments had been made in the Bill, connected with the conduct of the elections to the Convention.⁵⁵

The Bill passed all three stages in the Legislative Council on 9 January. During the debate on the second reading in the Council

54. Mercury, 9 January 1896.

55. Ibid, 10 January 1896.

the Chief Secretary, W. Moore, spoke of the advantages of federation to Tasmania - free trade and the consolidation of debts. Rooke did not agree that the people should elect the representatives. He also said that although federation was a grand thing it would involve a serious loss in the revenue of the colony. He argued that the geographical position of Tasmania made her necessary to any federated Australia, and that she should receive consideration for this. McCall supported the Bill, but said that the one objection was that instead of bringing free trade, federation would make them more protectionist than ever, especially against the Mother Country. Grant regarded the railway question as one of the most important and thought that the federal government should manage the railways, which, he said, were largely controlled by political influences in many of the colonies. He agreed that federation was desirable for defence purposes, and for that cause alone Tasmania could not afford to stand out. Dodery thought federation would hurt the Tasmanian wheat farmer a great deal, but supported the Bill. The second reading of the Bill

was agreed to unanimously and the Council went into committee.

As in the House of Assembly only minor amendments were made concerning the election of delegates. The Bill was read a third time, passed, and then conveyed to the House of Assembly. Both Houses were then adjourned.⁵⁶

Press reaction in Hobart and Launceston to the passing of the Federal Enabling Bill by the Tasmanian Parliament was generally favourable. The Mercury said: "Federation may be as far away as ever, but Tasmanians had at least done one more act to move it ahead as quickly as lay in their power."⁵⁷ The Examiner joined in the congratulations and said that Australian unity was now a step nearer accomplishment.⁵⁸ The Daily Telegraph, however, was critical of the decision to allow Convention delegates to be popularly elected.

56. Mercury, 10 January 1896.

57. Ibid.

58. Examiner, 10 January 1896.

It accused the Tasmanian Parliament of adopting a "follow my leader" attitude to the larger colonies for the sake of conformity, and hoped the Tasmanian delegates would faithfully and honestly represent Tasmania in every step taken.⁵⁹

On 10 January the Governor, Lord Gormanston, accorded the Royal Assent to the Federal Enabling Bill. The only real objections by parliamentarians to Tasmania joining the other colonies in federation were fears for the effects of free trade on Tasmania's wheat farmers, and doubts expressed about the probability of the people voting in sufficient numbers to warrant the acceptance of a Constitution in a referendum. The number required by the Tasmanian Act was a minimum affirmative vote of 6,000. The overwhelming majority of members who had expressed a point of view argued mainly that Tasmania could simply not afford to stay out. Economic advantage, defence and patriotism, in that order, were the chief arguments for

59. Daily Telegraph, 10 January 1896.

federation. Another reason for the strong support for federation was that it meant the end of isolation. Tasmanians felt some security - economic, military and emotional - in belonging to the British Empire, and proposals for Imperial Federation were still current. Britain, however, was far away. The creation of a larger British community in the antipodes and the opportunity to belong to it could not but help be attractive to a small isolated island colony.

CHAPTER VITHE FEDERAL CONVENTION 1897 - 981. THE ELECTION OF DELEGATES.

Following the passing of the Federal Enabling Bill there was a quiet period in federal matters in Tasmania. It still remained for the Government to implement the procedures for selecting the delegates to the Convention. As Western Australia and Queensland had still to introduce their respective Enabling Bills no rapid progress could be expected. Tasmanian Ministers and Members of Parliament now devoted their attention to giving public lectures throughout the colony, partly to arouse interest and educate the public in federation and partly, for some of them, as a campaign for a seat on the Federal Convention.

On 3 March 1896 the Premiers of New South Wales, South Australia and Tasmania met in Sydney to discuss a treaty between Great Britain and Japan, defence, quarantine, and federation. Braddon

said on his return that even if the work done at these conferences amounted to little or nothing he thought they tended to promote the movement towards federation, and make its accomplishment more assured.¹ The Premiers had agreed that the deliberations of their conference had made the urgent necessity for a federation of the colonies more than ever apparent, and expressed gratification that Queensland intended introducing their Federal Enabling Bill soon.²

On 9 March the Treasurer, Sir Philip Fysh, gave a lecture at North Hobart in which he strongly put his arguments in favour of Tasmania joining the Federation. He said he could not see any disadvantages. Tasmania might not after federation be able to compete with the other colonies in wheat growing, but he knew of no other product of Tasmania that would fall out of line. The advantages, he said, far counter-balanced that disadvantage. But, he added,

1. Mercury, 13 March 1896.

2. Ibid, 19 March 1896.

whether Tasmania would have it or not, she would find herself compelled to fall in. "What would be her position," he asked, "if she stood alone with all the other colonies federated and with freetrade amongst themselves and protection against the outside world, including this little colony? Tasmania could not stand it. The experience of being for one to two seasons left out in the cold and isolation would soon bring Tasmania to her senses on the subject, and show them that whether they desired it or not they must fall in with the general federation."³ Fysh's direct reference to Tasmania's isolation was finely calculated to touch a basic fear in the Tasmanians - the fear of being separate, of not belonging.

While the Ministers were doing their best to promote the federal movement in Tasmania, they could do little to promote the movement in other colonies, and some impatience was felt with the sluggishness of the movement on the mainland. In April Braddon wrote

3. Mercury, 10 March 1896.

to the Premier of Western Australia urging upon him the necessity for immediate action by that colony in respect of the federal movement. Braddon pointed out that Sir John Forrest, at the Premiers' Conference of 1895, had agreed to the resolution affirming the desirability of early federation; that New South Wales, Victoria, South Australia and Tasmania had passed the Federal Enabling Bill and that Queensland would pass the Bill shortly; and also that the Secretary of State for the Colonies had expressed in strong terms the favourable feeling of the British Government to the early federation of Australia. Braddon urged that while federal matters were progressing elsewhere, West Australia should not remain in a position of isolation a day longer than was necessary.⁴

The speeches on federation given throughout Tasmania by Members of Parliament and other public men undoubtedly helped to increase popular interest in the colony. The number of letters to

4. Mercury, 18 April 1896.

the press on federation increased, most of them comments on lectures heard or read; and meetings generally were well attended. On 22 June the Hobart Branch No. 1 of the Australian Natives' Association held a Federal Demonstration in the Hobart Town Hall at which the attendance was large. The speakers included A.I. Clark, W. Crooke, Henry Dobson, Herbert Nicholls, J. Paton and Archdeacon Whittington. They all spoke of the advantages of freetrade under federation and of the need to be united for defence. Archdeacon Whittington also referred to the spirit of Australian nationalism.⁵ References to Australian nationalism were rare amongst speakers on federation in the Tasmanian scene. Most speakers dealt with economics and defence, and sometimes made appeals to the sentiments of British patriotism.

Some correspondence from farmers was printed in the Mercury in June and July. Most were concerned with the detrimental effects of freetrade on their products, though there was some argument on the

5. Mercury, 23 June 1896.

effects of federal legislation on the relationship of landlords and tenants.⁶ That the letters were entirely from farmers is no doubt a reflection of the fact that they were the only large interest group who felt they might be adversely affected by federation.

The next move of a federal nature did not occur until October of 1896. This was the passing by the House of Assembly of the Immigration Restriction Bill agreed to at the Premiers' Conference in Sydney in March. The Bill was intended to exclude all members of coloured races from the colony. Braddon, moving the second reading of the Bill, said it was pleasant to be proceeding on federal lines; but Bird, who opposed the Bill and said he believed in the brotherhood of man, said that if the Bill was only introduced because it had been introduced in the other colonies it was federation gone mad.⁷ The Bill was passed by the Legislative Council on 22 October. A writer

6. Mercury, 11, 23, 30 June, 2, 4, 8, 11 July 1896.

7. Ibid, 8 October 1896.

to the Mercury on 26 October hoped that the Bill would not exclude such people as Prince Ranjisinghji, the Indian cricketer.

In November a People's Federal Convention was held at Bathurst, New South Wales. The Hobart City Council appointed Alderman Davies, M.H.A., a proprietor of the Mercury, to represent Hobart in place of the Mayor, Alderman Watchorn, who was unable to go owing to ill-health. Davies was appointed Chairman of Committees by the Convention during its consideration of the Commonwealth Bill.⁸ Although the Convention was an expression of popular enthusiasm for federation on the part of the mainland colonies Davies was the only Tasmanian representative. Despite the strong mainland support it is doubtful whether the People's Convention did much to hasten colonial governments along the path to federation.

In fact the federation movement had again temporarily

8. Mercury, 19 November 1896.

entered the doldrums. In answer to a question from Hartnoll in the House of Assembly Braddon said it was impossible to say when the Federal Convention elections would take place. He explained that the Queensland Government was holding back a good deal, and was taking no steps at all to move along on the lines of federation. There was, he said, a movement to hold a congress even if Queensland stood out, but if Queensland and New South Wales stood out it was probable that South Australia would do the same, so Victoria and Tasmania would be the only two colonies in a position to federate, and they could not federate under such circumstances. That was the position, he said, but there were hopes either that Queensland would revivify the Bill, or that New South Wales would agree to the proposal for a convention without Queensland, leaving Queensland to be forced into the federation by that action.⁹ In December Braddon wrote to Sir John Forrest congratulating him on the passage of the Federal Enabling Bill through the West Australian legislature.¹⁰

9. Mercury, 21 November 1896.

10. *Ibid*, 3 December 1896.

A lull now ensued, and Tasmanian hopes tended to fall back on the Federal Council which, it had been announced, would meet on 26 January 1897. N.J. Brown wrote two letters to the Mercury in which he argued the importance of the Federal Council in being able to look after federal matters until a larger federation was achieved as a result of the proposed Convention. He made specific suggestions for increasing the power of the Federal Council by altering its composition and establishing an executive and a revenue.¹¹

Preparations were in progress for a meeting of the Premiers at the same time as the Federal Council meeting. The New Zealand Premier had suggested a meeting in Wellington to discuss intercolonial reciprocity, but both the Premiers of Tasmania and Victoria urged that as most of the Premiers would be in Hobart in January it would be better to hold the conference there.¹²

There were other indications at the end of 1896 that 1897

11. Mercury, 22, 23 December 1896.

12. *Ibid*, 25 December 1896.

would be an important year for federation. Reid telegraphed to Turner suggesting that the writs for the Federal Convention should be issued on 26 January 1897, and that nominations of candidates should be lodged on 19 February. He further suggested that the election should take place on 15 March, and that the Convention should assemble on 6 April.¹³ Despite the slowness of events in 1896, largely caused by Western Australia and Queensland, it now appeared that the federal movement was again under way.

The elections for the Tasmanian House of Assembly were held on 20 January. The Government Ministry was returned unchanged. Federation was not an issue at the elections, both the Government and the Opposition being in favour of it. The only novel feature of the elections was that the Hare system of election, advocated by A.I. Clark, was tried out for the first time.

13. Mercury, 22 December 1896.

The Seventh Session of the Federal Council was opened by the Tasmanian Governor, Viscount Gormanston, on 27 January 1897. On the previous day the Council had met for half an hour to elect a president and Sir John Forrest was chosen. Only four colonies were represented - West Australia, Queensland, Victoria and Tasmania. Tasmania's representatives were the same as last time - Braddon, Fysh, Douglas, Clark and Dobson.

Apart from discussion on the New Hebrides, quarantine, and aliens, two important items were dealt with. The first of these was the decision to have the next meeting of the Council in Melbourne. Tasmania's representatives strongly opposed the move, but it was argued by Sir Hugh Nelson of Queensland and by Sir James Lee-Steere of West Australia that a move to Melbourne would improve the status of the Council and to a large extent increase its usefulness.¹⁴ The second important question was the motion from T.J. Byrnes of

14. Federal Council Debates, Hobart, 1897. p. 67.

Queensland that the Council be strengthened by placing it on a popularly elected basis.¹⁵ The motion led to some useful discussion, one of the principal speakers being A.I. Clark. Clark opposed the motion on the grounds that the public only showed interest where their money was being spent, and as the Council had no fiscal powers no public interest would be shown. He said that the Council did have important matters to discuss however, and that he felt that only men appointed by Parliament were competent to discuss them.¹⁶ An amendment was moved deprecating any interference in the constitution of the Council pending the holding of the Federal Convention in March. On a division the voting on the motion was equal, which meant, under the Council's Standing Order, that the motion was negatived. The amendment was then withdrawn, and the matter left open as before.¹⁷ Dobson subsequently moved in favour of general support for the coming Convention, and for the Premiers of New South Wales and

15. Ibid, p. 77.

16. Ibid, p. 98.

17. Ibid, pp. 131, 148.

South Australia being further urged to join the Federal Council promptly, but this was looked upon as re-opening the question and was not pressed.¹⁸ The Federal Council concluded its proceedings on Friday 29 January 1897.

The Premiers' Conference met in Hobart on 2 February. All colonies were represented including New Zealand. Meetings were held in camera, but a list of resolutions was published on 5 February. Matters dealt with included lighthouses, Australian export produce, the Washington Postal Conference, quarantine, the Japanese treaty, aliens, the Pacific Islands, and federal company law. It was also agreed by the Conference that the question of intercolonial reciprocity be dealt with after the Federal Convention.¹⁹ Apart from this no resolutions of a directly federal nature were passed.

It is clear that the Premiers' Conference had dealt with

18. Ibid., p. 149.

19. Mercury, 5 February 1897.

many matters already dealt with by the Federal Council in past sessions. However valuable the discussions were, there was no guarantee that the resolutions would be carried into legislative action by the various colonies, as there was with the Federal Council. To this extent the Conference could not be regarded as a substitute for true federal action. It did happen that the resolutions of the 1895 Premiers' Conference were implemented by the colonial Parliaments, but they were not bound to do so. The Federal Enabling Acts had been passed only after some time and some acrimony. The Conference did have the advantage of being fully representative of the Australasian colonies, which the Federal Council was not, and thus it could be regarded as making a valuable contribution towards Australian federation by providing discussions on national legislation.

In the meantime nominations had been called for the forthcoming Federal Convention, and advertisements from candidates

were appearing in the Press asking the electors of Tasmania for their support. Speeches by candidates at meetings all over the colony were the order of the day. The newly formed Democratic League, a radical group, put up ten candidates in the hope of getting the Labour vote.²⁰ On 12 February nominations closed with thirty-two candidates, twenty-five of whom were Members of Parliament.²¹ A.I. Clark, whose health had begun to fail, had gone on a tour abroad and did not stand. It was formally declared that 4 March would be the day of the election and ten candidates were to be chosen. It should be remembered that neither Queensland nor West Australia had passed their Federal Enabling Bills, so only four colonies were proceeding with elections to the Convention.

Among the federation meetings held in Tasmania prior to the elections perhaps the most interesting was that held by the

20. M.D. McRae, "Some Aspects of the Origins of the Tasmanian Labour Party", Tas. Historical Research Assn., Papers & Proceedings, Vol. 3, No. 2, p. 25.

21. Mercury, 13 February 1897.

Australian Natives' Association at the Hobart Town Hall on 24

February. Three resolutions were put to the meeting and passed.

These were a motion in favour of Australasian Federation, a motion in favour of equal state representation in the Senate with Senate power over money bills, and a motion to set up a committee representative of various sections of the community to select and recommend ten of the candidates for the Convention to the voting public. Part of the reason for the last motion was the public indifference and apathy to the election, which it was hoped the committee's interest would help to overcome.²² References to public apathy were fairly common at this time as federation meetings were not well attended. The A.N.A. meeting attracted only 100 persons. However meetings in Launceston appear to have been better attended, and meetings with musical items included in the programme also gained in public support. The A.N.A. committee to select the ten representatives they would support met on 24 February. Only 23 of the committee of

22. Mercury, 25 February 1897.

61 originally elected were present. The men they recommended for election to the Convention were Fysh, Braddon, Bird, Ogilvy, Dobson, Henry, Piesse, Paton, Urquhart, and Smith; - seven from the South and three from the North. The A.N.A. held a special meeting on 1 March at which the work of the committee of citizens was repudiated and a new list of recommended candidates drawn up. It consisted of Braddon, Fysh, Dobson, Piesse, Lewis, Henry, Bird, Collins, McCall and Urquhart.²³ The exclusion of Ogilvy, Paton and Smith from the list was apparently a conservative reaction. They were all members of the Democratic League, and Paton was editor of the radical Clipper. Urquhart had been associated with the formation of the Democratic League but was a member of Parliament and therefore, no doubt, acceptable. The A.N.A.'s recommendations could not have had much influence on the public as only five of those recommended were eventually elected. Other election tickets were made out by other associations such as the Taxpayers' Association but it is doubtful

23. Mercury, 2 March 1897.

whether they had any influence on the public either.

The Tasmanian Press in the main advocated the avoidance of electors voting by tickets, and urged them to use their own judgement in selecting the ten best men. Both the Mercury and the Examiner, though not naming particular candidates, urged the avoidance of 'democrats', particularly those who argued that the Senate should be overruled by the House of Representatives - the 'people's' House. In contrast the Hobart Clipper supported the 'democratic' stand and particularly advocated the election of Bradley, Smith, Urquhart and Paton.²⁴ As it happened none of these men were elected. The Burnie Wellington Times provided three lists of suggested candidates which, they said, were considered certain to receive the most support from the electors generally.²⁵ These lists proved to be about sixty per cent accurate. The Zeehan and Dundas

24. Clipper, 27 February 1897.

25. Wellington Times, 2 March 1897.

Herald contented itself with urging the West Coast electors to go and vote so that the Montague electorate would show public spirit and thus be able to lay claim to a second member in the House of Assembly.²⁶

The election was duly held on 4 March. Enthusiastic campaigning by the candidates continued up to the day of the election, but voting was quiet in all districts. More interest and enthusiasm appeared to be shown in Launceston than in Hobart when the results were put up outside newspaper offices in the evening.²⁷ Voting was restricted to those on the House of Assembly roll and the voting was conducted by the 'old' system, not the Hare system. Electors were required to cross out twenty-two names and leave ten. One name more or less than the required number made the vote informal. The much vaunted public apathy in matters federal appears to be proved by the

26. Zeehan and Dundas Herald, 3 March 1897.

27. Mercury, 5 March 1897.

electoral figures:- only 8,835 votes were received, and of these 1,194 were informal.²⁸ This meant that only about 25% of the colony's electors voted compared with 58% at the previous House of Assembly elections. The appearance of greater interest in Launceston than in Hobart is also borne out by the figures. In Launceston about 35% of the electorate voted compared to about 26% in Hobart. On the West Coast about 29% of electors voted, but in country districts the percentage fell as low as 13%.²⁹ The lack of interest in country districts may be explained by the farmers' fears of the effects of free trade, and also by the fact that they would have had to leave their fields to go and vote. The greater manifestation of interest in Launceston may be explained by the natural tendency of Launcestonians to see their interests in the north towards the mainland rather than south towards Hobart. The commercial links with Melbourne had been strong since the founding of that city from Launceston in the 1830's.

28. Examiner, 12 March 1897.

29. Ibid. 6 March 1897, and Thesis, Appendix I.

Federal interest, as recorded by the votes cast, was less in Tasmania than in any of the other three colonies which held Convention elections. In New South Wales 57% of the possible votes were recorded. In Victoria the figure was no more than 50%, while in South Australia about a third of the electorate voted. In all four colonies the figures were considerably lower than the votes cast at ordinary general elections.³⁰

In Tasmania the men chosen, in order of popularity, were: Fysh, Braddon, Dobson, Henry, Lewis, Brown, Grant, Douglas, Moore and M.J. Clarke. All were Members of Parliament and were thus well known to the voters. Four of them had represented Tasmania at the 1891 Convention. The surprise of the election was the failure of Stafford Bird to be elected. He had attended the Sydney Convention in 1891 and had been a member of the Federal Council. He explained his defeat by saying that although he had received support from the

30. Mercury, 12 March 1897.

South he was not well known in the North. He believed also that his federal record would get him elected, and had made very little effort to make himself better known to the electors.³¹ Bird's failure to get in may be taken as a further example of the people's apathy in their failure to appreciate how much this notable leader of the movement in Tasmania had done for federation.

Further analysis of the men elected shows an even representation from the south and the north and north-west. Hobart and Launceston had two members each and the others came from West Devon, Devonport, Russell, Cumberland, Richmond and Brighton. Seven of the men were members of the House of Assembly while the remaining three were members of the Legislative Council; - no doubt the broader electoral franchise favoured the former. Three men were members of the Government Ministry: Braddon - Premier, Moore - Chief Secretary, and Fysh - Treasurer. Political sympathies were evenly

31. Ibid.

divided between Government and Opposition. The ten men included three lawyers, one merchant, and one manager of companies, while the remainder could be described as 'gentlemen'. These were the men who were Tasmania's contribution to the Australasian Federation Convention. From the thirty-two candidates the electors chose essentially those men who might be described as conservatives or moderates, certainly well tried men - with the possible exception of M.J. Clarke, who was new to the federal arena. One candidate who stood on an anti-federation platform was N.D. Cameron. He did not come near to being returned although he polled fairly well in the north and north-west where he was known. Those who stood on the 'democratic' ticket were also excluded.³² It was remarked at the time that "the voting showed there were as many Labour votes as there were Chinamen in Tasmania - less than a thousand!"³³

The Tasmanian Press generally approved of the candidates

32. Ibid.

33. M.D. McRae, op. cit., p. 25.

selected, the only dissenting voices being the Clipper and the Tasmanian Democrat. The Clipper did say, however, that they accepted "their (the candidates) ponderosity as a necessary evil" and felt that the sound and irreproachable Conservative furnished a more solid block to knock chips off than the colourless india-rubber Liberal.³⁴ Paton, the Clipper's editor, received one of the lowest number of votes in the election.

After the official declaration of the poll there were only ten days to the opening of the Convention in Adelaide, and Tasmania's delegates prepared for their journey.

2. THE ADELAIDE SESSION.

The Federation Convention was opened on the appointed date, 22 March 1897, at Parliament House in Adelaide. Only five colonies were represented at this Session - New South Wales, South Australia,

34. Clipper, 6 March 1897.

Tasmania, Victoria, and Western Australia who joined on 26 March. C.C. Kingston, Premier of South Australia, was appointed President. The Tasmanian delegates had favoured Barton of New South Wales, not only because of his qualifications for that position as an ex-Speaker of the New South Wales Assembly, but also from the fact that he polled the highest number of votes of any candidate for the Convention, and because his ardent and consistent efforts in the cause of federation seemed to them to well deserve some such recognition. However Barton declined to be nominated. The Tasmanian delegates decided to follow the Victorian support for Kingston, following the usual practice that the Premier of the colony in which a convention was held should be president.³⁵

The main business of the Convention was concerned with: the debate on resolutions moved by Barton outlining the conditions for the establishment of a Federal Government; the setting up of

35. Mercury, 23 March 1897.

three committees, Constitutional, Finance and Judiciary; and the discussion in detail of the Draft Constitution Bill prepared by the Constitutional Committee. Barton's resolutions specified that the powers of the colonies should remain intact except for such surrenders as might be agreed upon; that there would be no alteration of the territorial possessions or boundaries of the colonies without their consent; that the power to impose and collect customs duties should be vested in the Federal Parliament; that the control of naval and military defences be vested in the Federal Parliament; and that trade and intercourse between the Federated colonies should be absolutely free. To carry out these conditions the Convention was to frame a Federal Constitution providing a Parliament consisting of a Senate or States' House and a House of Representatives or People's House, an Executive consisting of a Governor-General and his advisors, and a Supreme Federal Court which would also be a High Court of Appeal for all colonies in the Federation.³⁶

36. Official Record of Debates of the Australasian Federal Convention, Adelaide, 1897, p. 17.

In order to save time only five of Tasmania's representatives spoke in the debate on Barton's resolutions. They were Braddon, Fysh, Henry, Dobson and Clarke. All spoke strongly of the importance of States' rights and emphasized the importance of the Senate having the power not to initiate money bills but to amend all bills except the annual appropriation bill. Most spoke in favour of a government responsible to the House of Representatives, but beyond this their opinions on federation tended to be quite individual. Perhaps the most individual was Dobson, who was against democracy and the 'one man one vote' system and spoke in favour of a Senate elected by Parliamentary representatives.³⁷ This was in contrast to Fysh, who was in favour of 'one man one vote' and argued that the franchise should be determined by the Federal Parliament rather than by the Convention.³⁸ Braddon took what might be regarded as a moderate view and spoke in favour of colonies retaining their own franchise.³⁹

37. Ibid. p. 190.

38. Ibid. p. 230.

39. Ibid. p. 63.

Other differences of view were expressed on whether one man should be allowed to be a member of both Federal and State Parliaments. Dobson was against this while Clarke was for it.⁴⁰ Dobson also argued strongly in favour of the right of States to appeal to the Privy Council against decisions of the Federal Supreme Court. The Tasmanians' main fear was that of being dominated by the larger States.

Barton's resolutions were agreed to by the Convention on the 10th day (31 March 1897) and the Convention proceeded to appoint committees to deal with the resolutions. On the Constitutional Committee Tasmania's representatives were Lewis, Brown, Douglas and Moore. On the Finance Committee the colony's representatives were Fysh, Grant and Henry, and on the Judiciary Committee Clarke and Dobson (both lawyers). The Premiers of each colony were ex officio members of each Committee.⁴¹

40. Ibid. pp. 190, 302.

41. Ibid. p. 397.

The Constitutional Committee appointed three of its members to draft the Constitution: Barton of New South Wales, Downer of South Australia, and O'Connor of New South Wales. Lewis of Tasmania declined to stand for election to the sub-committee. The first thing the Committee had to decide was whether to work on the basis of the 1891 Constitutional Bill and simply make amendments, or to make an entirely new bill. The Committee was divided into those who had been at the Convention of 1891 and favoured the former course, and those who now sat in a federal Convention for the first time and favoured the latter course. After some discussion the Committee decided in favour of amending the 1891 Bill as the speedier course to follow. No record of the Committee's proceedings was kept but no doubt as three of Tasmania's four representatives on the Committee had sat in the 1891 Convention (Brown, Douglas and Moore) they voted in favour of using the 1891 Bill as a basis. On the vital issue of Senate powers over Money Bills the Committee decided, by a narrow majority, in favour of giving the Senate equal powers with the House of

Representatives except over the annual Appropriation Bill. The voting resolved itself into an issue of large states versus small states, the Tasmanian representatives voting solidly in favour of Senate power.⁴²

The three-man Constitutional sub-committee, which had the job of incorporating the recommendations of the three Committees into a draft Bill, had the Bill ready by 12 April and Barton presented it to the Convention on the same day.

The Convention resolved itself into a Committee of the Whole for the consideration of the Bill in detail.⁴³ The draft Bill was basically the same as the Bill of 1891 but several important amendments had been made. One of these concerned election to the States' Assembly (or Senate). The 1891 Bill had provided for election

42. Mercury, 8 April 1897.

43. Convention Debates, p. 432.

by the Houses of Parliament of the several States. The new Bill proposed that the States' Assembly should be elected by a popular vote, each state voting as one electorate, the qualifications for the electors being the same as for the House of Representatives. The Committee of the Whole resolved by a heavy majority to postpone discussion of clauses 1 to 51 of the Bill until after consideration of clauses 52, 53 and 54 - the money clauses. The main debate centred round clause 53, subsection 1, which stated that the States' Assembly was to have equal power with the House of Representatives in respect of all proposed laws, except laws appropriating the necessary supplies for the ordinary annual services of the Government, which the States' Assembly might affirm or reject but might not amend, and that the States' Assembly might not amend any proposed law in such a manner as to increase any proposed charge or burden on the people.⁴⁴ Argument centred at first around the use of the term "States' Assembly" and the Committee decided by 27 votes to 21 in favour of employing the word

⁴⁴. Ibid. p. 575.

"Senate", the Tasmanian delegates being evenly divided on the issue.⁴⁵

Real argument began when Reid moved an amendment to exclude the Senate from exercising power to amend laws imposing taxation. There followed a bitter and acrimonious debate along the line 'large states versus small'. The Tasmanian delegates were divided on the issue. Braddon, Dobson, Douglas and Moore argued strongly in favour of the role of the Senate as a protector of state's rights and the importance of it retaining power over money. However Henry and Lewis said they were prepared to compromise for the sake of federation and that they could see little difference between the power of the Senate to send bills back to the House of Representatives with suggestions to amend and the power of amendment itself. Reid's amendment was carried by the narrow majority of two, with Lewis and Henry and Brown voting in favour.⁴⁶ The other money subsections and clauses were passed with comparatively little debate and few amendments, the Tasmanian

45. Ibid. p. 715.

46. Ibid. p. 575.

delegates taking practically no part in the discussions.

Apart from the debate on the all-important subject of the powers of the Senate, the subjects which attracted most interest from the Tasmanian delegates, judging by the number of delegates who spoke, were the questions of the qualifications of electors and of whether members of the Senate and House of Representatives could hold any office of profit under the Crown. Clause 29 of the draft Bill provided that the qualifications of electors for the House of Representatives should be the same as those of electors for the more numerous House of Parliament in each of the states, and that each elector was to have only one vote.⁴⁷ However Holder, the South Australian Treasurer, moved an amendment that electors to the House of Representatives should be every man and woman of the full age of twenty-one years whose name had been registered as an elector for at least six months. As South Australia already enjoyed the wide

47. Ibid. p. 715.

franchise proposed by Holder the amendment would not have affected that colony in any way. Tasmania though still had a restricted franchise, and did not give the vote to women, so the reaction of the Tasmanian delegates was interesting. Grant and Douglas both spoke against the amendment, arguing that women did not want the vote and were in any case subject to "emotional or hysterical influences to a much greater extent than men."⁴⁸ The amendment was lost 23 votes to 12, the only Tasmanian delegate supporting it being M.J. Clarke.⁴⁹ Holder moved another amendment that "no elector now possessing the right to vote shall be deprived of that right." Brown and Braddon objected to this on the grounds that it would force the Federal Government to make the South Australian franchise uniform throughout the Commonwealth.⁵⁰ This was because electors of South Australia (for example women), moving to live in other states, would retain the right to vote and thus create a difficult situation. The new

48. Ibid. pp. 721, 724.

49. Ibid. p. 725.

50. Ibid. pp. 729, 731.

amendment was carried 18 votes to 15, M.J. Clarke again being the only Tasmanian in favour.⁵¹ The conservative outlook of Tasmania's delegates becomes clear here, with the exception of Clarke who was regarded as a radical anyway.

Clause 47 of the draft Bill - that members of the Federal Parliament should not hold offices of profit under the Crown - did not receive as much attention from the Tasmanians as clause 29, although again four of them spoke to an amendment by Turner that a penalty be attached to the clause. Braddon opposed the penalty on the grounds that it would dissuade lawyers interested in becoming judges from sitting in Parliament.⁵² However Dobson and Grant favoured the amendment, Grant arguing that no special favours should be given to lawyers.⁵³ Lewis questioned the wording of the amendment and favoured the passing of the original clause.⁵⁴ The amendment was

51. Ibid. p. 732.

52. Ibid. pp. 741, 751.

53. Ibid. pp. 741, 753.

54. Ibid. p. 744.

carried 19 votes to 18, the Tasmanians being evenly divided on the question.

Other clauses in the draft Constitution which interested the Tasmanians related to postal and telegraphic services, payment of bounties, admission of new states, representation of surrendered territory in the Parliament, amounts to be returned to the States after the imposition of uniform duties, public debts of the States, appointment of an Inter-State Commission, a provision for resolving deadlocks and the conduct of communications with the Queen. Douglas was the only Tasmanian to vote against making postal and telegraphic services a federal responsibility. He saw it as diminishing the power of the local governments. Fysh argued that common stamps for Australia would promote the federal spirit, and Braddon said that although Tasmania would lose by it Tasmanians should be satisfied as the federal capital would be in Tasmania and the Government would

thus be quite close!⁵⁵

Some important discussion ranged round clause 89 which said that during the first five years after uniform Customs had been imposed the aggregate amount to be paid to the whole of the States for any year should not be less than the aggregate amount returned to them during the last year before the imposition of such duties. Braddon, Fysh and Henry contributed to the discussion during which it was said that Tasmania could not join a federation unless the financial arrangements were adequately safeguarded. Fysh put forward a complicated argument why the word 'aggregate' should be left out of the clause, but his amendment was lost and the paragraph agreed to.⁵⁶

An interesting reflection of Tasmanian attitudes came out of discussion on Deakin's motion that all State communications with the

55. Ibid. pp. 771, 774, 775.

56. Ibid. pp. 1066, 1057, 1062, 1067.

Queen should be made through the Governor-General. Douglas, Moore and Braddon all argued strongly against this motion on the grounds that it was an infringement of States' rights and an attack on the autonomy of the States. The motion was strongly opposed by representatives from the other colonies as well and was lost on the vote.⁵⁷

The Convention finished its work in Adelaide on 23 April by adopting the Draft Constitution as passed by the Committee of the Whole, and then adjourned until it met again on 2 September in Sydney. Tasmania's contribution to the Draft Constitution, if gauged by any amendments made, was slight indeed. Braddon proposed four amendments, three of which he withdrew and one which was lost. Fysh proposed two amendments, only one of which was accepted by the Convention and concerned the minor matter of the keeping of accounts.⁵⁸ It was Barton of New South Wales who proposed the greatest number of

57. Ibid. pp. 1178, 1181, 1182.

58. Ibid. p. 1052.

amendments and had them accepted, and was the subject of congratulatory remarks at the end of the Session. Braddon, in his concluding address, said he wished that the Bill they were going to put before the people could have been such as would have denied criticism instead of inviting it, and hoped that it would receive a considerable amount of amendment.⁵⁹ The most controversial aspects of the Bill for Tasmania were undoubtedly the clauses concerning the powers of the Senate and the financial provisions. As the Bill had to be discussed in local parliaments before the meeting of the Convention at Sydney amendments were likely.

The degree of participation by Tasmania's various representatives is of some interest. Braddon spoke over fifty times to the Convention on a wide range of subjects, while Clarke spoke only once, and then on Barton's general resolutions.⁶⁰ On average

59. Ibid. p. 1213.

60. Ibid. pp. xxiii, xxiv.

the others spoke about a dozen times each. No Hansard report was kept of the discussions in the sub-committees. It would appear on the surface that Tasmania's influence on the draft Constitution Bill was not great but for two things: - the support of Brown, Henry and Lewis for Reid's amendment removing from the Senate the power to amend laws imposing taxation which resulted in this power being denied the Senate by a two-vote majority,⁶¹ and the basis laid by the Constitution of 1891 to which Tasmania's A.I. Clark had made such a notable contribution.

3. THE TASMANIAN AMENDMENTS.

With the Adelaide sitting of the Convention over, the Draft Bill was open for full public discussion. The Bill had a mixed reception from the Tasmanian press. In one editorial the Mercury said it would be as well not to be too hasty in criticising the financial arrangements as there was room for differences of

61. See above, p. 265.

opinion.⁶² The following day the Mercury said the Constitution had been left in a very rough and unworkable form.⁶³ The Daily Telegraph was very critical of the financial provisions and the limitations of the powers of the Senate, and strongly attacked Brown, Henry and Lewis for letting the side down. The paper quoted from their election speeches, in which they had declared themselves in favour of states' rights but had dealt only vaguely with the rights of the Senate.⁶⁴ Henry, on his return to Tasmania, explained that he had been afraid that federation would have been wrecked if the wish of New South Wales and Victoria in this matter had not been granted. The larger states would then have opposed equal representation in the Senate, and on this, he felt, rested the real preservation of State rights. In any case he thought that the difference between the power of the Senate to amend money bills and the power which was conferred in the Constitution Bill to suggest amendments was of a trifling character.

62. Mercury, 26 April 1897.

63. Ibid. 27 April 1897.

64. Daily Telegraph, 15 April 1897.

He admitted that he, Lewis and Brown had had severe comments made on their action.⁶⁵ Devonport's North West Post, however, supported their action for the sake of federation.⁶⁶ The Clipper tended to speak in praise of the Draft Bill as a whole and regarded it as a "by no means hopeless measure."⁶⁷ The least interest was shown by the Zeehan and Dundas Herald, which gave only brief reports on the proceedings of the Convention and offered practically no comment, being completely absorbed in local affairs.

The next important step was the discussion of the Draft Bill in the colonial parliaments, which in Tasmania began on 21 July 1897. In the meantime public discussion continued in the editorial columns of the press and was stimulated by contributions from the delegates, particularly Fysh, Henry and Dobson, who also addressed public meetings in the cause. Judging by the few letters from the general

65. North West Post, 27 April 1897.

66. Ibid.

67. Clipper, 24 April 1897.

public published in the papers not a great deal of interest was generated.

The second session of the twelfth Parliament of Tasmania was opened by the Governor, Lord Gormanston, on 13 July 1897. On 21 July Sir Philip Fysh moved that the House of Assembly resolve itself into a Committee of the Whole House to consider the Commonwealth Bill as drafted by the Convention sitting in Adelaide.⁶⁸ Before his motion was put a long debate on federation and Tasmania was entered into. The idea was to allow the Convention delegates to give their views. Nothing very new was added to opinions already expressed, the main points dwelt on being the powers of the Senate, the cost of federation to the states, the preservation of states' rights, the effect of federation on Tasmanian agriculture, and the desirability of a greater national life. One of the most interesting speeches was that of A.I. Clark, who had now returned from his

68. Mercury, 22 July 1897.

overseas trip. He said he felt very much pleased and very flattered to see that the Bill adopted in Adelaide was substantially the Bill of 1891, with a few alterations. One of the alterations that particularly commended itself to his approval was that the Supreme Court of Australasia was made not the creature of the legislature of the day but a permanent part of the Constitution. This was as he had made it in his original draft. His move in this direction in 1891 had been defeated because he had been ill with influenza while the drafting committee went on a picnic over the Easter holidays and altered all the clauses relating to judicature. Clark reiterated a long expressed view that he would rather see the Constitution framed as nearly as possible on the pattern of the American Constitution, but when he could not get two millions of people to think with him he must move to meet them.⁶⁹ The motion that the House go into a Committee of the Whole was put and carried on 29 July. Detailed examination of the clauses of the Draft Bill began immediately.

69. Mercury, 29 July 1897.

When the Assembly completed its work on 19 August thirty amendments had been made. The principle amendments concerned Part V of the draft Constitution, relating to the powers of the Parliament of the Commonwealth. The provision in the draft that the Senate should have power to affirm or reject, but not amend money bills was struck out. Its amendment provided that the Senate should have equal powers with the House of Representatives in respect to all proposed laws, but the Senate might not amend any proposed law in such a manner as to increase any proposed charge or burden on the people. A new subsection was added providing that a law which appropriated the supplies for the ordinary annual services of the Government should deal only with such supplies. This was designed to prevent 'tacking', or including an extra measure in the appropriation bill and thus forcing the Senate to accept it. This may seem unnecessary in view of the Assembly's amendment giving the Senate equal power to deal with money bills, but no chances were being taken with the rights of the States' House and every effort was made to safeguard them.⁷⁰

70. Mercury, 20 August 1897.

Other amendments showed equal concern with the rights of the states. It was agreed: that the Senate should be chosen in such a manner as the Parliament of each state should determine; that it should be obligatory for the Federal Parliament to admit new states into the Commonwealth instead of leaving this to the Federal Parliament's discretion; that the Commonwealth should take over the debts of the states, making the Commonwealth chargeable with the whole interest bill, and an indemnity be paid by the States on a per capita basis; that distribution of surplus revenue should commence immediately after the imposition of uniform customs duties; that the Commonwealth be empowered to lend to the States any sum borrowed on the credit of the Commonwealth. The Assembly proposed a provisional scheme for solving deadlocks between the House of Representatives and the Senate by providing that a 4/7ths majority of the House should override a 4/7ths majority of the Senate. A provision that if any elector should vote more than once he "shall be guilty of a misdemeanor" was struck out, apparently in an attempt to

protect the plural voting system practised in Tasmania. The annual allowance of representatives in both Houses of the Parliament of the Commonwealth was reduced from £400 to £300 in order to save money. Finally the Preamble was amended by inserting a recognition of God as the Supreme Ruler of the universe, and the source of all true government.⁷¹ A.I. Clark wanted to keep any affirmation of religious belief out of the Constitution, so strong was his belief in absolute freedom of conscience,⁷² but the inclusion of the recognition of God had been the subject of many petitions from church groups.

The Draft Constitution and the Assembly's amendments were sent to the Legislative Council, where some comparatively minor amendments were made in relation to representation in the Senate, the money bills clauses and the financial arrangements. The Draft and the amendments were then sent back to the Assembly. To save time it

71. Ibid.

72. J.M. Neasey, 'Andrew Inglis Clark Senior and Australian Federation', op. cit., p. 20.

was agreed that the amendments of both Houses would be sent side by side to the next session of the Convention in Sydney.⁷³

4. THE BRADDON BLOT.

When the Convention met in Sydney on 2 September 1897 there were some 286 amendments from the colonial parliaments to be dealt with. It was decided, in view of the impending Victorian elections which would make an early adjournment necessary, to settle the most important questions first. Most of the debate was therefore monopolised by four great questions: the financial problem; the basis of representation in the Senate; the power of the Senate with regard to Money Bills; and the insertion of a provision for deadlocks. The great central difficulty with the financial problem was to formulate - while the nature of the federal tariff and its operation were still unknown quantities - some scheme of distributing the federal surplus which would not only be fair in itself, but would guarantee all the

73. Mercury, 21 August 1897.

States against any dislocation of their finances. This difficulty arose out of the widely differing character of the existing tariffs of the colonies, and the differing degrees of dependence on customs and excise revenue. The customs and excise revenues surrendered to the Commonwealth would be some four times as much as were needed for federal expenditure; and each colony wanted some guarantee that it would get back not only its fair share of what it contributed, but an amount sufficient to balance its provincial accounts. The two problems were to guarantee that there would be a large surplus to distribute, and to find a basis of distribution which would meet the needs of all the colonies.⁷⁴ For Tasmania the issue was particularly important. In 1896, out of a total revenue of £797,976, £329,006 was received from customs alone.⁷⁵ Although the Convention debated the question in some detail it was left to the Finance Committee to find a solution.⁷⁶

74. Quick & Garran, "Annotated Constitution of the Australian Commonwealth", p. 187.

75. Walch's Tasmanian Almanac, Hobart, 1898, p. 267.

76. Quick & Garran, *op. cit.*, p. 189.

On Senate representation the New South Wales suggestion to substitute proportional for equal representation was rejected, not so much on the abstract principle of State equality, but as a concession to the smaller States, necessary to secure their assent to the Constitution, and expedient to secure the fair treatment of local interests.⁷⁷ In the Money Bills clauses the only substantial amendment was the Tasmanian suggestion, drafted by A.I. Clark, giving the Senate power to originate bills involving incidentally the appropriation of fines or fees.⁷⁸ West Australia moved that the Senate be given power to amend taxation bills, but this was defeated 28 votes to 19. The Tasmanians were evenly divided on the issue as they had been at the Adelaide session. As popularly elected delegates they were not bound by the decision of the Tasmanian Parliament on this question. Dobson, Douglas, Moore and Grant voted for the amendment and Brown, Clarke, Fysh, Henry and Lewis voted against it.⁷⁹

77. Ibid. p. 139.

78. Ibid.

79. Federal Convention Debates, Sydney, 1897, p. 537.

The new clause proposed by Tasmania: "The law which appropriates the supplies for the ordinary annual services of the government shall deal only with the appropriation of such supplies" was agreed to.⁸⁰ The debate on deadlocks took most of the Convention's time. The Tasmanian suggestion (which enabled a 4/7ths majority of the House to override a 4/7ths majority of the Senate) was not much discussed, but a somewhat similar device of a joint sitting of both Houses, which had been suggested previously by O'Connor and Reid of New South Wales, was revived as a possible solution. Eventually the Convention agreed that in case of deadlocks there should be a double dissolution followed by a joint sitting of both Houses, at which a 3/5ths majority should be able to carry the measure.⁸¹ On 24 September the Convention adjourned, to meet again for its final session at Melbourne on 20 January 1898.

In the meantime great concern was being felt in Tasmania

80. Ibid. p. 593.

81. Quick & Garran, pp. 190, 192, 193.

over what financial arrangements might be made by the Convention.

On 15 September 1897 the Mercury published details of the calculations made by R.M. Johnston, the Tasmanian Government statistician.⁸² On the basis of the figures for the financial year ended in 1896 he demonstrated that with customs and excise transferred to the Commonwealth it would be impossible to compensate the loss to the Tasmanian Treasury on a basis of population and revenue yielding power as proposed in sections 92 and 93 of the Adelaide draft Bill. He pointed out that as most excise was obtained from the male population (smokers and drinkers), per capita calculations of excise were subject to violent fluctuation. In West Australia the male population had risen sharply after the opening of the gold fields, while in Tasmania the male population had declined in times of depression and unemployment. The net loss to Tasmania caused by the transfer of customs and excise he calculated at £352,194. If surplus federal

82. R.M. Johnston, "Observations on Federal Finance Difficulties and Their Underlying Causes." Introduction and Appendix by A.I. Clark, Hobart, 1897.

revenue were returned on a population basis Tasmania would receive £270,471. If it were returned on an estimate of revenue yielding power Tasmania would receive £165,476. With a combination of these two methods and a sliding scale, after the introduction of uniform tariff Tasmania's loss would be £186,718 in the first year, £149,374 in each of the four following years, and £81,723 after the fifth year. Tasmania would have to double her land and income tax to enable her Treasury to discharge the remaining State obligations and functions. Johnston urged that if there was any surplus for the federal government to return it should be distributed on the ascertained proportion of the percentage which each State's loss of income, caused by the abolition of the local customs and excise revenue and other functions, bears to the aggregate loss of the six colonies. A.I. Clark, in the Appendix, said that as the debts and tariffs of each colony were almost the same - the mutual *raisons d'etre* of one another - the Commonwealth must take over the colonies' debts as well as the tariffs. If it did not the colonies would have to impose upon

themselves a burden of direct taxation so intolerable that the Commonwealth would be compelled to interfere for their relief.⁸³

Discouraging as these calculations were for Tasmania's federalists, more bad news for federalists everywhere was to come in October when an important change was made to the New South Wales Federal Enabling Act. The New South Wales Parliament contained many members who were opposed to the scheme for federation put forward by the Convention. In October they succeeded in raising the minimum number of affirmative votes required for New South Wales to accept the Constitution at the referendum from 50,000 to 80,000. Although Barton and O'Connor and other prominent federalists strongly opposed the alteration it became law on 12 December.⁸⁴ The increased figure made the work of the federalists doubly difficult.

83. Ibid.

84. Quick & Garran, p. 193.

The Melbourne session, extending from 20 January to 17 March, 1898, was the longest and most important session of all. The whole Bill received thorough reconsideration by the Convention, and thorough revision by the Drafting Committee. The most important debates concerned the question of federal control of the Murray River system in which New South Wales, Victoria and South Australia had a primary interest; the question of regulating the railway tariff war between the colonies, which particularly affected Victoria and New South Wales; and the question of finance in which Tasmania had a vital interest and part to play.⁸⁵

The Finance Committee appointed in Sydney had not found much time for deliberation, but during the early part of the Melbourne session they got to work and on 10 February they brought up their report. Their proposals ensured each State a return on the basis of its contributions for five years after federation, but left the

85. Ibid. p. 194 - 204.

ultimate mode of distribution to be determined by the Federal Parliament after five years' experience of federal conditions.⁸⁶ The abolition of guarantees was strongly opposed by Braddon, and on 11 March 1898 he moved the famous clause which became known as the "Braddon Blot". No other clause in the Commonwealth Bill aroused so much adverse criticism, particularly in New South Wales where it met with bitter hostility. The clause provided that:

- (a) Not more than one-twentieth of the net revenue from customs and excise should be applied towards the expenditure of the Commonwealth in the exercise of its original powers.
- (b) Not more than four-twentieths of such net revenue should be applied towards the expenditure of the Commonwealth in making good the net loss on the services taken over.
- (c) The balance of such net revenue remaining after the application of the sums actually applied should be distributed among the states.⁸⁷

Speaking to his motion Braddon explained that the purpose

86. Ibid. p. 197.

87. Convention Debates, Melbourne, 1898, p. 2378.

of the clause was to provide for the expenditure of the Federal Government, to ensure that the Federal Government raised sufficient money to carry on the affairs of the Commonwealth and the affairs of the states, and to guarantee that a certain fixed proportion of the revenue collected be granted to the contributory states. He calculated that out of a total net revenue from customs and excise of £6,000,000 the Commonwealth would spend £300,000 in the exercise of its original powers, and £1,200,000 on the cost of services transferred from the states. This would leave £4,500,000 to be distributed among the various states. He said that if this guarantee was not made to the states he could see no hope whatever of recommending the Bill to the people of Tasmania.⁸⁸

Adye Douglas was the only other speaker to the motion. The hour was late, the general principles had already been discussed, and when the motion was put it was carried 21 votes to 18. The Tasmanian

88. Ibid.

delegates voted solidly for the clause but the New South Wales delegates, with the exception of W.J. Lyne, voted against it.⁸⁹ Lyne later said he had voted for it under some misapprehension as to its scope and bearing.⁹⁰ The following day Barton moved an amendment to limit its operation to five years. He said that he had been given to understand that some honourable members had voted on the question one way or the other without perfectly appreciating what the question was. Also he believed that it contradicted clause 90, which provided that the balance of net revenue should be paid to states in proportion to their contribution.⁹¹ He said that anyone who implied that federation would cause financial ruin to any state unless it received a grant was, however unintentionally, doing a great deal of harm to the federal cause. The enemies of federation would be supplied with the argument that federation would bring financial ruin to the states. Barton claimed that after a uniform tariff had superseded the

89. Ibid. p. 2379.

90. E. Braddon, "My Blot", United Australia, 15 January 1900.

91. See above, p. 288.

half-dozen intercolonial tariffs, the increase of taxation on the people would be only a few hundred thousand pounds in a population of from three to three and a half millions:- not an intolerable strain on the population of Australia. He objected to anything that carried the implication, "or gives a handle to the enemy to say" that the colonies had been so reckless in their finances that they could not stand the strain of federation. "I do not believe", he went on, "in laying down things of this kind and thus defaming, unintentionally no doubt, the cause we all have at heart."⁹²

Reid and Lyne supported the amendment on the grounds that the Commonwealth Treasurer would regard customs and excise as an unsatisfactory method of raising revenue, as he would get only 5s. out of every £1 raised in that way whereas from other forms of taxation he would get the full pound raised.⁹³ However Holder (South Australia) refuted Barton's argument that Braddon's clause (91A) contradicted

92. Convention Debates, Melbourne, 1898, p. 2423.

93. *Ibid.* pp. 2424, 2426.

clause 90. There was no reference to any limitation of expenditure in clause 90, and as clause 91A determined what the sum total to be subdivided among the states should be, and did not touch on the question of the principle on which the division should take place, there was no conflict.⁹⁴ Kingston (South Australia), Forrest (West Australia) and Deakin (Victoria) also supported the original clause and when Barton's amendment was put it was lost.⁹⁵

Brown (Tasmania) now moved an amendment he had suggested in the debate on Barton's amendment as a way of meeting the views of both parties:- that after the words in subsection (c) of Braddon's clause - "The balance of such net revenue..... shall be distributed among the states" - be added "or applied in accordance with this Constitution in the payment of the interest on state debts taken over by the Commonwealth." Without further debate Brown's amendment was

94. Ibid. p. 2425.

95. Ibid. p. 2431.

agreed to.⁹⁶

On 14 March the Sydney Daily Telegraph, strongly pro Free-trade and almost anti-federal, certainly anti-billite, criticised the lack of flexibility in the clause and quoted W. Lyne's claim that under federation there would be a protective tariff of 25%. The next day the paper argued that a £6,000,000 tariff with the additional safeguard provided by Braddon's new clause would not pay the needs of the expenses of the Commonwealth or needs of the States, unless the surplus revenue from New South Wales (the most populous state) was appropriated towards making good the deficiencies of the others. As the Commonwealth Bill did not allow for this, the paper said it was a certainty "that a yet higher tariff must be imposed to secure the Southern States, which must be the greatest blot upon the measure in the eyes of the people of New South Wales."⁹⁷

96. Ibid. p. 2431.

97. Daily Telegraph, Sydney, 15 March 1898.

On 16 March, the day before the Convention closed, Braddon attempted to answer some of these criticisms by moving an amendment to his clause. He moved that subsection (b), which provided that the Commonwealth should not spend more than four-twentieths of the net revenue in making good the net loss on services taken over, should be omitted. In its place he proposed: "that one-fourth should be applied annually by the Commonwealth towards its expenditure."⁹⁸ Barton welcomed the amendment as it would allow greater flexibility in the use of finance. The one-quarter of customs and excise reserved for the Commonwealth under the clause could be spent as the Commonwealth saw fit. The amendment was carried but no mention was made of it in the Daily Telegraph.

On 17 March the Convention closed. The Premiers of each colony represented at the Convention had met the previous day and agreed that the referendum on the Commonwealth Bill would be held in

98. Convention Debates, Melbourne, 1898, p. 2456.

May,⁹⁹ although it was later set for 3 June in New South Wales, Victoria and Tasmania, and 4 June in South Australia.

George Reid, making his major speech in the Sydney Town Hall, on 28 March, said he would vote for the Bill, but freely criticised it, thus earning the nickname of 'Yes-No' Reid.¹⁰⁰ He declared Braddon's clause to be "the gravest blemish in the Bill", arguing that the Commonwealth Treasurer would have a tremendous temptation to impose direct taxation as he could keep all 20s. in the pound of that. With 18 votes in the Senate (six each), he went on, Victoria South Australia and Tasmania could block a finance measure intended to benefit New South Wales. A Commonwealth tariff of £6,000,000 looked large to 2,300,000 people (the population of New South Wales). If the Commonwealth wanted to raise £200,000 it would have to raise £800,000, most of which would go to the other States.

99. Mercury, 16 March 1898.

100. B.R.Wise, The Making of the Commonwealth, London, 1913. p. 273.

J.H. Want, leader of the Free Trade Party and a long time opponent of federation,¹⁰¹ resigned as Attorney-General in Reid's Ministry so as to have perfect freedom of action to oppose the Bill.¹⁰² Want, with the assistance of the Daily Telegraph, now became leader of the anti-federal, anti-billite movement in New South Wales. On 1 June, two days before the referendum, the Daily Telegraph attacked Tasmania for "openly admitting that it will have no place in the union under this bill except as a pensioner upon the other states." This was not a fair criticism, but neither was the attack on Braddon's clause in the same issue:-

" Reasons for Voting No

.....

.....

Heavy and Unnecessary Taxation

Every head of a family is threatened with an average of £1.2s.6d a head for himself, his wife, and his children under the bill. And this, not because all the money is required for the Commonwealth, but because the Braddon blot, which was inserted in the interests of the small states,

101. Ibid. p. 273.

102. Daily Telegraph, Sydney, 5 April 1898.

compels the amount to be extorted from New South Wales taxpayers. After five years it will be at the mercy of of the small States. The only means of defeating this proposal and securing an alteration is to vote No."¹⁰³

On polling day the Sydney Telegraph published a long account of J.H. Want's speech in the Town Hall the previous night. Want, with little regard to accuracy but with a sure touch for audience response, claimed Braddon's clause would increase tax in New South Wales four times. He said that to satisfy Tasmania it would require a Federal revenue of about £11,800,000 and 45% of it would be paid by the people of New South Wales. He said this calculation "was borne out by Mr. Johnston, the Government Statist of Tasmania." He went on: "You will see that the Federal Government will have to resort to direct taxation as well as Customs duties. And this state of affairs is produced by 'Braddon's Blot', which Reid had proclaimed to be the most abominable blot ever put in a constitution. This blot is the

103. Daily Telegraph, Sydney, 1 June 1896.

damnation of this bill - it compels the people of this colony to pay up to four times as much money as it is admitted is wanted.
 ..it is the intention of these other States, when the time comes, with their voting power, to deal with the surplus."¹⁰⁴

The Sydney Morning Herald and the Evening News supported the Bill, but Want and the Telegraph were successful. Although a majority of voters supported the Bill in all four colonies, the affirmative vote in New South Wales was 71,595, 8,405 short of the required minimum number of 80,000. The NO vote was 66,228, or 93% of the YES vote, the highest proportion in the colonies.¹⁰⁵ There is no doubt that the Braddon clause had, in Barton's phrase, given a handle to the enemy. Without it Want and the Telegraph may have succeeded in raising enough doubts about the Bill to have it defeated in New South Wales. With the 'Blot' they were able to conjure a nightmare of gross

104. Daily Telegraph, Sydney, 3 June 1898.

105. Australian Encyclopaedia, Federation, Vol.3, p. 30.

over-taxation that became more lurid and exaggerated as polling day approached.

While strongest opposition had come from New South Wales it was from the Sydney Bulletin and E. Pulsford of the New South Wales Legislative Council that the ablest vindication of the clause was to come. Although the Melbourne Argus could say no more for it than that "it is a fifth wheel to the coach, and its only merit is that it does not upset the coach", the Bulletin and Pulsford induced some of its more extreme opponents to see in it only a harmless excrescence, where they thought they had discovered a foul stain upon Australia's noble charter.¹⁰⁶ The ultimate triumph and apotheosis of the Blot (according to Braddon) came at the Premier's Conference held in Melbourne in January 1899, for the purpose of amending the Commonwealth Bill to make it more acceptable to New South Wales. Reid, who sought to expunge it from the Bill, frankly admitted that, no other substitute

106. E. Braddon, "My Blot", United Australia, 15 January 1909, p. 13

being available, the much vilified clause should stand, subject to the conditional limitation that it should operate for ten years and not after that, if the Federal Parliament provided otherwise.¹⁰⁷ Braddon afterwards claimed that the clause would have been amply justified if its only effect had been to win the confidence of the people in the form of union offered them. He also claimed that it was a distinct advantage that the Customs revenue was earmarked for interest due on States' debts and so afforded security to both the States and their creditors.¹⁰⁸ He believed that it would be certain to operate advantageously, and "the Braddon clause, from being a rock ahead, (would) gradually assume the beneficent aspect of an ark of refuge."¹⁰⁹

In actual working, the clause proved unsatisfactory both to the Commonwealth and the States. It deprived the one of the funds that

107. Ibid.

108. Ibid. p. 14.

109. Ibid. p. 15.

were often sorely needed, and did not function equally among the others. Tasmania, in three years, did not receive the full three-fourths of her share of revenue, since the clause did not specify that each individual State must receive that proportion, but only that, in the aggregate, that proportion must be distributed. In August 1909 Alfred Deakin arranged with the State Premiers that from July 1910 onward the Braddon clause should disappear, and the Commonwealth should for the future pay each State 25s. per head of its population. Under the Braddon clause the Commonwealth paid to the States, in nine and a half years (January 1901 to June 1910), approximately £69,000,000. With the addition of the Commonwealth surplus paid to the States under Section 94 of the Constitution, the total payments to the States amounted to approximately £74,000,000, or more than 81% of the customs and excise revenue collected.¹¹⁰

110. Australian Encyclopaedia, Braddon Clause, Vol.2, p. 95.

CHAPTER VIITHE FEDERAL REFERENDUMS, 1898 & 18991. THE CAMPAIGN IN TASMANIA.

On Thursday 24 March 1898, one week after the Convention ended in Melbourne, a group of twenty citizens met at the Launceston Town Hall in response to a circular from M.J. Clarke, their local member. The Mayor of Launceston, Alderman Sutton, occupied the chair, and two resolutions were passed:

1. That it is desirable to establish an organization to be named the Federation League of Northern Tasmania whose object would be to secure adoption of the Commonwealth Bill.
2. That a public meeting be called for the next Monday.¹

The following night, 25 March 1898, Braddon opened the Tasmanian federal campaign in Burnie. Braddon assured his audience that federation need not cost Tasmania more than £13,000.² This

1. Daily Telegraph, Launceston, 25 March 1898.

2. Ibid., 28 March 1898.

was based on calculations by his Treasurer, P.O. Fysh, that Tasmania would, if the uniform tariff produced the equivalent of Tasmania's probable revenue from customs and excise for the current year, receive back £300,000 towards the £310,000 of interest payable annually.³ At the meeting a telegram from M.J. Clarke was read out urging that a committee be formed to canvass the district in the federation interest.⁴ Braddon supported the idea and urged that they work in collaboration with the Launceston committee. A group was formed immediately.⁵ On Saturday night Braddon spoke at Ulverstone and at his suggestion a group was formed there too.⁶ On Monday the Launceston committee held its public meeting in the Mechanics Institute. The chairman, Alderman Sutton, announced that he was a federalist who believed in the Federation Bill, although he did not know much about it. He said he was not ashamed of the assertion for he believed a great many others were in precisely the same boat. He moved: "That it is desirable

3. Mercury, 17 March 1898.

4. Ibid., 26 March 1898.

5. Daily Telegraph, 28 March 1898.

6. Ibid.

to establish an organisation to be named the Federal League of Northern Tasmania, the objects of which shall be to secure the adoption of the Commonwealth of Australia Bill by the people of Tasmania, and to co-operate with any other organizations working to achieve the same object." The motion was seconded by M.J. Clarke and was agreed to by the meeting. An executive committee consisting of Sutton, (President), the representatives of Tasmania to the Federal Convention (as vice-presidents), Peter McCracken (Treasurer), and J.H. Keating, a young barrister (Hon. Secretary), was chosen. The twelve man committee appointed included John Gunning, editor of the Daily Telegraph. Subscription to the League was fixed at 1s., and Braddon's name was the first enrolled. Forty members in the room followed the example set, several handing in liberal donations.⁷

Thus the federal campaign in Northern Tasmania got off to a flying start. The federal idea had been planted in Launceston by

7. Ibid., 29 March 1898.

the Rev. John West in the 1850's, and kept alive by the Examiner and the hopes of breaking down the high Victorian tariff wall.⁸

Potato farmers and factory owners in the North only stood to gain from intercolonial freetrade. Frederick Pritchard of the Examiner, John Gunning of the Daily Telegraph and Ronald Smith of the Federalist (nee Democrat) presented a united front in urging the electors to support the Commonwealth Bill. Particular credit, however, must go to M.J. Clarke for his initiative in forming the Northern Tasmanian Federal League. Matthew John Clarke was a native of County Down, Ireland, and a comparatively recent arrival. A popular Launceston barrister with a fine delivery and a ready repartee for coping with mob wits, Clarke held meetings in every settled district of the colony. Not limited by the local outlook that stultified so many Tasmanian Federalists, his personal campaign was admitted as one of the principal factors in the Federalist victory at the polls.⁹ His

8. J. Reynolds, Edmund Barton, Sydney, 1948. pp. 146, 147.

9. *Ibid.*, p. 146.

formation of the League was apparently a personal matter too. His telegram to Braddon at Burnie suggested that he had not consulted with Braddon beforehand. Also Adye Douglas, one of the Convention delegates, who attended the opening meeting of the League in Launceston and was invited to speak, did not realise that the meeting had been called to promote acceptance of the Commonwealth Bill. He said he thought it had been called to discuss the advantages and disadvantages of federation. Douglas had proceeded to criticise the limitations on the powers of the Senate in the Commonwealth Bill, and thought that federation would be much more expensive than the £13,000 quoted by Fysh and Braddon. Clarke had replied that Tasmania would have the right to legislate for all matters affecting the interests of the colonies jointly and that she could retain the power to look after her own interests.¹⁰ Clarke was being optimistic here, no doubt to reassure the meeting. Optimism and enthusiasm were to remain primary characteristics of the League.

10. Daily Telegraph, 29 March 1898.

Braddon, on his arrival in Launceston, spoke encouragingly of the federal feeling on the North West Coast but advised that the Federal Leagues should distribute their attentions over the country districts, rather than concentrate in the cities.¹¹ His advice was sound, for it was to be in the country districts that some of the toughest battles were to be fought. The provincialism of some of these areas was well entrenched. However optimism prevailed in the Northern Federal League and its membership grew rapidly.

In the South the atmosphere was more cautious. Johnston's statistics were frightening and difficult to refute. The Australian Natives' Association had been actively promoting federation under its presidents Frederick Piesse and Herbert Nicholls, but little interest had been aroused. At the beginning of April the A.N.A. invited P.O. Fysh to open the federal campaign. They also decided to form a Federal League, as in Launceston, and promote similar organisations

11. Ibid., 30 March 1898.

in country places.¹² In 1893 Barton had corresponded with A.I. Clark with a view to forming a Federal League in Hobart,¹³ but it took another five years for the young lawyer Herbert Nicholls, one of Clark's proteges, to get it going. When Fysh spoke at the A.N.A. meeting on 5 April 1898 it was a small meeting, a "fit audience though few."¹⁴

Fysh told his audience that when confronted by Johnston he always felt it his duty to listen to him very attentively, "for he was marvellously saturated with the subject of federation from the financial point of view." However, Fysh continued, he had said when Johnston brought him more figures that morning, "You will kill yourself. Go away to Beltana and rest." Fysh argued that the basis on which Johnston had worked was challengeable. Johnston, he said, had calculated on a basis of a tariff per head of population of 37s.6d.

12. Mercury, 2 April 1898.

13. J. Reynolds, op.cit., p. 89.

14. Mercury, 6 April 1898.

whereas it was now (in 1898) 43s.3d. per head. The difference meant to Tasmania £49,000 per annum. He did not think Johnston had taken into account the change from the 1891 Bill, whereby it was proposed to divide the expenditure, not per capita, but on what duty was paid. The loss suggested by Johnston's figures was not really a loss, he claimed. Tasmania would not lose £199,000, but get back all it had given except its share of the expenditure. Fysh admitted that "we were going on suppositions", but said the Federal Parliament must sustain the credit of Federation as a whole. New South Wales must take the tariff of the Federation - a tariff fixed by the majority of the House of Representatives and a still larger majority in the Senate. Braddon's proposals, he said, ensured that Federation should give back to each State not less than three quarters of the customs and excise revenue. Claiming the cost of federation to Tasmania to be £13,000 he said the increase in Tasmania's population would reduce the expenditure to 10d. a head.¹⁵

15. Ibid.

Fysh's reassurances failed to allay the doubts raised by Johnston's figures, and on 15 April a lively meeting was held in the Mayor's Room to question Fysh more closely. Adye Douglas moved that a committee be formed to examine the financial situation. The committee included Stafford Bird, G.P. Fitzgerald, William Crosby, F.W. Piesse, W.H. Burgess, W.B. Propsting and T.A. Okines (secretary).¹⁶ Fysh supplied the committee with a fully detailed reply to Johnston's figures,¹⁷ but apparently felt the committee to be essentially anti-federal. A letter appeared in the Mercury on 28 April signed "One of the Number", saying Fysh was in error in making this assertion because the majority of the committee were advocates for federation, but not federation at any price.¹⁸ Later, in May, some members of the committee, unsatisfied with Fysh's figures, formed the Federation With Safety and Advantage League¹⁹ and gained the

16. Mercury, 16 April 1898.

17. *Ibid.*, 21 April 1898.

18. *Ibid.*, 28 April 1898.

19. *Ibid.*, 20 May 1898.

support of the politician Miles, who had already declared at the Montagu Hall that the position of Tasmania under Federation would be financially unbearable.²⁰

In the meantime international events were giving cause for concern. The Spanish-American war, at first localised in the Cuban area, spread to the Spanish held Philippines. A naval battle took place off Manila. America formally declared war on Spain in the last week of April.²¹ A meeting was held in Hobart on 28 April, chaired by Lieut.-Colonel Davies (the member of parliament who had attended the People's Federal Convention in Bathurst in 1896). The meeting declared that Hobart's defence position was dangerously weak and proposed that an infantry division be formed in the South.²² The question of federation could no longer be looked at as a purely financial one though many continued to regard it so.

20. Mercury, 19 April 1898.

21. *Ibid.*, 28 April, 2,3 May 1898.

22. *Ibid.*, 28 April.

On 3 May the Southern Tasmanian Federal League was formed under the sponsorship of the Australian Natives' Association. The office bearers elected were F.W. Piesse (President), Archdeacon Whittington (Vice-President), C.J. Atkins (Treasurer) and the president of the A.N.A., Herbert Nicholls (Secretary).²³ The League was very active and had eighteen speakers ready to address meetings throughout the South. It was particularly keen on sending members to anti-billite meetings to counter the arguments of Bird or Woolnough, the spokesmen for the Federation With Safety and Advantage League. Bird had been a keen federalist but Johnston's figures caused him grave concern. The Southern Federal League produced its own newspaper, which they called the Federalist, having Henry Parkes' famous motto "One People, one Destiny". It soon had over ninety members and ran a highly organised campaign.²⁴

Fears of the financial effects of federation found expression

23. Ibid., 4 May 1898.

24. Minutes of the Southern Tas. Federal League, State Archives, Hobart

in Parliament when it assembled for a brief session on 5 May. Page moved in the Legislative Council that the referendum be postponed until a later date to give more time to consider the financial aspects. In the House of Assembly Lewis moved that the federal poll be postponed until three weeks after it had been taken in New South Wales and Victoria. If it was rejected in one of these colonies, he argued, it would be unnecessary to hold the poll in Tasmania. He said he was afraid of the possible cost of federation and as a payer of income tax and land tax he did not want any undue burdens. Braddon strongly opposed Lewis' motion, saying it would be a breach of faith with the agreement he had made with the other Premiers. In support of Braddon, Dobson and M.J. Clarke asked Lewis to withdraw his motion.²⁵

A.I. Clark, however, regretted that the Premier could not support the motion and felt it would be a wise step to postpone the referendum. Referring to the small but interested meeting to hear

25. Mercury, 6 May 1898.

Fysh at the Town Hall, Clark said he did not think the community as a whole could be called apathetic. Moving about the people he did not find apathy but a very large amount of sincere and earnest doubt. A large number of those people who were sincerely doubting, he said, would heave a sigh of relief if they knew their decision was practically dictated to them, one way or another, by the action of the larger colonies. If the referendum was not postponed he believed a large number of doubters would refrain from going to the poll. Clark argued that Tasmania had more to lose than the other colonies, and that the experiment was more dangerous for it. He spoke of one set of figures he had seen which had not been published or referred to and which went to prove the unique position of Tasmania. The Government Statistician (Johnston), at his request, had prepared figures which showed that in New South Wales revenue from customs and excise was only 16.78% of total revenue, in Victoria 31.44%, in South Australia 22.26% and in Western Australia 38.25%. Tasmania topped the list with 43.60% of its revenue from customs and excise. When he pointed out

that if Tasmania gave up customs and excise she would give up more than the other colonies, Fysh interjected: "And therefore we would get back more." Clark replied that unless they knew what Tasmania's consuming power would be (particularly of cigarettes and alcohol, the two chief revenue providers) and had some indication of what the tariff would be, no one could say whether they would get back as large a proportion as they ought to. Also they could not rely on Victoria and South Australia to vote with Tasmania to secure finance, as Fysh and Henry had claimed. According to R.M. Johnston, Victoria and South Australia would not need the assistance of a single shilling. If Johnston was right, Clark said, Tasmania would be voting all alone.

Clark believed the matter was of such supreme importance that they should look fully into every aspect of the case and pause as long as possible before taking a leap in the dark. He heartily approved of every section of the Commonwealth Bill - in many respects an improvement on the Bill of 1891 - except the financial clauses. He

was disappointed that no arrangement had been made to take over State debts. "Even now", he said, "if debts would be taken over, then Tasmania could go into federation without the slightest risk, and with every prospect of prosperity and advantage."²⁶ In view of Braddon's wish not to break the agreement with the other Premiers, Lewis withdrew his motion to postpone the referendum, and the House adjourned until 7 June.²⁷

Clark, who had done so much to promote the federal movement and whose work in 1891 had provided the basis for the Commonwealth Bill of 1898, now fell virtually silent. The 'Vote YES' campaigners were very disappointed. J.B. Walker, while impressed at Clark's "responsibility in holding his tongue on the subject", said it would probably mean a thousand votes less.²⁸ Clark was appointed a Judge of the Tasmanian Supreme Court on 1 June 1898 and remained in office

26. Ibid.

27. Ibid.

28. Diaries of J.B. Walker, 21 May 1898.

until his death. His interest in federation, once it became clear that it would become an accomplished fact, remained intense. Deakin wanted to appoint him to the bench of the High Court of Australia but was not able to because it became politically possible to appoint only three instead of five justices to the first High Court.²⁹ Nonetheless Clark must be remembered as one of the fathers of Australian federation.

As the referendum day approached it became clear that the hardest fight for the federationists was in the South. Elsewhere in the island enthusiasm prevailed. On the West Coast the first steps in organization were taken by John Whitelaw, secretary of the all-powerful Amalgamated Miners' Association, the trades union to which practically all workers on the fields belonged.³⁰ He opened the western campaign with a speech to the Zeehan Democratic League on

29. J.M. Neasey, "Andrew Inglis Clark Senior and Australian Federation" Politics and History, Vol.XV, No.2, August 1969, p. 20.

30. J. Reynolds, *op.cit.*, p. 148.

1 May,³¹ and became involved in somewhat vituperative correspondence in the Zeehan and Dundas Herald with J. Kirkwood, an anti-billite.

Whitelaw was joined in his campaign by A. Morrisby, Chairman of the Zeehan Town Board. Together they organised speakers from Hobart and Launceston, in particular Ronald Smith of the Launceston League.³²

At the beginning of June they formed a Federal committee to promote the cause. The committee made sure that as many miners as possible were enrolled to vote, arranged a demonstration to support the Bill

on polling day and asked the manager of the Tramway to run cars at convenient hours to take workmen to the polling booth.³³

The west coast federalists were fully supported by the local press. The

Zeehan and Dundas Herald had raised the question of federation for

Australia's defence early in May. Referring to the Spanish-American

conflict the paper questioned whether Australia would be unaffected if

Britain became involved.³⁴ On polling day the Herald declared:

31. Zeehan and Dundas Herald, 2 May 1898.

32. Ibid., 23 May 1898.

33. Ibid., 2 June 1898.

34. 4 May 1898.

"This is the greatest day that has yet dawned in the history of the Australian colonies. The work to be done today by the people of the mainland, the people of Tasmania, and the people of the West Coast, is to strike one powerful, simultaneous blow for the welding of the Union that is to become the Dominion of Australia." ³⁵ The Mt. Lyell Standard had a good mixture of practical and patriotic appeal: "Every worker should remember that the Commonwealth Bill will give him greater political privileges than he now possesses - one man one vote, cheaper food and clothing, a provision for arbitration for industrial disputes and a measure to give him a pension in his old age. Every citizen who possesses a spark of patriotism will influence votes for the cause." ³⁶ A high pitch of enthusiasm was achieved on the West Coast and it was expected that the electors would "vote solid" for federation. ³⁷

35. 3 June 1898.

36. 1 June 1898.

37. Ibid.

Burnie's Emu Bay Times had doubts about the financial clauses, but said every elector had the right to form his own opinion on the matter and urged every one to record his vote.³⁸ Devonport's North West Post, by contrast, was hot for federal unity. The Post said that while the enormous majority of the people were for union it had to be admitted that a few in Hobart and elsewhere were sadly counting the coppers which they thought the creation of an Australian nation would cost them. "These men belong, for the most part," declared the Post, "to a fairly prosperous class, who have never been guilty of a liberal action."³⁹ The Post went on: "And if, perchance, the halfpenny per week must be spent, which is very doubtful, let each rational man consider what he will gain as a consumer. Today we are practically confined to one market (Sydney): we can neither buy nor sell where we would. The successful sale of a few apples, berries, or of any trifle in the Melbourne market would

38. 2 June 1898.

39. 2 June 1898.

make good the precious halfpenny for many and many a year. We do not think that to enlarge on this phase of the question is necessary, and content ourselves with endorsing the pleas of the local leagues, and asking the people of the North West Coast to give so emphatic a poll for union that our percentage of affirmative votes shall compare favourably with that recorded in any part of the four colonies.

.. If electors do their duty June the 3rd will be to Australia as July the 4th is to America - a day unique in the history of the people." ⁴⁰ The Post had made very clear for its readers the advantages that could be gained from federation and with hardly any reference to figures had effectively answered for them the doubters of Hobart.

In Launceston the Northern Federal League went from success to success. A huge audience came to cheer B.R. Wise, the prominent New South Wales federalist, on 23 May.⁴¹ In the Town Hall the night

40. Ibid.

41. Daily Telegraph, 24 May 1898.

before polling day there was the biggest and most enthusiastic demonstration ever known in the city:⁴² - nearly 3,000 were present⁴³ for an orgy of speeches and patriotic songs. The Launceston press remained faithful right through. The Daily Telegraph made an especially bitter attack on Hobart's Federation With Safety and Advantage League for describing all the patriotic enthusiasm of the colony as sheer cant and humbug.⁴⁴

Dissentient voices, however, came from the East Coast and the Midlands. J.T. Cramp, of St. Mary's, wrote to the Mercury that Tasmanian dairy farmers could not hope to compete with the Victorian milk and butter producers without protection. He claimed that on account of better growth and warmer climate one cow in Victoria would produce twice what a cow would in Tasmania. Also the Tasmanian dairy farmer was put to greater expense in having to clear his land and in

42. Ibid., 3 June 1898.

43. Examiner, 3 June 1898.

44. Daily Telegraph, 3 June 1898.

using artificial grasses that required constant renewal. Victorian production of butter, he said, exceeded Tasmanian production by over 900 tons in one season. On account of unfavourable seasons the output of butter and cheese in the St. Mary's district had fallen from 160 tons annually to 50 tons, which had been the reason for the large import trade in dairy produce. With good seasons and protection, Cramp said, Tasmania could supply all local requirements.⁴⁵ A letter in similar vein came from 'Midlander' of Campbell Town, who said that if the wheat and meat grower realised more fully the enormous competition they would have to encounter under a federated Australia not so many of them would be advocating federation. He said both wheat and meat could be produced in immense quantities and at less cost in Victoria and New South Wales than in Tasmania, and federation would kill the Tasmanian meat and wheat grower.⁴⁶

In Hobart the federalists were faced with all four

45. Mercury, 7 May 1898.

46. Ibid., 3 June 1898.

newspapers - the Mercury, its subsidiary the Tasmanian Mail, the evening Tasmanian News and the Clipper - against them. Fysh and Henry wrote to the Mercury pointing out the error of its ways.⁴⁷

The Tasmanian Mail and the Tasmanian News predicted financial disaster and a huge increase in income tax and land tax.⁴⁸ The Clipper believed the Commonwealth Bill was a capitalist plot, and advised its readers: "Let the Federal jingoes jingle ever so cunningly, Tasmanian workers should remember that no permanent prosperity can accompany a Tory reaction, and vote 'NO'."⁴⁹ To bolster their fight against the anti-billites the Southern Federal League invited B.R. Wise of Sydney to speak in the Hobart Town Hall. There was a large audience that night (16 May), and Wise based his arguments on national sentiment, defence and economic advantage. He said that the time had come to stop the provincial career of the colonies and they should be united in one great nation. Speaking of the vulnerability

47. Mercury, 7 May 1898.

48. Tasmanian Mail, 28 May 1898; Tasmanian News, 2 June 1898.

49. Clipper, 28 May 1898.

of the Derwent and Port Arthur he said that if Tasmania was outside federation it would be absolutely open to incursions. He warned that if the other colonies united and Tasmania stayed out, the port of Sydney would be closed to Tasmanian producers. He assured the audience that the whole cost of federation would not exceed £300,000 or 1s.10d. per head of the five states to be federated. Before resuming his seat he commended the action of the three Tasmanian delegates who had made union possible (Lewis, Henry and Brown, who had supported George Reid's amendment at the Adelaide Convention excluding the Senate from exercising power to amend laws imposing taxation⁵⁰), and trusted that on 3 June there would not be any Australian found who had cast his vote against Australia. F.W. Piesse moved a motion of support for the Commonwealth Bill, which was carried amid loud and enthusiastic cheering and almost without a dissentient.⁵¹

50. See Thesis, p. 265.

51. Mercury, 17 May 1898.

Successful though this meeting had been, a disappointing report came the next day from the sub-committee on finance set up in April to investigate the discrepancies between the calculations of Fysh and Johnston. The sub-committee found that federation would cost Tasmania £74,734 (although Piesse disagreed - he believed, on a different calculation, that the deficiency would be £57,834).⁵² It was as a result of this report that some members of the finance committee formed the Federation With Safety and Advantage League on 19 May.⁵³ On 20 May Captain Miles, supported by G.P. Fitzgerald and Stafford Bird, told another audience at the Town Hall that Fysh had juggled his figures, and that the Tasmanian people should not accept the Bill in its present form. Bird said it would be better to stand out for the present, as he believed they could get better terms later.⁵⁴ On 21 May the Mercury carried a full report of the finance sub-committee's interview with R.M. Johnston. Johnston considered

52. Ibid.

53. Ibid., 20 May 1898.

54. Ibid., 21 May 1898.

the financial arrangements of the Commonwealth Bill to be impossible for Tasmania. He predicted that if the federal tariff was £6,000,000 and distributed on the basis laid down in the Bill it would leave Tasmania with a loss of £198,000. Fitzgerald asked Johnston what would have to be done to make it possible for Tasmania to take up the Bill, to which Johnston replied: "Alter the Bill." He said the financial difficulty had been artificially created by the delegates to the Convention, and would have been completely solved if the surplus had been returned on the basis of compensation for loss of revenue caused by transfer. He personally had no hope that this phase of the question would be considered in view of the unsympathetic manner in which a large number of the delegates of the larger colonies had expressed themselves.⁵⁵

In the face of these powerful arguments the Southern federalists fell back on sentiment, emotion and music. At a

55. Ibid.

Federal League meeting on 26 May N.J. Brown compared their battle with the battle of Waterloo. Herbert Nicholls felt the sneers cast on the federal sentiment by those who dared call themselves federalists unworthy of the cause, and gave a spirited recital of Brunton Stephen's "The Dominion". Archdeacon Whittington said Chamberlain had spoken of the federation of the British race, and that this was a step in that direction. He said it was the duty of every man to look at this question from the point of view of the work God had given him in the world. J.W. Gould sang "The Standard of England", and, after Dobson had spoken, E.A. Stacey created a furore of enthusiasm by singing "Unfurl the Flag". Frank Bowden recited "The Native Born", Evans called the financial question a bogey, and then Eric Burgess sang "Sons of Australia" (specially composed by W.H. Dawson) to the tune of "The Gallants of England". The audience stood up and cheered Burgess until he repeated the last verse, after which the refrain was again repeatedly sung. Dawson told them they must get 6,000 affirmative votes, Hodgman sang "Rule Britannia", and

the extraordinarily enthusiastic meeting closed.⁵⁶

On 30 May Fysh told a Federal League meeting in the Hobart Town Hall that he was the bearer of the latest news from the seat of war. The Federal campaign was proceeding and it had just been his pleasure to visit the outposts and see the pickets at work. He was happy to inform them that the enemy was fast disappearing. In the Midlands he found wealth, property and labour associated with the movement, and they meant to give a fair majority for the Bill. In the north-east he found no anti-federalists, the great masses of the people were prepared to accept the Bill. On the North West Coast the majority had declared in favour of it. It was true, he said, that here and there some members of parliament were visiting constituents and gathering round them a few opposed to the measure. Launceston was united. He hoped that Hobart would vote for the greatest good of the greatest number.⁵⁷

56. Ibid., 27 May 1898.

57. Ibid., 31 May 1898.

On 1 June, two days before polling day, two large meetings were held for and against the Bill. The Town Hall was crowded to the doors to hear Braddon give his assurance that federation would cost Tasmania no more than £13,000 to £15,000. At the Temperance Hall 900 people heard Page, Miles, Brown, Crosby and Okines condemn the Bill. After years of apathy in regard to federation a large section of the Tasmanian public was now thoroughly aroused.

On polling day, 3 June 1898, the Tasmanian federalists won a sweeping victory. Of the 15,079 formal votes cast 12,259 (81.3%) were for the Bill and only 2,820 (18.7%) were against it.⁵⁸ On the West Coast and the North West Coast all districts recorded over 90% affirmative votes. In Montagu and Waratah the miners "voted solid" for federation as the Mt. Lyell Standard had predicted, and as both papers there had urged them to do. In Montagu only 62 NO votes were

58. Figures given here and in following paragraphs based on Summary of Voting, Mercury and Examiner, 28 July 1899. See Thesis Appendix II.

cast against 1,264 YES votes, while in Waratah there were only 15 votes against 353. Wellington voters were not put off by the caution of the Emu Bay Times, and only 24 NO votes were cast against 447 YES votes. In West Devon, Devonport and Latrobe, where the North West Post and the local branches of the Northern Federal League had backed federation to the hilt, the NO vote did not rise above 20 for any of the three districts. In the district of Georgetown, which included the important mining town of Beaconsfield, only 16 votes were cast against 507. The miners and the farmers of these areas clearly saw their best interests in closer links with the mainland colonies.

In Launceston the anti-billite campaign had no hope against the strong hold of the Northern Tasmanian Federal League and three staunchly federalist newspapers - the Examiner, the Daily Telegraph and the Democrat (which changed its name to the Federalist in honour of the campaign). Out of a total of 1,846 votes cast the NO vote

gained only 6.7%. Similarly in the districts around Launceston - Selby, Westbury, Cressy, Longford and Evandale - the NO vote was soundly defeated. On the North East Coast in the dairying districts of Ringarooma and Fingal the NO vote rose a little to 9.5% and 13.5% respectively. There may have been some fears of the effects of free trade on the dairy industry, as expressed by J.T. Cramp in his letter to the Mercury,⁵⁹ but they were certainly not great enough to give doubts to the vast majority of electors in those areas. Neither did Campbell Town share the views of 'Midlander' on what the effects of federation would be on the wheat and meat growers.⁶⁰ In this district an affirmative vote of 85.1% was recorded.

In the South large YES majorities were recorded in the districts of Franklin (91%), Kingborough (88.9%), and New Norfolk (83.2%) where, as the Mercury predicted, fruit and hop growers voted

59. See Thesis, p. 323.

60. Thesis, p. 324.

YES "because they want a free market for their products." The Mercury had claimed, somewhat snidely, that the fruit growers had been told "by ignorant and designing persons" that they would even be able, under Federation, to freely send their diseased fruit to other colonies.⁶¹ In Hobart and its adjoining districts, Queenborough and Glenorchy, YES majorities were achieved although the NO vote was stronger. In Hobart the NO vote was 39.9% of total votes cast, in Queenborough 45.9% and in Glenorchy 35.0%. Most likely it was in these areas that A.I. Clark's people of "sincere and earnest doubt" resided, particularly in the wealthy district of Queenborough. The anti-billite press and Johnston's figures had created a frightening picture of financial disaster, but the enthusiasm and superb organization of the Southern Tasmanian Federal League won the day.

There were, however, five districts where the federalists failed to win. These were the country districts to the north and east

61. Mercury, 3 June 1898.

of Hobart - Brighton, Cumberland, Glamorgan, Richmond and Sorell - where NO majorities were returned. Brighton, Cumberland, Richmond and Sorell were areas of mixed farming, concentrating mainly on cereals and fodder crops. Glamorgan on the east coast concentrated more on raising sheep. It would appear that each of these areas were afraid that they could not take open competition with the mainland producers. Also Glamorgan may have had its fears added to by its parliamentary member, the anti-billite Captain Miles. (Although this argument does not apply for the district of Franklin, whose local member was Stafford Bird.) However valid the economic argument is for these areas, it appears to be contradicted by the results in Campbell Town and Fingal, also important areas for wheat, sheep and dairy produce. The answer, I believe, lies in Oatlands, where the NO vote almost equalled the YES vote. Arriving in the town of Oatlands from Launceston there is a feeling that one has just entered the South. Campbell Town is definitely of the North - it is only forty miles from Launceston, it sends its produce to the Launceston market

and it reads the Examiner. Oatlands, fifty-three miles from Hobart, is in the southern half of the State and the Mercury gets there before the Examiner does. Now taking into account the fact that at the 1898 referendum northern Tasmania returned an enthusiastic and overwhelming vote in favour of federation, while in the South there was a great deal of doubt, we can find in the detailed results for the electoral district of Oatlands a kind of dividing line between the two. Placing the localities in the Campbell Town and Oatlands districts in their geographical order from north to south it can be seen that, moving south, the NO vote gains in strength until it finally gains a majority in the four localities furthest south:

(Figures next page)

1898 REFERENDUM 62

District of Campbell Town

NORTH		<u>YES votes</u>	<u>NO votes</u>
	Cleveland	29	2
	Isis	12	1
	Campbell Town	79	7
	Ross	38	14
	Tunbridge	<u>1</u>	<u>0</u>
	Total	<u>159</u>	<u>24</u>
	(Final Total	183	32)

District of Oatlands

	Tunbridge	15	13
	Oatlands	38	27
	Blue Hills	10	5
	Parattah	23	5
	Jericho	0	3
	Whiteford	4	6
	Tunnack	11	12
	Rhyndaston	<u>1</u>	<u>19</u>
	Total	<u>102</u>	<u>90</u>
	(Final Total	114	104)

SOUTH

More comments could be made about the fact that Tunbridge, Oatlands and Jericho are on the main Launceston to Hobart road, while Parattah, Whiteford, Tunnack and Bhyndaston are to the south-east of Oatlands, near the districts of Richmond and Glamorgan. However I believe that the figures are sufficient to aid the following argument: that the results of the referendum reveal not only concern for economic gain or loss in northern, western and southern Tasmania, not only the power of the press in creating climates of opinion, but that between northern and southern Tasmania there was (and is) a division of instinct. North of the dividing line the instinct was to look towards Launceston and feel the confidence of that city in federation. South of the line, in the districts of older settlement and more deeply entrenched provincialism, was felt the caution and doubts of Hobart.

2. THE PREMIERS' AMENDMENTS AND THE SECOND REFERENDUM.

Elated though the Tasmanian federalists were by their victory, their cause had not yet been won. The failure of the New South Wales affirmative vote to reach the required minimum of 80,000 meant that the federalists had to wait, as they often had before, for New South Wales to take the lead again. Reid suggested to the other Premiers that the Commonwealth Bill be altered to make it more acceptable to the people of New South Wales, but Braddon refused to have anything to do with the proposal. Braddon said that if the Premiers or their Parliaments went behind the backs of the people and altered the Bill it would be wholly subversive of the liberal principles that had guided the federal movement.⁶³ However Reid decided to go ahead, and on 1 September 1898 he moved his federal resolutions, intended to alter the Bill, in the New South Wales Legislative Assembly. The principal provisions were:

63. Mercury, 10 June 1898.

1. That the Braddon clause be eliminated.
2. That the power of the Senate be curtailed.
3. That in case of deadlocks the Senate and House of Representatives should meet in joint session and a simple majority decide.
4. That the capital of the Commonwealth be in New South Wales.
5. That the boundaries of the States could not be altered without their consent.
6. That the Constitution provide greater protection for the conservation of inland rivers for the purpose of irrigation.
7. That the mode of appeal from the Supreme Courts of the States to the High Court of Australia or the Privy Council should be uniform.⁶⁴

The proposal to eliminate the Braddon clause naturally caused concern in Tasmania. Herbert Nicholls, writing to the Mercury in a spirit of compromise, hoped that Tasmanians would not insist on the clause until it was found that an alternative could not be

64. Ibid., 26 August 1898.

entertained. Referring to an offer made by Reid - that New South Wales pay a subsidy to Tasmania - Nicholls admitted that those who had said that this was the way in which Tasmania's financial problem should have been solved seemed to be right.⁶⁵ The spirit of compromise prevailed and Braddon, when questioned by Bird in the House of Assembly on his intentions, said that Tasmania, Victoria and South Australia, acting in concert, were awaiting the issue of the Federal resolutions in the New South Wales Legislative Assembly.⁶⁶

Reid's resolutions were adopted by the New South Wales Parliament on 6 November,⁶⁷ and on 22 December Reid announced that the Premiers' Conference to deal with the amendments would meet in Melbourne in January 1899.⁶⁸ Reid chose this time as the Federal Council was due to meet again in Melbourne on 25 January, and some of the Premiers would be there. The Federal Council had played little

65. Mercury, 3 October 1898.

66. *Ibid.*, 22 October 1898.

67. *Ibid.*, 7 November 1898.

68. *Ibid.*, 23 December 1898.

part in the federal movement, except by providing occasions for Premiers' Conferences as it had done in 1895 and was to do again in 1899. Tasmania's representation at the Council this time consisted of Braddon, Moore, Lewis, Dobson and Douglas. The Council discussed two of its old favourites - the Federal Quarantine Bill and the situation in the New Hebrides, and agreed, over Braddon's objection, that the next meeting of the Council would be in Perth, Western Australia.⁶⁹ In fact the Council was never to meet again, for with the achievement of federation it became redundant. However in 1899, while the question of federation was uncertain, it still seemed to its members to serve a useful purpose.

The Premiers met immediately after the Federal Council meeting, and on 2 February the following amendments to the Commonwealth Bill were announced:

69. Debates of the Federal Council of Australasia, Melbourne, 1899, pp. 49, 77.

1. That an absolute majority of members of both Houses should settle disputes between the Houses.
2. That the Eraddon clause should be limited to ten years' operation after which it could be repealed if the Federal Parliament so decided. In the meantime power was to be given to the Federal Parliament to deal with exceptional circumstances that might arise from time to time in the financial position of any state.
3. That the federal capital was to be in New South Wales, not less than one hundred miles from Sydney.
4. That Queensland be allowed to elect its senators by the colony voting in divisions.⁷⁰

The Premiers rejected Reid's proposals in regard to inland rivers, money bills, judicial appeals and the number of senators.⁷¹ Reid, therefore, did not get everything he wanted. His political position in New South Wales was shaky and the Conference felt that he was at their mercy.⁷² His one real achievement was securing the permanent capital in New South Wales. The decline in Reid's reputation, of his

70. Mercury, 3 February 1899.

71. Ibid.

72. A. Peakin, The Federal Story, Melbourne, 1944, p. 97.

Ministerial strength coupled with his ambition to secure the Federal Premiership and to take Barton's place as leader of the movement in New South Wales led him to conduct the second federal referendum campaign with characteristic vigour, capacity and effrontery.⁷³ In the New South Wales Legislative Council there were strong objections to the compromise Reid had made with the Premiers and the Council refused to accept the Federal Enabling Bill without the amendments rejected in Melbourne. The problem was solved by appointing twelve new members to the Council and the Bill was passed on 19 April with a provision that the referendum not be held for 8 weeks.⁷⁴

South Australia had gone ahead and passed its Federal Enabling Bill on 3 March, and at the second referendum held there on 29 April the amended Commonwealth Bill was approved by a 79%

73. Ibid., p. 100.

74. Mercury, 4, 16, 23, 25, 29 March, 20 April 1899.

affirmative vote.⁷⁵ Tasmania and Victoria decided to wait for the result in New South Wales. On 20 June the amended Commonwealth Bill was put to the people of New South Wales and this time the YES vote easily exceeded the required minimum of 80,000. The result was YES: 107,420, NO: 82,741, Majority: 24,679.⁷⁶ The following day the Tasmanian House of Assembly passed the Federal Enabling Bill through all stages, and it was accepted by the Legislative Council on 7 July.⁷⁷ Polling day was fixed for 27 July, the same day as Victoria.

The Tasmanian Federal Leagues, which had continued to meet in the disappointing days after the failure of the first referendum in New South Wales, now stepped up their campaign. Public meetings were again held all over the island. At a meeting in the Hobart Town Hall on 10 July the Southern League was presented with a

75. Ibid., 4 March, 5, 27 May 1899.

76. Australian Encyclopaedia, Federation, Vol.3, p. 31.

77. Mercury, 22 June, 8 July 1899.

Federal Flag by Lady Braddon on behalf of 167 subscribers consisting of British residents of Tasmania born out of Australia.⁷⁸ It was flown prominently in Hobart and was the subject of much discussion.⁷⁹ At the request of the Southern and Northern Leagues, Parliament was adjourned until after the referendum so that every effort could be spent on gaining as large a poll as possible.⁸⁰ The opposition in the South to a large extent had already been defeated by the overwhelming majority vote in Tasmania in 1899 and the victory for the Bill in New South Wales the previous month. The Mercury said it had no disagreement about federation - only about the financial question.⁸¹ Bird forecast a deficiency of £72,000 for Tasmania with the remission of customs duties to the Federal Government.⁸² The Clipper, suspicious as always of the 'Tories', predicted that federal troops would be used to shoot down striking miners.⁸³

78. Minutes of Southern Tasmanian Federal League, 12 July 1899.

79. Mercury, 22 July 1899.

80. Tasmanian Mail, 22 July 1899.

81. Mercury, 18 July 1899.

82. Ibid.

83. 22 July 1899.

However with the result a foregone conclusion there was little the anti-billites could do but grumble. The Northern Federal League was very active and held large demonstrations. One held at the Albert Hall on 26 July was described as the largest public meeting ever held in Tasmania.⁸⁴ It found a drawback, however, in the lack of any solid opposition. Had there been more opposition, it was felt, interest in the federal campaign would have been more wide-spread.⁸⁵

As was expected, the referendum was another triumph for the federalists. The YES vote rose to 13,437 while the NO vote fell away to 791.⁸⁶ The percentage in favour, 94.43, was the highest in the Australian colonies. There had been a drop, however, in the total vote - from 15,079 to 14,228. This does suggest a slackening of interest, but it can be explained by the fall in the NO vote, which dropped in all electorates. If the result was a certainty why

84. Daily Telegraph, 27 July 1899.

85. Mercury, 22 July 1899.

86. Figures given here and in succeeding paragraphs from Tasmanian Parliamentary Papers, 1899, No.54, Final Result of Ballot Taken July 27th, 1899. (see Thesis - Appendix II).

make the effort to vote NO? This question applies particularly in the country areas of Cressy, Latrobe, Wellington, Westbury and New Norfolk where the YES vote dropped (slightly) as well. The farmers may have felt it was not worth their while taking the time to travel to the polling booths. The NO vote retained a little of its strength in the South. In Hobart it was 12.8%, in Queenborough 11.1% and in Glenorchy 8.0%. The argument presented at the end of the previous section - that there is a 'dividing line' in the midlands between the North and the South - appears to be supported by the 1899 figures. South of the dividing line the NO vote in Glamorgan was 14.7%, in Richmond 21.8% and in Brighton 22.3%. In Cumberland, which doubled its YES vote, the NO vote was 9%. In Oatlands, where the dividing line is believed to cross, the NO vote was 16.4%. North of the dividing line the NO vote dropped sharply in Campbell Town to 3.6%, in Fingal to 2.3% and in Cressy, to the immediate north-west of Campbell Town, there was a 100% YES vote.

The overall victory of the federalists in Tasmania was due, as much as anything, to enthusiasm and idealism. Just as now the concept of a United States of Europe can lead the Prime Minister of Britain to speak of a revival of the age of Charlemagne, so to the federalists of Tasmania the federation of the Australian colonies meant an enlargement of consciousness, a step into broad daylight and a wonderful challenge. Johnston's figures were blurred in an upsurge of patriotic and nationalistic emotion. The emotion may have taken fifty years to arrive, but in the end it was there.

CONCLUSION

With the Commonwealth Bill victorious in four of the eastern colonies it now became necessary to pass through the various legislatures Addresses to the Queen praying that the Constitution should be passed into law by the Imperial Parliament. This was done in Tasmania in August, 1899.¹ On 2 September the referendum was held in Queensland and the Bill was approved there.² Before the Bill was taken to London five of the Premiers who had made the amendments to it in Melbourne were ejected from office - Reid of New South Wales, Turner of Victoria, Kingston of South Australia, Dickson of Queensland and Braddon of Tasmania. With the exception of Reid, whose vacillating policies on federation had brought him into discredit, in each case the reasons were purely local. Braddon's Government had declined in popularity owing to its heavy-handedness in effecting economies after the failure of the Bank of Van Diemen's Land earlier

1. Mercury, 24 August 1899.

2. Ibid., 4 September 1899.

in the decade.³ Braden was succeeded by Neil Elliot Lewis, who remained in office until 1903.

In the meantime the Boer War had broken out in South Africa and an Australian Imperial Contingent was formed to assist Great Britain. Tasmania participated in this national move by sending 100 men.⁴

In March 1900 the Australian delegation arrived in London to meet with Britain's Colonial Secretary Joseph Chamberlain and the Crown law officers. Tasmania was represented by P.O. Fysh, who had been appointed Agent-General to the United Kingdom. It was discovered that the Colonial Office did not view with favour some of the clauses in the Bill, especially those concerned with: (1) the abolition of the right of appeal from the decisions of the High Court of Australia on constitutional questions; (2) fisheries in Australian waters beyond

3. J. Reynolds, Edmund Barton, p. 150.

4. Mercury, 9 March 1900.

territorial limits; (3) external affairs; (4) relations with the islands of the Pacific; (5) delegated powers hitherto exercised only by the British Parliament. The Australians refused to accept any changes in the Bill and demanded that their legislative independence should be recognised. Chamberlain was particularly anxious to alter the clause restricting the right of appeal to the Privy Council and he appealed over the delegates' heads to their Premiers. The Premiers conferred in Melbourne from 19 to 21 April, and replied that the mandate of the Australian people was to seek the enactment of the Bill in the form adopted by the people. The Bill was introduced into the House of Commons on 14 May 1900. The Privy Council appeals clause was remodelled by the Commons on 16 June. The Bill was passed for the third time in the House of Lords on 5 July, and on 9 July Queen Victoria gave her assent. Western Australia held its referendum on 31 July and following the successful result the Western Australian Parliament passed the necessary Addresses to the Queen. The proclamation of the Commonwealth was signed by Her Majesty on

17 September.⁵ On 1 January 1901 Tasmania ceased to be a colony and amid speeches, demonstrations, decorations and fireworks became a member State of the Commonwealth of Australia.

For all the idealism with which Tasmania had wholeheartedly entered federation deep disillusionment was to follow. As Johnston had predicted the financial arrangements in the Constitution did not work at all well. With the transfer of customs and excise to the Commonwealth the return, calculated on the amount collected by the Commonwealth after the imposition of the federal tariff, left Tasmania in 1901 with a deficiency of 344,278. The total forecast deficiency for 1902 was £122,000, increasing to £188,372 in 1903. The expected advantages from free trade under Section 92 of the Constitution were not realised either. Its immediate effect, after the commencement of its operation on 8 October, 1901, was to leave the States with a deficiency of £1,000,000, of which Tasmania's share

5. Australian Encyclopaedia, Federation, Vol.3, p. 32.

was £76,829. Also Section 92 operated to increase the purchase, in Tasmania, of goods produced and manufactured in other States, thus causing the destruction of local manufacturing industries. At a succession of Premiers' Conferences Tasmania pressed for an extension of the operation of the Braddon Clause and for the Commonwealth to take over the State's debts. Eventually, at the 1909 Premiers' Conference, it was agreed that at the expiration of the Braddon Clause the Commonwealth would contribute to State finances a per capita payment of 25s. This was put into effect under the Commonwealth Surplus Revenue Act of 1910. On 10 December, 1910, a Commonwealth Royal Commission was appointed to inquire into the financial loss suffered by Tasmania under federation. Witnesses before the Commission were unanimous in emphasizing the serious financial position of the State. Tasmania, in 1910, was the first State to seek financial help from the Commonwealth under Section 96 of the Constitution. The Report of the Royal Commission recommended this assistance as imperative.⁶

6. K.I. Inglis, "Problems of Federation between the Commonwealth and Tasmania, 1901-1911", pp. 34-52. Paper distributed to ANZAAS Congress, 16 Aug. 1965. Political Science Dept., Univ. of Tasmania.

In spite of the difficulties encountered in the first decade of federation Tasmania really had no other choice but to join. The two other alternatives available at the 1898 and 1899 referendums - to reject federation altogether and remain a separate colony or to vote NO and hope for a better financial arrangement later - were not truly viable propositions. To reject federation with the mainland colonies would have meant the continuation of tariff walls which had been the bane of the Tasmanian producers for fifty years. It was unlikely that a small population of 147,000, without tremendous economic resources behind them, could have reached and maintained a high standard of living in virtual isolation. Also from a defence point of view the island would have been extremely vulnerable. To have voted NO in the hope of getting a better financial deal later would have been a decided leap in the dark. With the acceptance of the Bill by the mainland colonies Tasmania would have been on the outside. If she wished then to join it would only be on what terms and conditions the Federal Parliament thought fit, as provided by

Section 121 of the Constitution. On account of her small population Tasmania, under these conditions, may have received less representation in the Senate and the House of Representatives than she was guaranteed as an original member.

In joining the Federation Tasmania gave up a large measure of independence. In return she was given security. Substantial Commonwealth aid in the 20th century has kept Tasmania going, even if she has become a dependent, if not a pensioner.

APPENDIX I

THE MARQUIST, FRIDAY MORNING, MARCH 6 1897

FEDERAL CONVENTION ELECTION.

The following are the results of the Polling throughout Tasmania yesterday for the election of Ten Members of the Federal Convention :—

[illegible]

Federal Convention Election Results, from Mercury 5 March 1897.

APPENDIX II

RESULTS OF 1898 & 1899 FEDERAL REFERENDUMS (TASMANIA)

District	Principal Occupations	Number of Electors 1898	Total votes 1897 Convtn Election	YES votes 1898 Ref.	NO votes 1898 Ref.	Total votes 1898 Referendum	YES votes 1899 Referendum	NO votes 1899 Ref.	Total votes 1899 Ref.
Brighton	Fa	655	140	104	120 ^x	224	121	29	130
Campbelltown	Fa	394	145	183	32	215	212	8	220
Cressy	Fa	385	66	121	4	125	107	0	107
Cumberland	Fa	572	75	70	71 ^x	141	141	14	155
Deloraine	Fa	864	263	315	44	359	345	28	373
Devonport	SK	1306	270	702	16	718	719	17	736
Evandale	SK	674	153	247	39	286	213	13	226
Fingal	SI	1117	183	393	53	446	463	11	474
Franklin	FG	800	184	354	35	389	335	8	343
Georgetown	Fi	1026	212	507	16	523	451	10	461
Glamorgan	Fa	415	146	84	108 ^x	192	110	19	129
Glenorchy	FG	1271	307	381	206	587	459	40	499
Hobart	Co	4521	1651	1438	956	2394	1831	269	2100
Kingborough	FG	1100	193	400	50	450	417	13	430
Latrobe	Fa	632	146	329	20	349	308	12	320
Launceston	Co	3163	1061	1723	123	1846	1906	67	1973
Longford	Fa	544	105	215	12	227	238	13	251
Lyell	Mi						542	10	552
Montagu	Mi	2647	325	1264	62	1326			
New Norfolk	FG	744	149	318	64	382	270	14	284
Oatlands	Fa	545	102	114	104	218	163	32	195
Queenborough	Co	859	182	258	218	476	260	45	305
Richmond	Fa	610	106	70	105 ^x	175	97	27	124
Ringarooma	Fa	1030	193	373	36	409	411	14	425
Selby	Fa	1101	129	273	33	306	339	12	351
Sorell	Fa	876	134	182	212 ^x	394	201	13	214
Waratah	Mi	723	226	353	15	368	380	12	392
Wellington	Fa	831	228	447	24	471	421	8	429
Westbury	Fa	784	174	291	27	318	238	9	247
West Devon	SI	1424	334	750	15	765	764	6	770
Zeehan	Mi						975	18	993
Total.		31613	7582	12259	2820	15079	13437	791	14228

Informal votes not counted.

x = 'NO' majorities.

(continued)

APPENDIX II (continued)

Increase in YES vote 1898-99	1178
Drop in NO vote 1898-99	2029
Drop in Total vote 1898-99	851

District of Montagu divided into Lyell and Zeehan after 1898.

Abbreviations:

Co - Commercial
Fa - Farming
Fi - Fishing
FG - Fruit Growing
Mi - Mining
SI - Small Industries
SK - Store Keeping

Sources:

1897 figures - Mercury, 5 March 1897

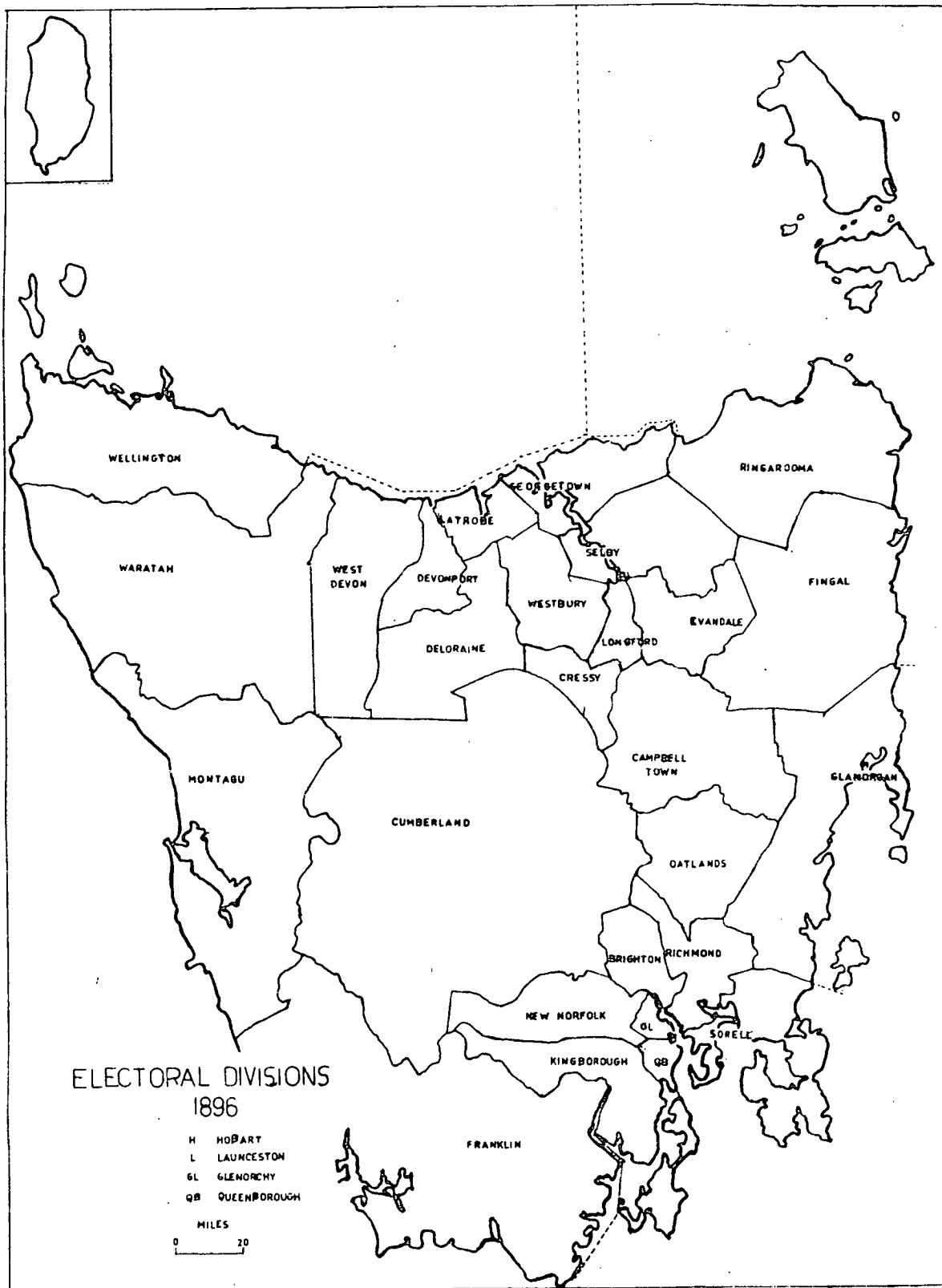
(Appendix I figures \div 10)

1898 figures - based on results given for comparison Examiner,

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