
THE STRUGGLE FOR THE TOWN

In February, 1849 John J. Galloway, having completed his survey of the township of Armidale, wrote to his superiors that he had hastened from the town, 'to keep my men from the low debauchery of the place which seduces them into great irregularities'.¹ In 1854, a report from a select committee of the Legislative Council of New South Wales gave substance to Galloway's low opinion of Armidale. One line of questioning produced the following description of the town that, even then, was a major regional settlement.

What is the population of Armidale? Six hundred and forty, I believe.

How many public houses have they there? I am not certain; but I think four or five. Little business is done in the township, with the exception of the sale of grog. It is most difficult even to get a horse shod.

Amongst that number, is there anyone in Armidale that can be called an Inn, where you would take a lady to? No.

Are they mere pot-houses? Mere pot-houses, decidedly.

Is there any place where a gentleman could go with decency? There is one place where he might get a clean bed; but they are kept more, in my opinion, for the accommodation of the tap-room customers, than gentlemen.

You know something of the public houses of Armidale? Yes.

Would you call any of them Inns? There is not one of them a respectable Inn.

Have you ever had occasion to call at any of them? I have, and have been refused accommodation because they said they had no servants.

Are there any women of loose character in Armidale? From what I hear I believe there are many.

Having reference to such characters, would it not be well to prevent music and dancing, which induce them to assemble in public-houses? I think it would be a good thing certainly.

¹ John J. Galloway to Sir Thomas Mitchell, 16 February, 1849, Surveyor General's Letters Received, AONSW, 2/1538, quoted in Lionel Gilbert, *An Armidale Album*, Armidale, 1982, p.79.

Are you aware that at one public house in Armidale, bad women were actually kept on the premises? Yes, but that house is not licensed now.²

This was a town far different from that discovered by a reporter for the *Town and Country Journal* who described Armidale in 1883, nine months after the opening of the railway, as:

eminently respectable — in her bishops, in her cathedrals, in her churches, in her schools, in her many government officials, in her merchants, in her one clock that sweetly chimes the fleeting hours. In fact everything about the place is pervaded by an unmistakable air of the highest respectability. . . .

Walking through the streets of Armidale, say on a Saturday afternoon, one somehow soon begins to feel that he is in a place which is not as other places are. The streets are cleaner: there are more than the usual solitary 'main street' of most provincial towns: there are a number of very superior private residences, and a park. There is every evidence of a large and well-to-do population, not the least of which is the number of elegantly dressed beauties who may be seen promenading the streets or gaining a more vigorous exercise on the lawn tennis ground.³

As good as anything else, these two stakes, hammered into the historic turf at each end of a thirty year span, describe the dimensions of change. This was the sort of change which the Victorians called progress. It was visible in the outward signs of buildings and streets and the behaviour of orderly people. But these were only outward signs of an inner progress, a 'moral' progress, that had shaped the town and its people. Armidale was 'eminently respectable' — or at least tried to be.

This 'moral' and material progress had not simply emerged from the rough cocoon of frontier days. There had been a struggle, and in 1883 that struggle continued. It was, on the one hand, a struggle for space. By 1883, Armidale was a place of ordered spaces, of streets and buildings, of parks and recreation grounds. All of these spaces had overlays of extra meanings. A church was more than a building, it was a way of behaving. A street was more than a dusty thoroughfare. It was a place for walking, not for idling, for restrained conversation, not raucous noise and swearing. Each of the spaces in the town suggested appropriate and

² Evidence of S.H. Darby and F. Vigne, *V&P, 1854*, (2 Vols), Vol 2, quoted in Gilbert, *op. cit.*, pp.81-82.

³ *Town and Country Journal*, 17 November, 1883, p.933 quoted in Gilbert, *op. cit.*, pp.264-265.

inappropriate forms of behaviour. Such loosely codified behaviour created types of people. Thus there was an overlay of space and type.⁴ There were spaces where the respectable met and other spaces where the non-respectable loitered. Even the language of spaces and their uses showed evidence of conflict over values and behaviour.

As well, there was a parallel struggle for time. There were the rhythms of work time and of family time both of which the Victorians sought to order, both of which were a locus for struggle between men and women and between workers and bosses. A well regulated family life and working life were desirable, but these two types of time were not all-encompassing. There were other times neither spent at work nor at home. These were the times for church and for meetings, for theatre and for lectures, for sport and for leisure, for formal and informal social interaction. It was a different time which made use of different spaces in the town. This was the time which brought people onto the streets, into the parks, onto the racecourse or into the pubs. It was the time which brought people to such under-utilised buildings as the School of Arts, the Cathedral, the Oddfellows Lodge and the Town Hall. It was a gendered time with more time-space for men than for women. It was also a very public time spent in very public places and, to the respectable mind, it begged regulation.

Time and space were blurred in early Armidale. In the 1850s, inns, stores, huts and official buildings straggled along the main roads and clustered at the intersections. Small farms carved up the creeklands. If there were differences in the function or status of buildings, they were hardly visible. There was a sameness produced by a preference for stringybark timber and a need to build to a simple vernacular formula. The hills to the north and south of the town were still thickly wooded and the bush encroached upon the town. Only the whitewashed English Church stood out on the hem of South Hill. But even in this town where horses were broken in along the main street;⁵ where shepherds

⁴ Lynette Finch, *The Classing Gaze*, St Leonards, 1993, p.47.

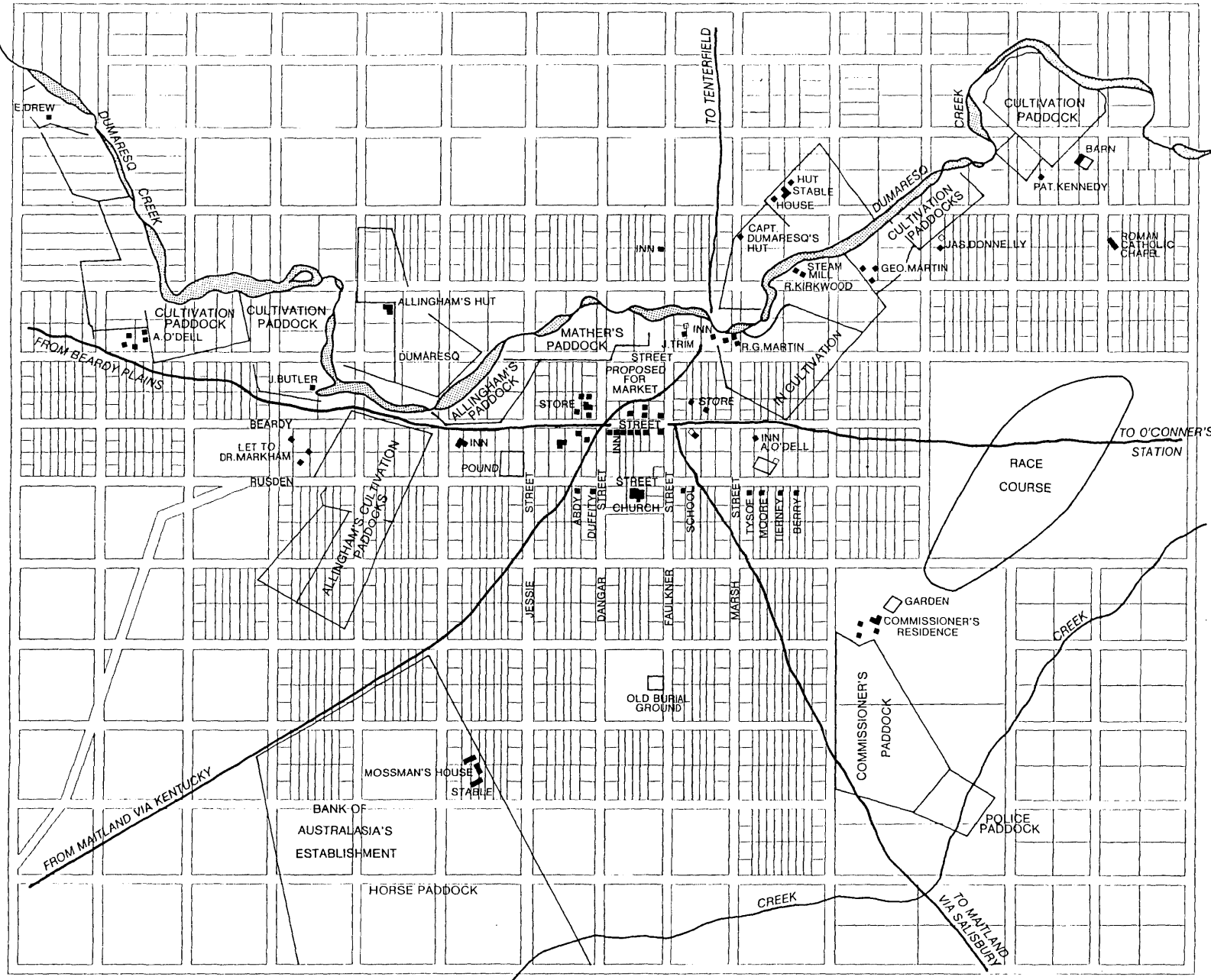
⁵ *AE*, 28 June, 1856, p.3.

ARMIDALE 1849

BASED ON GALLOWAY'S PLAN OF 1849

LANDS DEPARTMENT A1921

■ BUILDING
— FENCE
= ROAD



might join with the local tailor, butcher and shoemaker on a fourday drinking binge;⁶ where the schoolmaster was beaten up outside the school;⁷ where men discharged firearms in the street;⁸ and where cattle and goats wandered freely at night⁹ and on one occasion broke into the School of Arts and ate most of the newspapers and periodicals;¹⁰ there was some ordering of space for appropriate behaviour. At least the respectable retreated from the disreputable. By 1843 the Commissioner of Crown Lands had moved his headquarters away from the town to the south of the racecourse. Later in the decade the Roman Catholic chapel was established well to the east of the town and when the Presbyterians decided on a site for their church, they, too, avoided the centre of town and built a church and manse on the north side of Dumaresq Creek.

A plan, at least, for ordered living was laid down by Galloway's survey of 1849, imposing a grid of streets, building allotments and reserves on the clutter of tracks, huts and paddock fences (see Map 9.1). But it was later, local decisions which gave meaning to those spaces. Just to the north of the centre of town, for instance, Galloway planned a market square. It never became such, remaining a vacant paddock used as a short cut by wagons and drays heading for the bridge by Trim's store. On the other hand Galloway planned a similar reserve to the south of the English Church which, almost forty years later, had become an English park flanked by the churches and cathedrals of three denominations as well as an impressive private girls' school and a number of stately homes.

One of the earliest and most significant decisions in the ordering of the town occurred in the early 1860s. It was a decision, taken by a number of entrepreneurs to give expression to their success. It was a decision to separate, physically, the world of work and home. This was a significant expression of the separate

⁶ Evidence of Edward Baker, 22 March, 1854, Armidale Bench of Magistrates, Bench Book, 30 August, 1847 - 7 November, 1854, AONSW, 4/5489.

⁷ *Loc. cit.*

⁸ *AE*, 9 January, 1858, p.2; and *Police v. Charles Jenkins*, *Armidale Express*, 4 December, 1869, p.2.

⁹ *AE*, 13 August, 1870, p.2.

¹⁰ *AE*, 26 March, 1864, p.2.

spheres of public and private life and it created a respectable residential area on the south hill above the town. In 1863 Joseph Scholes, publican of the New England Hotel in Armidale, built a modest four roomed cottage for himself, Sarah and the youngest boys in the family. The cottage and its attendant outbuildings were built on four acres of land and Scholes called the complex Newton Terrace. Prior to the construction of Newton Terrace, the Scholes family had lived at the hotel. This was the first example of a successful entrepreneur establishing a separate residence for his family in Armidale. It was a novel development. Even in Victorian Britain the idea of the lock-up shop where the family lived off the premises was not common until after mid-century.¹¹ Nonetheless the establishment of a separate town residence was popular amongst the middling class. Scholes was quickly followed by John Moore who built Belmore Cottage in the same vicinity, and publican James Tysoe who built his home not far away. Armidale's south hill took on the appearance of an elite suburban area.

The private home was a new symbol of success. All these early merchant homes faced the town rather than the nearest street. This was an expression of dominance. With the hills cleared of timber by the mid 1860s, the homes of John Moore, Joseph Scholes and James Tysoe could be seen from the centre of town. Two decades later, Barnett Aaron Moses's Beaconsfield, John S. Chard's Mongoola and the imposing Soudan Heights of Joseph Scholes Jnr occupied commanding positions overlooking the town.

As the idea of a separate family residence became more common, those with surplus cash constructed houses for the prestige end of the rental market. Immediately behind Belmore Cottage, John Moore erected a substantial brick house in 1874 which he rented to solicitor A.W. Simpson.¹² To the east of town, near the racecourse, Joseph Scholes erected Bleak House which he rented at one stage to solicitor and mayor of Armidale, William Proctor, and later to auctioneer A.J. Cavanagh.¹³ Closer to town, in Rusden Street, one of the best houses in early Armidale was erected

¹¹ Davidoff and Hall, *op. cit.*, p.242.

¹² 'New Building', *Armidale Chronicle*, 26 November, 1874, p.2; and *Armidale Rate Book 1878-1881 (sic)*, Armidale City Council (for allotment 4, section 18).

¹³ Entry for allotment 12 section 12, *Armidale Rate Book*.

by chemist, Henry Guy Mallam, in 1870. However, Mallam and his large family never lived there, preferring to occupy a residence above their shop in the main street, as was the custom but not the trend. Their ten roomed house was rented, initially to Bishop Timothy O'Mahony, the first Roman Catholic Bishop of Armidale and then, for many years, to merchant John Richardson and his family.¹⁴ The fact that many members of the middle and middling class preferred to rent was not unusual, being a clearly established pattern in England.¹⁵ What was more important was the fact that they walked or rode to work. The status significance was clearly in the separation of home and work not the actual ownership of a separate dwelling.

The new style family home also expanded the limits of personal space and privacy within the family. It was usual for the personal space of children to be limited, even amongst the middle class. Caroline Thomas, for instance, confided to her diary that she had found a large worm in the children's bed one morning but was not sure if it had come from Willie or from May.¹⁶ Typically children slept together. However, as new private residences went up around Armidale in the 1860s, personal space, even for children, expanded. Joseph Scholes's Newton Terrace was a modest cottage of only four rooms without the partitioning effect of a central hallway. As the rooms each opened into the other and onto the verandah, there were limits to privacy. However, Scholes's family was declining in size when they moved to Newton Terrace, and only the three youngest boys were still at home. A four roomed cottage would have provided the children each with a bed in one, possibly two, bedrooms, together with a separate bedroom for the parents.

Much grander, was Mallam's house in Rusden Street which consisted of ten rooms with a central hallway clearly separating spaces within the house. There was obviously a parlour, a dining room with attached scullery, one, possibly two, downstairs bedrooms and four bedrooms upstairs. There was also a small servant's bedroom and large detached kitchen which probably had

¹⁴ John Ferry, 'A Heritage Decision and a Heritage Debate', *ADHSJ* No. 33, November, 1990, pp.69-73.

¹⁵ Thompson, *op. cit.*, p.168.

¹⁶ Entry 20 June, 1861, Caroline Thomas Diaries (typescript by Anne Philp), New England Historical Resources Centre.

sufficient space for more servant accommodation. When John and Janet Richardson leased this house in the 1870s they had five sons and two daughters each of whom would have had ample private space by comparison with most other large families in Armidale.

This creation of personal space within the family greatly enhanced a sense of individualism even if that space, for children, consisted of little more than a bed in a shared bedroom. However, for most people in colonial Armidale, living and sleeping conditions were cramped. Adults in non-conjugal relationships shared beds. Such sleeping arrangements were not unusual amongst the working class and suggested no sexual relationship.¹⁷ In 1865 in Armidale, fire destroyed a stable owned by District Surveyor, William Greaves. Two of the main witnesses were Greaves's servants John Brown and George Smith. Quite casually and without embarrassment, Brown testified that:

George Smith slept with me, but I did not feel him coming to bed. . . when George Smith awoke me the fire was in the loft; I was stripped in bed at the time; George Smith awoke me; he was in his usual dress; he generally sleeps with his clothes on.¹⁸

It was not at all uncommon for servants to share a bed.

Private space within the family was a middle class concept and a mark of respectability. The development of the concept of personal private space allowed for a greater sensitivity about bodily functions and provided the context whereby the language of the flesh could be removed from respectable vocabularies by the late nineteenth century.¹⁹ Children, who had previously grown up in the presence of sex, would now become innocent and were to be shielded from the language of sexual intimacy.

The development of residential precincts clearly separated from the business and commercial premises of the town was a visual expression of respectability. It gave substance to the separate spheres of public and private life so essential to the

¹⁷ One historian of the Myall Creek massacre responded with innuendos of homosexuality to the fact that some of the stockmen at Myall Creek routinely slept in the same bed. See Roger Millis, *Waterloo Creek*, Ringwood, 1992, pp.288, 301.

¹⁸ 'Fire in Armidale', *AE*, 14 October, 1865, p.2.

¹⁹ Finch, *op. cit.*, p.136.

respectable life style. It also gave substance to separate domains within the family. These notion of separate spheres and separate domains were largely a gender construct, but colonial Armidale was also constructed according to blueprints of class.




In the 1850s and 1860s the town had spread east from the commercial centre and here were located huts and lodging houses for people of limited income. From the late 1860s, the well-to-do established themselves on the south hill above Rusden Street. To the west of the town, the land fell away to a flat plain. Industry had located here in the 1850s when John Tuck established a brewery near the creek and in the decade which followed, Edward Allingham built a mill, a family named Jenkins started a cordial factory, and Barnett Aaron Moses established his tannery. From the 1870s, this area took on a working class appearance. That character was reinforced by the decision in 1880 to locate the railway station at the western end of Brown Street near its intersection with the Great North Road. Armidale then experienced a building boom the like of which it had never seen. Most of that development occurred in west Armidale beyond Jessie Street where 45 of the 73 new buildings (or 62 per cent of all new buildings) erected between 1878 and 1883 were located.²⁰ Towards the railway station, especially along Brown Street and Barney Street, small four roomed workers' cottages were built of weatherboards and occasionally brick. In the far west, around Tancredi Street and west Dumaresq Street, adjacent to the boot factory, Moses encouraged his workers to erect small cottages with loans from the local building society. Inevitably, with the coming of the railway, the Railway Hotel, the Star Hotel, the International Hotel and the Steam Engine Hotel opened in the west end of town.²¹ The class dimensions of residential Armidale are shown in Map 9.2 which is based on the Armidale Rate Book for the year 1883.²² The area from Barney Street south and lying between Jessie Street and

²⁰ These figures are based on new buildings as indicated in the Armidale Rate Book for the period 1878 to 1883.

²¹ Bruce Cady, 'We Never Had to Go Far for a Drink: Pubs in Armidale', *ADHSJ*, No. 34, August, 1991, pp.39-43.

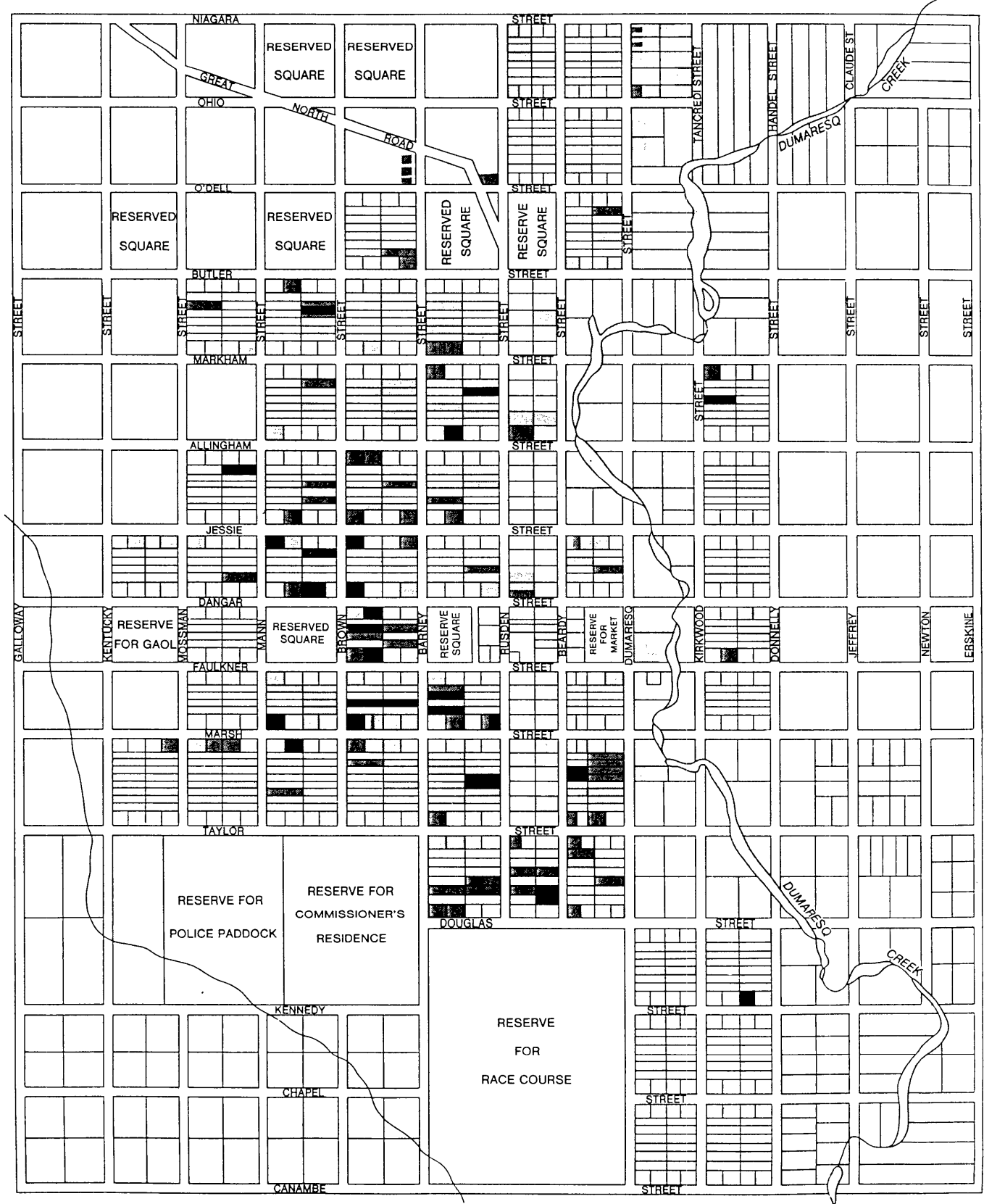
²² It should be noted that this map concentrates on residential areas and the central business district bounded by Dangar, Rusden Marsh and Dumaresq Streets has not been included in the analysis and remains blank on the map.

ARMIDALE 1883

-  LESS THAN £25
-  £25-£40
-  GREATER THAN £40

ANNUAL VALUE OF HOUSES FOR RATING PURPOSES

(RESIDENCES WHICH ARE A NON-SEPARABLE PART
 OF SHOPS OR HOTELS ARE EXCLUDED)



Taylor Street (the area generally known as South Hill), contained only 27 per cent of all rateable buildings outside the Central Business District. Yet 56 per cent of the houses valued at more than £40 *per annum* were located here. West of Jessie Street, 56 per cent of the buildings were rated at less than £25 even though most of these buildings were new, having been built since 1878. Only 5 per cent of the buildings west of Jessie Street were valued at more than £40 *per annum*.

House and home were crucial statements of personal worth. The substantial brick villa in the right part of town was the proper setting for the respectable, prosperous family. The four roomed weatherboard cottage, neatly kept, gardened and groomed, was all that was needed for the working class family to have a claim on respectability. Huts and lodging houses were good enough for single working men and the indigent poor could fend for themselves in sheds and lean-tos or out in the bush. With the separation of home, workplace, retail outlets and leisure venues, moving around the town became a statement in itself.

The streets were places for expressing status, and for men of the middle and middling classes, that often meant the vicarious experience of status through the behaviour of their leisured wives. John Moore certainly realised that when he wrote, somewhat peevishly, to his former employer, James Gilchrist, from whom he had bought his major storekeeping business some years earlier:

For every pound [the other storekeepers of Armidale] take I take ten pound yet I cannot give parties and allow MY OLD WOMAN to drive about in BUGGIES to visit. I however hope there is a good day coming and that I can do the same with comfort.²³

So accustomed was Commissioner of Crown Lands, Thomas Warre Harriott, to driving around town with his wife in gigs and carriages that his public displays of the gentleman's lifestyle were the subject of complaint and of questions in parliament.²⁴ Not only driving, but walking around town, became important on Saturday

²³ Letter from John Moore to James Gilchrist, n.d., quoted in A. D. Fraser, *This Century of Ours*, Sydney, 1938, p.86.

²⁴ Entry 18 February, 1869, Thomas Warre Harriott Diaries, 1854-1907, Mitchell Library MSS 4502.

evenings which were reserved for shopping and on Sundays as families went to and from church.

If streets were to be used for public promenading and for status displays they had first to be made safe. Carriage accidents were frequent and it is perhaps surprising that there were not more fatalities on the badly formed streets. No improvements could be effected in this regard until Armidale was incorporated. From January 1864, the Armidale Municipal Council took responsibility for the clearing, formation, draining and maintaining of all town roads and set about the contentious task of determining priorities for roadworks and culverts. It was an unending work. Even by 1891 the state of the town roads was a continual source of complaint. The *Express* called for the re-instatement of an Inspector of Nuisances because of sewerage and other offensive matter in the streets.²⁵ In various of the principal thoroughfares of the town filthy ponds of stagnant water had accumulated²⁶ and residents saw the danger to health in general, but were a little wide of the mark in attributing the outbreak of epidemic influenza to the unclean drains.²⁷

But there was another dimension to the dangers of the street. The frontier of the night had not been conquered and, indeed, had barely been breached. Moving around town by carriage was best saved for a moonlit night.²⁸ Organisations which attracted farmers usually held meetings in the afternoon so that farmers could be home by dark and other meetings and entertainments in the town were often scheduled around the full moons. The dangers of travelling the roads on dark nights were spelled out each time there was an accident. Ironically it was the *Armidale Express* which urged caution. Yet in mid-winter 1879, on a night that was very dark and bitterly cold, Walter Craigie, one of the founding editors of the *Express* set out from the newspaper office to walk the three miles to his farm near Kellys Plains. He never arrived. Apparently in the bush near Ketterick's Range, his lantern was blown out, he tripped and fell in the dark and died from exposure

²⁵ *AE*, 20 February, 1891, p.4.

²⁶ *AE*, 19 May, 1891, p.4.

²⁷ *AE*, 9 October, 1891, p.4; 3 November, 1891, p.5.; 10 November, 1891, p.4.

²⁸ Entry 5 January, 1860, Caroline Thomas Diaries.

to the wet and cold. His body was found the following afternoon not far out of town and only 80 yards from his usual track.²⁹

The first of a series of victories in the battle for the night came in October 1885 when Armidale was lit by gas. The lambent flame changed the nature and intensity of street use. Saturday night became the time to look and be seen. As described by a correspondent to the *Armidale Express* in 1888:

Saturday night is the night of the week when singlets and corduroys are discarded for cutaway coats, well fitting pants, and hard shell hats; when Sarah Jane, radiant in many coloured ribbons meets her young man at the corner, and the twain do Beardy Street together. Other ladies without cavaliers, linked lovingly together, occupy the footpath, and cause gallant individuals to plunge into the dust bin in the street; cavaliers without ladies, some of whom are smoking villainous tobacco, pass in groups of twos and threes; the day loungeur peculiar to Beardy Street, still lounges, philosophising after the style of the melancholy Jacques upon the desirability of having nothing to do and plenty of time to do it in. . . . At tobacconists' shops and pubs, enthusiastic cricketers are relating once again how Buggins stumped Juggins, and what a fool Muggins must have been to get run out. Here, a knot of chaps is talking 'horse', [when], . . . round a corner comes the Salvation Army, the bonnets of the hallelujah lasses showing like storm signals in a sea of dust which rises in clouds from our beautiful streets. . . . There is no sign of drunkenness visible. Police. . . pass regularly to and fro. . . . [and, at the end of the evening], all is peaceful and quiet as Goldsmith's Deserted Village.³⁰

This was romanticised community life. However, it had not always been so, and indeed it was not even so on that Saturday night in 1888 when, despite the description above, two people were arrested for being drunk and disorderly and a further two for riotous behaviour.³¹

The battle for the streets was not simply a victory over nature. There was a battle to create respectable space as well. The streets were subject to an array of legal sanctions governing a range of public order offences. Laws such as the Metropolitan Police Act and most especially the Vagrant Act,³² gave local magistrates considerable power to regulate street behaviour by proscribing a

²⁹ 'Inquest', *AE*, 4 July, 1879, p.6.

³⁰ 'Beardy Street on Saturday Night', *AE*, 27 November, 1888, p.4.

³¹ 'Police Court', *AE*, 27 November, 1888, p.4.

³² Henry Connell Jnr., *The New South Wales Magisterial Digest*, Sydney, 1866, pp.696-723; and 776-785.

range of public order offences, including drunkenness, obscene or indecent language, profanity, vagrancy and exposing one's person. These public order offences were not offences *per se* but rather they were offences because they took place in a public street. Obscene language, for instance, was only an offence in so far as it could be heard from the street by passers-by.

Throughout the 1860s such public order offences occupied more than half the time of the magistrates on the bench.³³ Within this category, most cases were routine admonitions for drunkenness where the defendant was discharged without penalty. Most severe fines were imposed for obscene or indecent language. The overwhelming proportion of convictions for public order offences occurred in the three summer months with very few convictions by comparison in mid winter. This demonstrates the fact that the essence of the public order laws was the control of the streets. There would have been few people wandering the streets on a mid winter night in Armidale, and presumably even the police might have sought the warmth of a fireplace in preference to the rigours of the beat.

As was seen in chapter eight, laws were not inflexible impositions on communities, but were subject to different interpretations and were used variously by ordinary people. Such was the case with the Police Acts and the Vagrant Acts. Early Armidale was over-serviced by the legal profession. It was the headquarters of an Assizes Court, thereby attracting resident solicitors from the mid 1850s, and had been the centre for a Court of Petty Sessions since 1844. There was always a good number of Justices of the Peace from the town and from the adjacent pastoral runs ready to serve on the Bench. They had the advice of a Clerk of Petty Sessions as well as, later, a Police Magistrate and their judgments were scrutinised by the local newspaper, its police court column providing some of the most interesting reading in what

³³ This statistic was based on a sample of all cases to come before the magistrates in the first half of the years 1862, 1865, 1867 and 1869. The cases were then grouped under the headings: Public Order Offences; Labour Issue; Theft and Other Property Offences; Violent Crime; Livestock Offences; and Miscellaneous cases (the majority of which were committals for being of unsound mind and cases of family desertion and maintenance). Public order offences comprised 57% of the total of all cases which came before the magistrates.

could otherwise be very plain fare. This was the context in which people in the town of Armidale used the law according to their own interpretations of what was legal or illegal.

In October 1859, Margaret Rich, whose husband had fled Armidale a few months before with a warrant out for his arrest, was walking along Dangar Street towards her home when neighbour Mary O'Dell came out of her house calling, 'there goes the spy, go home and wash your dirty clothes — there goes the thief'.³⁴ Margaret Rich took Mary O'Dell to court for using insulting language. The case was dismissed, being insufficiently proved. In 1862, Owen Gorman and Henry McShane had a dispute about a mare depasturing in Gorman's horse paddock. McShane called Gorman a 'bloody sweep', and Gorman threatened to summon McShane. He referred to McShane's wife, Bridget, as a 'bloody flash lady'. Each took the other to court for obscene language. The magistrates accepted the case against both the men and fined them each £1.³⁵

These two cases illustrate the fact that the courts were accessible, especially in a town like Armidale, and that people had notions of criminal law, not necessarily accurate, but nonetheless sufficiently firm to induce them to use the courts in their personal disputes. The threat of the summons seemed to be a part of the language of disputes. The strategy was probably to cause inconvenience. Although both Owen Gorman and Henry McShane were each fined £1, Gorman, as one of Armidale's wealthiest men, would have found the fine trifling by comparison with McShane, at that time a 25 year old carpenter, only married for two years, with no property in the town. Such use of the courts in personal disputes was not uncommon in colonial Australia and was certainly evident in early Sydney.³⁶ It was a function of low cost and accessibility, and probably indicated that policing was not as strict as it was later to become.

³⁴ Sworn Statement of Margaret Rich, 25 October, 1859, Armidale Bench of Magistrates, Bench Book, 19 April, 1859 - 11 November, 1861, AONSW, 4/5491, f. 81

³⁵ Sworn Statements of Owen Gorman and Bridget McShane, 9 June, 1862, Armidale Bench of Magistrates, Bench Book, 12 November, 1861 - 9 February, 1864, AONSW, 4/5492.

³⁶ Paula J. Byrne, *Criminal Law and Colonial Subject*, Melbourne, 1993, p.208.

Certainly, there was evidence of change by the late 1860s. There were, by then, far fewer cases of public order offences brought before the courts by civilian plaintiffs. Almost all were cases brought by the police who had made an arrest as they walked their beats. In the later period of this study, police surveillance of the streets of Armidale was far greater and far more effective than it had been in the 1850s and the early 1860s. Sentences also became more severe. In the early 1860s drunks typically pleaded guilty, were admonished and discharged, the leniency justified by the fact that they had already been in the lock-up from the time of their arrest until their hearing before the bench. The only major penalties were for habitual drunks like Michael Curley who went to gaol for a month after his fourth conviction in the space of four weeks in April 1865.³⁷ Only two years later, however, fines ranging from 2s 6d to 10s were commonly imposed on first offenders, notwithstanding the fact that they might have already been in the lock-up.³⁸ These stiffer penalties were at the discretion of the magistrates and coincided with the growth of the Sons of Temperance movement in Armidale from the mid 1860s. By 1870 this organisation was attracting huge meetings of 200 people in Armidale as attempts were made to reduce the number of liquor licences in the town and district.³⁹

As with drunkenness, penalties for obscene and indecent language became more severe, even draconian, over the course of the 1860s. Throughout the period the police only made arrests of those people whose language could be heard by passers-by on the streets,⁴⁰ indicating that, in ordinary conversation, legally unacceptable language was probably in reasonably common use amongst the inhabitants of Armidale. As surveillance of the streets increased, the arrest rates increased. There were few arrests for indecent language in the 1850s but by 1865, 37 per cent of all convictions for public order offences involved obscene or indecent language. The definition of obscene language was wide. The commonly used expression 'bloody wretch' could lead to an appearance before the magistrates as could the equally common expression 'fuck you'. When John Munroe indicated one night

37 Armidale Bench Book, March/April, 1865, AONSW, 4/5493.

38 Armidale Bench Book, January, 1865, AONSW, 4/5495.

39 'Suppression of Intemperance', *AE*, 13 August, 1870, p.2.

40 See *W. H. Stevens v. James Macdonald*, *AE*, 3 September, 1875, p.6.

outside the Plough Inn that he might 'fuck the guts out of a bloody goat' he was brought before the magistrates and fined £5 or three months gaol.⁴¹ This was the maximum penalty.⁴² Increasingly throughout the 1860s the maximum penalty was applied to anyone who dared to give voice to the Anglo Saxon expletives. Placed in the context of the annual earnings of a typical shepherd, a fine of £5 represented 14 per cent of income, and three months gaol, of course, represented a loss of 25 per cent of annual income. These were harsh penalties for taking the common language of the working and underclasses into the streets.

Street offences were all the more serious in the eyes of the magistrates if they took place within the sight and hearing of women, but more especially of children. For the young, a world of innocence had been crafted. Innocence was the child's special version of respectability. When in May 1865, Michael McCulloch told John Moore to 'go and bugger [himself]' he was brought before the Bench for obscene language. Moore, himself a Justice of the Peace, made a special point of the fact that he was accompanied by his young son when the words were uttered, and the penalty imposed on McCulloch was all the more severe for his contaminating the world of a child.⁴³ There were many other such cases where the presence of children was noted. This battle for the streets was a battle for and on behalf of the respectable family, fought by the patriarch in the guise of moral crusader defending his wife and children. There were many wives who would insist that the battle be won and worked in their own separate sphere towards that end. The Sons of Temperance in Armidale, for instance, were followed within a few years by the Daughters of Temperance and women were acknowledged as being particularly suited to this cause.⁴⁴ Both respectable men and respectable women worked to create Camelot in Armidale.

The battle continued throughout the 1870s, but towards the end of that decade, the villain of the streets changed. There had

⁴¹ Case against John Munroe, 16 January, 1865, Armidale Bench Book, AONSW, 4/ 5493.

⁴² Connell, *op. cit.*, pp.784-785.

⁴³ John Moore v. Michael McCulloch, 23 May, 1865, Armidale Bench Book, AONSW, 4/5494.

⁴⁴ 'The Cause of Temperance at Armidale', *AE*, 27 May, 1871, p.2.

always been an element of practical joking in Armidale especially on holidays such as New Year's Day. Typically, shop signs were swapped around in the middle of the night so that Armidale woke up to discover that Trim's Store was now Jackes's Store and so on. Drays were sometimes run into the creek, farming implements 'planted' and pigs and horses turned loose.⁴⁵ The culprits were usually young men, sometimes referred to as 'practical jokers', or more scathingly as 'riff-raff'.⁴⁶ In August 1877, persons unknown chalked obscene words over the grandstand at the race course. A correspondent called 'Armidalian' wrote to the *Express* in outrage drawing attention to the obscenities.⁴⁷ This had the immediate effect of sending half of Armidale to the race course to read the obscenities.⁴⁸ But 'Armidalian' blamed this incident on the prevalence of larrikinism in the town. The city larrikin had arrived in the bush.

Like some disease, larrikinism had spread to Armidale carried in the pages of the *Sydney Morning Herald*, the *Evening News* and the *Bulletin*. If Sydney suffered its larrikins, Armidale could not expect to be immune. The term was soon applied to the person. Young George Clutterbuck, 17 years of age, and his three mates were described as larrikins when they were brought before the magistrates early in 1877 for the standard New Year prank of altering the signs over business premises.⁴⁹ Clutterbuck, the eldest son of George Clutterbuck Senior, Armidale's long established carrier, did not inherit his father's work ethic and, after his initial brush with the law, drifted into petty crime. By 1879 he and his best mate, Jack McShane, son of Henry and Bridget McShane, were well known to police as vagrants who did not work, and who were suspected of stalking and waylaying drunks in the town. Their descent to an underclass was confirmed by the claim that they 'frequented Chinamen's houses'.⁵⁰ These were young men who were despised for not being what they ought to have been. They were portrayed as the typical larrikins, loitering around the lamplights, and eventually in 1889 they were both convicted of

45 *AE*, 6 January, 1866, p.2.

46 *AE*, 19 October, 1867, p.2.

47 *AE*, 17 August, 1877, p.6.

48 Letter from Anti-Humbug, *AE*, 31 August, 1877, p.6.

49 'Larrikinism', *AE*, 12 January, 1877, p.6.

50 Testimony of Sergeant Patrick Rafferty, 16 February, 1878, Armidale Bench Book, January, 1878 - November, 1879, AONSW, 4/5487.

robbing an elderly goldminer and were last seen leaving Armidale in irons on the back of a police dray bound for Berrima Gaol.⁵¹ This was supposed to be the career of the typical larrikin. Clutterbuck and McShane provided Armidale with a worst-case stereotype. They served, for a while, as a useful counter image against which the decent youth must set his face.

Although Clutterbuck and McShane were the stereotypical larrikins, who had failed in their social duty and slipped into the underclass, the term 'larrikin' was applied much more widely to include virtually any boy or youth whose behaviour challenged, or even innocently offended, the authority of respectable males. A group of 10 and 11 year old boys who had a bit of a scrap in the street was labelled as larrikins.⁵² Anyone congregating on street corners, especially on Sunday evenings after church, could be a larrikin, so much so that respectable people were urged to go straight home lest they be mistaken for larrikins.⁵³ But there was substance to larrikinism. Some youths in Armidale certainly modelled themselves on the images coming from Redfern, the Rocks and East Sydney.

Throughout the 1880s there was a battle for the streets of Armidale. The battle was simply a variation on an old theme. The larrikins developed within the masculinist context, reserving honour for those who could drink well, swear well and fight well, but who, above all else, could annoy the respectable and get away with it.⁵⁴ The respectable for their part were determined to have control of the streets to enhance their status displays. Women were often at the centre of the battle because the larrikins realised that the authority of the respectable man could be challenged best by an insult to the respectable woman. Concerning one 'band of the most decided larrikin type' who congregated outside the Roman Catholic Cathedral on Sunday nights, a newspaper correspondent maintained that the youths,

⁵¹ Editorial, *AE*, 25 October, 1889, p.4.

⁵² *AE*, 13 May, 1881, p.4.

⁵³ *AE*, 14 May 1880. p.4.

⁵⁴ Manning Clark, 'Larrikins — the context', in Clem Gorman (ed.) *The Larrikin Streak: Australian writers look at the legend*, Sydney, 1990, pp.37-39 .

besides obstructing the footpath. . . frequently behaved in the most insulting manner, by using bad language, puffing smoke from vile cigars in ladies' faces, and, in one instance that came under notice, nearly set fire to a lady's dress, by throwing a lighted match upon it.⁵⁵

The demeaning of women was another aspect of masculinist prowess which increased the esteem of the larrikin in the eyes of his peers.

The pressure to control the streets with the utmost strictness, came from the respectable *via* the editorials and letters in the *Armidale Express* and the police were subject to criticism for failing in their duty. In August 1881 when Armidale experienced its heaviest snowfall in memory, gangs of youths began snowball fights in the streets and chose as targets respectable pedestrians, horse riders and carriage occupants. The outrage which followed was a testimony to their unerring aim. But it was the police in particular who came in for criticism for being absent from the streets.⁵⁶

It was the unexpected event which caught the authorities by surprise and presented the larrikins with an opportunity. The lively meetings of the Salvation Army provided such opportunities. The Salvation Army 'opened fire' in Armidale in 1886, and the shock of the respectable citizens and the derision of the larrikins were, in part, due to the sight of women marching in scarlet uniforms, leading the services and rejoicing in such titles as captain, lieutenant and sergeant. This was the sort of incongruity which provoked the larrikins to 'fun'. So, too, did the sight of the Army's chief antagonist, Francis Schaupp, Armidale's Inspector of Nuisances, who, single handedly, tried to rout the Army and its camp followers by putting an end to their 'senseless parading'. Armed with little more than the empty authority of his position and puffed up by his singular views on the importance of his office he always strutted into battle beneath a magnificent top hat. Both the 'Hallelujah Lasses' in their scarlet uniforms and Inspector Schaupp in his top hat were targets for the flour bombs of the

⁵⁵ 'A Nuisance', *AE*, 13 May, 1881, p.4.

⁵⁶ 'Correspondence' as well as the editorial, *AE*, 26 August, 1881, p.4.

larrikins and at one meeting the Inspector of Nuisances had his top hat crushed and glued to his head⁵⁷.

These outbursts of disorder were intolerable. The streets were not the place for passion. Leisure and fun were defined as home-bound pastimes and it was expected that street behaviour would be well modulated. To this end, the law was interpreted by local people to suit local conditions. Under pressure the police stepped up their vigilance against the larrikins and drunks, and were applauded. The imprisonment of Clutterbuck and McShane in 1889 represented a determination on the part of the authorities to stamp out larrikinism, even though the severity of the sentence on these two well known local men shocked the community.⁵⁸ By 1891, the *Armidale Express* could congratulate the city on a victory:

There were no cases at the police court on Tuesday, Wednesday, or Thursday last, and so far as the Armidale Police are concerned, their surveillance is so effective and vigilant that crimes of all kind are nipped in the bud.⁵⁹

When General Booth visited the city in the same year he was accorded a welcome fit for an Empire hero. His Salvation Army was a respected and accepted part of the life of the community, its meetings lively, but not disorderly.⁶⁰

This battle for the streets had those class and gender dimensions already discussed in Chapter Seven in relation to the ideologies of respectability and masculinism. But there was another struggle, for the social infra-structure of the town — for those organisations which controlled social resources and social time outside the bounds of work and the family. The struggle here was largely within the middling class, although some middle class entrepreneurs and a few white collar workers were involved. The struggle, too, was entirely male dominated. Those who sought to control the Municipal Council, the School of Arts, the Hospital Board, or the Jockey Club, were characterised by a homogeneity of class and gender. Yet the battles for these organisations were, from time to time, some of the most bitter in colonial Armidale.

⁵⁷ Various issues of the *Armidale Express* quoted in Gilbert, *op. cit.*, pp. 163-165.

⁵⁸ *AE*, 25 October, 1889, p. 4.

⁵⁹ 'Police Surveillance' *AE*, 20 November, 1891, p.5.

⁶⁰ *AE*, 19 May, 1891, p.4.

To understand the intensity of the struggle, it is necessary to re-iterate the nature of the middling class. This was overwhelmingly an immigrant class — a class of acute aspirations. It was a class of people who cherished their independence as small entrepreneurs and tradesmen freed from the constraints of the workingman but, ironically, often shackled by debt. It was a nervous class, particularly susceptible to economic fluctuations. Respectability was welcomed into this class. But it was usually a plain respectability unadorned by fine manners and literary elegance. There was also a place for moderate drinking, for blunt speaking and occasionally for fighting. There was little place for sentiment and romanticism. Men had to be tough because men had to compete. The prizes were never great and there were always plenty of contenders.

The middling class therefore was divided by the very essence of its being — the need to compete. Some of the intense disputes can best be understood in the context of commercial rivalry, especially amongst the storekeepers. It is necessary to understand the nature and physical location of the business of such men as John Moore, John Trim, Franklin Jackes, James McLean and later John Richardson, some of the constant protagonists in town disputes. It is also necessary to know their religion.

Religion was an important form of personal identity for many, even for some whose grasp of theological subtleties would have been limited. The broadest and deepest divisions were between Catholics and Protestants. In 1856, the Catholics in Armidale came overwhelmingly from Ireland, although there were a few German Catholics. The Protestants came from all parts of the British Isles but most especially England and Ireland.⁶¹ The presence of a large number of Irish Protestants, together with the Irish Catholics, gave Armidale of the 1850s and 1860s a decidedly Irish character.

With these immigrants came the religious tensions of home. Such tensions were exacerbated by a correlation between religion and class in colonial Armidale. Catholics were always over-represented in the working class and under-represented in the middle class, only three New England squatters, for instance, being

⁶¹ See Appendix 2.1.

of that persuasion in the early 1860s.⁶² But in the middling class there was a much more diverse religious and ethnic composition. With regard to ethnicity, 36 per cent of the middling class were Irish in 1856 compared to 33 per cent English born and 12 per cent Scottish. However 49 per cent of urban property owners were Church of England and only 22 per cent Catholic.⁶³ Clearly many of the Irish property owners were Protestants, including such families as those of John Moore, James Starr and Arthur Hunter Palmer from Armagh; Edward and George Allingham from County Fermanagh; the Mulligans from County Down; James McLean and his sister Margaret Quinlin from Castlebar in County Mayo; Chief Constable, Lloyd Bradshaw, from County Tipperary; as well as Richard Taylor, the Founding Master of the Freemasons' Lodge and farmer Richard Pearson both from County Donegal. The Irish Protestants held some of the most valuable assets and the most influential positions in the town.

Throughout the 1860s in particular, sectarian tensions split the middling class. Enmities ran deep. This was the decade of the ascendancy of the middling class. The townlands which had been sold off by the Crown in the 1850s were developed in the 1860s. The town expanded and there were opportunities to be exploited. In the rural areas the squatting runs were thrown open to free selection, providing some social mobility, as well as further opportunities for people of the middling class. The local economy which boomed in the mid 1860s had slumped by the end of the decade. All these factors made for intense competition and it is hardly surprising that religious rivalries developed amongst this class of independent small entrepreneurs who saw religion and nationality as an essential part of their personal identities. Even the names of the hotels in Armidale proclaimed such loyalties, with the Daniel O'Connell Inn and the Harp of Erin Hotel on the one hand, and the Crown Inn, the Royal Hotel, the Lord Nelson and the Freemason Hotel on the other.

Outside factors increased the stress. This was the decade in which the debates over denominational and state education were

⁶² 'Armidale, Sydney, N.S.W.', *Annals of All Hallows College*, Dublin, 1863, p.78. I am indebted to Dr John Atchison of U.N.E. for this reference.

⁶³ Census - 1856. Report to the Hon. Henry Watson Parker, . . . Colonial Secretary, *Supplement to the NSWGG*, No. 47, 28 March, 1857, n.p.

protracted and bitter. There were sectarian factions in most colonial legislatures giving prominence to sectarian disputes. The *Freeman's Journal* and the *Protestant Standard* polarised thought. In 1867 there were Orange riots in Melbourne and in the following year there was the attempted assassination of the Duke of Edinburgh in Sydney by a mad Fenian. All these incidents had an impact in Armidale.

But, in Armidale, there were also factors reducing such stresses. Mixed marriages between Catholics and Protestants meant that the family could be an institution for the resolution of sectarian conflict. Henry Mallam, an Anglican, and Joanna Mallam, a Catholic, brought up all their sons as Anglicans and their daughters as Catholics. That was their solution to the difficulties of a mixed marriage. James McLean, an Irish Presbyterian with tolerant views which he claimed to have developed in childhood,⁶⁴ had a sister, Margaret, who had married an English Catholic, Michael Quinlin. Both Henry Mallam and James McLean were identified with the politics of liberalism and tolerance. So, too, were the editors of the *Armidale Express* who tried, as much as possible, to keep religious and ethnic bickerings from their newspaper, preferring instead to emphasise co-operation and harmony. Nonetheless it was a while before such views prevailed. In fact the liberalism of the *Armidale Express* was construed by some rock-solid Protestants as a thinly veiled advocacy of the Catholic cause. By the end of the 1860s, Armidale had become somewhat notorious for sectarian strife as evidenced by a piece of celebratory doggerel entitled 'Orangemen of Armidale NSW', published in the *Protestant Standard* in 1870:

The maddened Papists all around
 Our ancient loyal town
 Not long ago, tried hard, you know,
 To put our orange down;
 The Romish priests and Papists all
 Against us strong combined,
 But from our town we'd make them fly
 As chaff before the wind

⁶⁴ 'Armidale and New England Hospital', *AE*, 5 August, 1865, p.2.

CHORUS

Now bind together firmly,
 To Popery give no bail,
 Be like our Loyal Bretheren,
 The men of Armidale.⁶⁵

The major manifestation of sectarianism in Armidale in the early 1860s had been political. In 1862 Robert Henry Mariner Forster, a Catholic solicitor, had won the seat of New England in the New South Wales legislature, and in 1864 he had been narrowly defeated by squatter Theophilus Cooper, an Anglican, after a particularly bitter campaign. Both campaigns, but particularly that of 1864, had produced sectarian rifts in the community. But the sectarian outbursts masked class divisions. Forster represented the politics of the 'poor man', the aspiring free selector, the man who wanted to strike out for himself and 'make a go of it'. Cooper represented the squatting interest and those of the urban middling class who supported that interest.⁶⁶ This was seen to be a struggle between the Protestant ascendancy and the Irish mob; between the poor man and the man of birth depending on one's perspective. But it was essentially a struggle between the established rural middle class and a rising but divided middling class and at issue was control of the town's main resources.

In the aftermath of this political battle there were sectarian skirmishes. The fracas over the hospital began in January 1865, within a month of Cooper's win at the polls. At issue was an attempt to change the hospital rules to control the visits of clergymen, and more especially their substitutes, one of whom, Edward Baker, was alleged to have been proselytising in the Church of England cause.⁶⁷ The meeting was rancorous and was followed some weeks later by an even more contentious meeting where at issue was the election of members to the hospital committee. The strongest objections were made to the re-election of long-serving committee member James McLean, who had removed Edward Baker from the hospital after a disagreement over the style of

⁶⁵ 'Orangemen of Armidale NSW', quoted in Michael Hogan, *The Sectarian Strand: Religion in Australian history*, Ringwood, 1987, p.107.

⁶⁶ The nature of political divisions in Armidale in the early and mid 1860s has been fully described in Christine Raszewski, 'The Armidale School of Arts or Mechanics Institute, 1859-1871', *ADHSJ*, No. 31, April, 1988, pp. 35-52.

⁶⁷ 'Armidale Hospital - Special General Meeting', *AE*, 27 January, 1865, p.2.

Baker's religious ministrations to the sick.⁶⁸ The factions in this dispute were quite clear. The group in control of the hospital was headed by Church of England vicar, Rev. Septimus Hungerford; his lay visitor, Edward Baker; Anglican schoolmaster, Joseph Boardman, as secretary of the hospital committee; William Seeley, the bank manager and treasurer of the committee; Robert Payne, the solicitor; and William Mutlow, the chemist. All belonged to the Church of England. Advocating change was a group led by the Very Rev. Dean Lynch, Vicar General of the Catholic Church; Aldermen Schmidt and Trim, both Catholics; publican Bernard Naughten of the same religion; and storekeepers Franklin Jackes and James McLean who were Presbyterians of liberal views. The brawl was intense, but ephemeral, the issue never being clearly resolved. However, seven out of the ten committee members elected to the Hospital Board in April resigned, and by August the hospital was in financial difficulties with many people having refused to subscribe as they had always done.⁶⁹ It took some time before the hospital was placed on a sure footing once again.

The battle for the School of Arts began in August 1865 at the annual general meeting.⁷⁰ Like similar organisations across the colony, the Armidale School of Arts had never succeeded in becoming a mechanics' institute as was its aim. Its accumulated reading material was moralising and somewhat esoteric and many of its lectures were rather academic. The 'mechanics' preferred to play billiards or get drunk. The School of Arts offered them education when it was entertainment they seemed to want. Nonetheless, the middling class, its collective mind set firmly on self-improvement, made use of the facilities. The fortunes of the School of Arts had been mercurial but by 1865, it was solidly established and functioning well.

In that year, the management of the School of Arts was headed by Dean Lynch, supported by a committee which seemed to balance the major factions.⁷¹ However, at the annual general meeting, the Church of England faction staged a carefully planned coup, replacing

68 'Armidale and New England Hospital', *AE*, 15 April, 1865, p.2.

69 'Armidale and New England Hospital', *AE*, 5 August, 1865, p.2.

70 For a full history of the early School of Arts see Christine Raszewski, *op. cit.*

71 'Armidale School of Arts', *AE*, 12 August, 1865, p.4.

Dean Lynch with Joseph Boardman, the Anglican schoolmaster, and returning a committee consisting of solicitors Robert Payne, George de Vial Pilcher and James Hindmarsh; bank managers John Adams and William Seeley; Alderman John Moore; and Wesleyan Minister, Rev. Orton. With the exception of Orton, all were members of the Church of England. The ousted faction claimed that the annual general meeting had been stacked and that the vote had been rigged. They organised protest meetings. However, the new committee refused permission for these protest meetings to be held in the School of Arts hall. The ousted faction led by John Trim, Henry Mallam, James McLean and John Galvin, the licensee of the Daniel O'Connell Inn, staged its own coup by attending a Saturday evening lecture on phrenology by an itinerant 'professor' named Kelly, then refusing to leave the School of Arts hall when the lecture concluded. The police would not intervene and, much to the amusement of the people of Armidale, the rebel faction occupied the hall until Monday evening, when a meeting forced the issue of the legality of the elections to a further public meeting. At that subsequent meeting, which was clearly stacked, the elections of August were declared valid and the Dean Lynch faction was thereby crushed. It is interesting to note that the annual report for the year 1865 showed that there were 80 members of the School of Arts in August 1865, and a massive 305 members in September when the meeting on the legality of the elections was held. By year's end, the membership figure had reverted to a mere 76.⁷² Thereafter the fortunes of the School of Arts went into decline until, in 1871, its management was taken over by the Armidale Municipal Council.

The periodic struggles for voluntary organisations such as the School of Arts and the Hospital Board show the extent to which such organisations were used to effect social closure within the community. Women were by custom excluded from these organisations and if they had an opinion to express they were expected to do so through their husbands or fathers. Membership and voting rights in both the School of Arts and the Hospital committees were based on paid-up subscriptions of £1 *per annum* which represented a considerable portion of a working man's wage and this high rate had the effect of excluding the working class

⁷² Raszewski, *op. cit.*, pp.46-50.

from any organisational involvement. Ironically the working class was the very class which was supposed to benefit from both organisations. Therefore, the public battles to exclude certain middling class men from involvement in the School of Arts and the Hospital occurred in the context of an already extensive practice of social exclusion.

These public battles showed not only the nature of factional struggles within the middling class in Armidale, they also showed the nature and limits of political strategies which groups in conflict were likely to employ. The fact that the police and the magistrates refused to intervene in these disputes showed that the law was unclear as to where power lay and where legal rights resided. When members of one faction occupied the School of Arts hall for two days it was not even clear whether they were trespassing or exercising a legal right to use the building. Property rights were not defined, nor were membership rights. In fact, in the hospital dispute, there was confusion as to who were the paid up members entitled to vote and who were not. These voluntary organisations were legal frontiers which almost invited conflict and where a fairly rough sort of justice prevailed.

Nonetheless, there were widely accepted cultural parameters constraining the conflicts which broke out from time to time in these voluntary organisations. Most organisations were established with constitutions or, more loosely, sets of rules. Generally these rules were adhered to, in so far as they were able to cover the contingencies of the conflict at hand. More generally, most protagonists observed the general rules for meeting procedures. Speakers and interjectors prided themselves in this knowledge and solicitors were valued because of their interpretative skills. A meeting could be entirely engaged in the technicalities of procedure as happened at the first contentious hospital committee meeting in January 1865. But above all, there was a widespread acceptance of the verdict of the majority. This acceptance was even evident when the vote was very close, and was all the more astounding when the accepted majority verdict resulted from a meeting which had been deliberately stacked. Such was the case in the final School of Arts meeting when neither side could call foul because both had worked assiduously to stack the meeting. Apart from a few scuffles immediately contained and roundly condemned, there

was no resort to violence no matter how tense and acerbic the meetings became. This acceptance of the vote and the verdict of the majority was a strong cultural trait. It indicated the extent to which men of the middle and middling classes had accepted the rule of democracy and provides a strong indicator as to why the political institution in the colony remained so stable. Ultimately, democratic procedures were to be used by excluded groups such as women and the working class to achieve a voice in the political process at both the local and the national level.

The voluntary organisations were periodically sites for conflict. These conflicts were destructive, but short-lived because the voluntary organisations could not withstand too much stress before collapsing. This was not the case with the local municipal council which, since 1863 had been legally recognised and constituted. Councils were governed by acts of parliament and responsible to parliament. The local council became a forum for community concerns and conflicts and provided the community with a first hand experience of the political process. Many people participated in and many others watched the local dramas which unfolded within council.

Democratic though the procedures of the municipal council may have been, it was still an exclusive organisation. Voting and active participation were restricted to rate payers, thereby excluding from the political process all those who did not own property within the town boundaries. The small proportion of women who were rate payers was not specifically excluded from the franchise by the Municipalities Act of 1858 and there is an indication that women voted in the municipal elections in Armidale in 1865.⁷³ However, the legal position was not clear and in 1866 Mayor John Moore refused to allow women to vote and was supported in his decision by the Attorney General.⁷⁴ The issue was placed beyond all doubt in 1867 when the second Municipalities Act specifically disenfranchised women property owners. Women were not to regain the vote at local elections until 1906.⁷⁵

⁷³ *AE*, 4 February, 1865, p.2.

⁷⁴ 'Armidale Municipal Council', *AE*, 24 November, 1866, p.2.

⁷⁵ F.A. Larcombe, *The Stabilization of Local Government in New South Wales 1858-1906*, Sydney, 1976, pp.152, 339.

The municipal council had the ability to create and alter the nature of urban space through its power to apply revenue to the streets of the town. The formation of streets and their kerbing, guttering and drainage were issues of considerable importance and occasional contention, as was the control of nuisances, most especially sewerage. Proposals for the construction of bridges over the creek had the potential for high drama as the position of a bridge could alter significantly the economic importance of various thoroughfares and the businesses fronting them.

Meetings of the Armidale Municipal Council were notoriously stormy. There was a level of divisiveness and a use of personal invective which was unusual even for a political forum. In its early years council meetings lacked the decorum they were later to achieve, and aldermen earned a national reputation for sit-ins, walk-outs and the hurling of loaded inkwells at opponents across the council table.⁷⁶ Such high drama was good entertainment and stormy council meetings usually attracted an appreciative crowd of onlookers. At times the divisions on council were based purely on self-interest. Such were the disputes in 1865 and again in 1879 surrounding the issue of whether Dumaresq Creek should be bridged at Faulkner Street or Marsh Street. On both occasions a simple knowledge of where the stores and hotels in the town were located in relation to the proposed bridges was sufficient to understand the divisions in council and in the wider community.⁷⁷ So conditioned had the people of Armidale become to the factious bickering of storekeepers that, when the decision to erect a new Town Hall was announced in 1880, the *Armidale Express* thought it of interest to remark that, 'rival storekeepers for once hurraed simultaneously'.⁷⁸

Sectarianism was the other major cause of factional divisions on the council. Decisions won by a bare majority were sometimes nothing more than petty and gave rise 'to a departure from the strict rules of propriety on the part of some Aldermen in giving free expression to their feelings'. Such was the case when the

⁷⁶ Paragraph extracted from the *Murrurundi Times* in *AE*, 31 January, 1879, p.8.

⁷⁷ 'Armidale Municipal Council', *AE*, 16 September, 1865, p.2; and Bridge Over Armidale Creek. (Correspondence, Plans, &c.), *V&P*, 1878-9, (7 Vols), Vol. V, Sydney, 1879, pp.1001 - 1015.

⁷⁸ *AE*, 9 September, 1880, p.4.

council in 1872 rejected a motion to kerb and gutter the section of Dangar Street immediately outside the Catholic Cathedral of St Mary which had been completed and was in full use as a place of worship.⁷⁹

But the most infamous divisions occurred early in 1867 and again in 1868 over the election of a mayor. On both occasions the John Moore faction and the Liberal faction had three aldermen each on the council after the February elections. On both occasions the election of a mayor became deadlocked, each faction advancing its own candidate and each candidate receiving three votes. In 1867 the deadlock led to a three day occupation of the council chambers, no member daring to leave the chamber lest a vote be taken in his absence and his opponents win the day.⁸⁰ The deadlock was eventually broken by the resignation of one of the candidates for mayor, but not before the issue had captured the imagination of the metropolitan press and Armidale became a laughing stock.⁸¹ Twelve months later the same situation was repeated. On this occasion the matter was so complicated that it was only resolved after a case had been brought before the Supreme Court.⁸²

It is difficult to determine the precise nature of the factions and the alignments seemed to change quite regularly. An analysis of voting patterns on council indicated that, on major issues, John Moore and John Trim were almost always on opposite sides. Each, of course, represented a sectarian faction. Certainly sectarianism was a symptom of the nervousness of the nervous class. But it is too simplistic to see these disputes as unequivocally sectarian. The divisions were better understood as a matter of personalities and loose factional tendencies. But such divisions were, nonetheless, bitter and on occasion intractable. They certainly showed that a homogeneity of class and gender did not necessarily produce harmony, and throughout the 1860s in particular when economic stresses were at their greatest, the middling class was deeply divided over who should dominate the major local organisations.

79 'Armidale Borough Council', *AE*, 9 March, 1872, p.6.

80 'Armidale Municipal Council', *AE*, 23 February, 1867, p.2.

81 'Express from Armidale', *Sydney Punch*, 2 March, 1867, pp.115-116.

82 The Queen against Fitzgerald *ex parte* Moore, in W.H. Wilkinson and J.S. Paterson (eds), *Reports of Cases Argued and Determined in the Supreme Court of New South Wales*, Vol. VII, Sydney, n.d., pp.223-227.

This chapter concentrated on the two main facets of the battle for the control of the town. In each case there was a clear class dimension to the struggle. In the battle for the streets there was the victory of the ideology of respectability, largely located in the middle and middling class. Banished from the main streets were those who used them for displays of drunken antics; as stages for personal disputes enlivened by 'bad' language and physical violence; or as venues where the authority of respectable males might be challenged. It was the underclass in particular, as well as certain sections of the youthful working class who learned that the streets could be used only on terms laid down according to the precepts of respectability. By the late 1880s the streets of Armidale had become symbols of ordered life styles and community cohesion. A code had been chiselled in the minds of the townspeople. Drunkenness, personal disputes, eccentricities, bad language, indeed most emotional displays, were to be kept private. Those who would not conform could expect to be punished and marginalised. But the victory was never complete. There were always residents of Armidale who had different world views, different sets of values, different lifestyles. There were always those who had little wealth and status to parade. These people would outrage the respectable, and give the respectable cause to bond with each other as they expressed their outrage. The outcasts of the community were used to sharpen the images of respectability. The respectable found it necessary to have someone to despise - the Aborigines, the Chinese, fallen women, alcoholic men, the long term unemployed and the undeserving poor.

The battle for control of the social infrastructure of the town was an intra-class struggle, but no less bitter for that. It was the newness of the town and the newness of urban prosperity which had created a struggle for control of the main local organisations in the 1860s. But this struggle was often destructive. Local organisations were undermined and sometimes brought to the brink of collapse by commercial and sectarian rivalries. Ultimately, the sharp edge of conflict wore away over time. Slowly cohesion rather than conflict came to characterise the town's affairs. There was a conscious avoidance of personal invective which was considered to be 'bad form'. The *Armidale Express* refused to publish letters which breached this code or to report council meetings which degenerated into internecine arguments. As the

town grew in size, personalities diminished and personal differences were less capable of splitting the community. A new generation was a little less wedded to the sectarian identities which the immigrant generation had brought with them. Procedures became established and high drama at local meetings gave way to the dull thud of predictability. Inequalities of class and gender became accepted as part of community life. Clubs and societies became venues for middle and middling class male bonding. Tensions remained just beneath the surface. There was always a potential for sectarian, political or class eruptions. But, basically, people conformed to the rhythms of respectability which stressed cohesion and deference, not strident opposition or a propensity for bickering. After the 1870s, Armidale rarely caught the national spotlight and became a community which promoted itself as prosperous, respectable, healthy, stately and a little bit English. The churches and the schools became the quintessential symbols of the city.

PASSING ON

Colonial society, as a derivative of the English version, reflected those class and gender tensions typical of the age. An older more stratified society based on the ascribed status of birthright and lineage had largely given way to an achievement oriented world of male individualism and female dependency. The rise of respectability reflected this new world order. The worthy man and the worthy woman were enthusiastically redefined in art, literature and editorial comment. Every opportunity was used to reinforce the new images of respectability. Even at the very end of life, funeral ceremonies, graveyard monuments and obituaries restated the predominant ideologies and reflected the class and gender constructs of the society.

On an eastern rise of Armidale's south hill the general cemetery commands a view over the valley of Dumaresq Creek. It is best seen in early morning light. Serried rows of Norman, Gothic, anthropomorphic and derivative upright slabs, obelisks, broken columns, a variety of crosses, urn-topped plinths and winged angels catch the rising sun. The formal muster of marble sandstone and granite achieves a sense of urgent expectation. The final hope of Christianity is illuminated. Christ will come again, from the east, with the rising sun, up Dumaresq Creek. The dead will rise on Judgment Day.

The certainty of everlasting life was chiselled in word and symbol. Many immigrants had brought with them a fervent faith and, although not easily transplanted in the new land, that faith had lasted a lifetime. A host of Biblical assurances from the simple 'God is love' to more enigmatic quotations from Revelations, proclaimed the pious hopes of practising Christians. Grieving relatives chose verses directed at the departed:

Thou art gone to the grave but t'were wrong to deplore thee
 When God was thy ransom, thy guardian, thy guide
 He gave thee and took thee and soon will restore thee
 Where death has no sting since the Saviour hath died.

Others threw blunt warnings back at the living:

Friend, where will you spend eternity?

was the closing, menacing statement of Robert Marshall's life.

Where words were insufficient, symbolism abounded. Draped urns, the lily of purity, everlasting ivy, palm leaves of victory, bodyless cherubs, weeping willow branches, the open book of life, the anchor of hope, the dove of peace, the broken column of a life cut short and the Cross in all its forms were all visual statements of Christian death. They were also statements on secular life. The grave was as far as wealth could go but status was not to be denied one last expression. The stonemasons skill did not come cheaply. Money was invested in elaborate marble monuments befitting the social position of the departed and the family left behind.

A progression is evident. The older, mid nineteenth century graves were usually modest recumbent sandstone monuments in the form of large flat ledger stones now sadly weathered beyond easy deciphering. The sandstone often came from Warialda eighty miles away and Whitfield of Inverell was commonly the stone mason. Mid century families could usually not afford the cost of transportation from distant craftsmen but by the 1870s a few headstones by Browne of Maitland were beginning to appear. Yet when money was available these early graves could be resplendent. In the last years of his life Joseph Daly, the patriarch of Armidale's Catholic community, had inherited a considerable fortune from his grandson in an unusual reversal of inheritance patterns. The lad had inherited the money from his unmarried brother who in turn had inherited it from his parents, the mother being Joseph Daly's daughter, who, with her husband, had operated the highly successful general store in the centre of Armidale in the 1840s. When the boy died unmarried in 1868, by which time the business had been sold firstly to James Gilchrist and then to John Moore, Joseph Daly, his grandfather, inherited all.¹ Daly courted favour with his Maker by liberal endowments to the first Catholic Cathedral building fund and in 1874 he died in his new house overlooking the town. Three years earlier he had commissioned a sumptuous vault in the Armidale cemetery to hold his remains.

¹ Statement of Joseph Daly, 17 May, 1869 and Petition for Administration, 28 May, 1869, Letters of Administration in the deceased estate of Alexander Hamilton Mather, Supreme Court, Ecclesiastical Jurisdiction, Series 1, Number 8059, AONSW 14/3431.

The work was carried out by the builder who constructed the Cathedral and cost Daly some £300, the price of a comfortable brick cottage at that time.² Armidale's wealthiest resident of the early 1870s had acquired a suitable memorial for his latter-day status.

The railway made possible the importation of more elaborate marble monuments from Sydney and Newcastle and by the 1880s and 1890s local families, who had become more wealthy, made use of it. George Mackay, a gold digger on Rocky River and later a small freehold farmer at Saumarez Ponds had died in 1868. He was obviously adored by his children. His son John, on that pioneering trip to frontier Queensland in 1860, had named a river the Mackay after his father. In the 1880s after their mother Ann Mackay had died the surviving sons erected an impressive and visually dominant marble monument over their parents' grave in Armidale cemetery. Every facet of the plinth was inscribed with tombstone verse and Biblical quotations and a tall column, with draped urn on top, towered over the other monuments in the Presbyterian section of the cemetery. The good fortune and family devotion of their children combined to give George and Ann Mackay a status in death that hardly reflected their position in life.

As might be expected John Moore's grave was similarly impressive. Racked by gout he had died of an internal haemorrhage on 27 April, 1892. His final monument was a Gothic effusion of white marble with buttresses, pointed arches and a festoon of lilies and ferns surmounted by a large draped urn. The grandeur belied the reality. For all his enthusiasm, for all his entrepreneurial drive, for all his social and political energy, John Moore was technically insolvent when he died. His assets were considerable, nearly £20,000, largely invested in real estate, but his debts, in the form of a massive mortgage with the Bank of New South Wales were even more considerable.³ His sons and married daughter were reasonably established in their own right but his wife, widowed daughter and three grand children were left to the charitable disposition of his creditors. John Moore's epitaph was well selected. It was a sigh of relief rather than a proud boast of duty done and rewards expected.

² *AE*, 14 October, 1871, p.2.

³ Affidavit under the Stamp Act, Deceased Estate File, John Nelson Ingram Moore (duty paid 30 August), 1892, AONSW 20/41.

O do not shed a mourning tear
You that were dear to me
In freedom from sorrow sin and care
I'm where I longed to be.

Not far from John Moore's grave is the Gothic monument over the remains of Frederick and Sarah White. The master of Booloominbah had chosen a grave covered by a recumbent cruciform coped stone. A low wall of Armidale blue bricks, a Gothic shrine to his daughter, and the use of uncial Gothic script are all reflections of the sumptuous interior of his sixty roomed mansion. Interestingly, and contrary to tradition, the grave faces west towards Booloominbah and away from the rising sun.

There was an irony in striking monuments. The blessed assurance of Christ's death was also a simple assurance. The Moslem religion insisted strictly on simple burial practices. Christianity was equivocal. Some Christians such as Edward Baker deplored a fuss over their remains. The testy old Church and King Tory who had been at the centre of every sectarian storm in Armidale in the 1860s and 1870s died in 1902 with the words 'God is love' on his lips. God, however, had not been overly eager to call Edward Baker home. He was 91 when he died and had long outlived his younger contemporaries. His will was quite specific. 'I direct my funeral to be plain and inexpensive as possible',⁴ but this did not prevent his family from erecting over his remains a large marble Calvary Cross with a delicately carved dove of peace perched on the left arm of the transverse. They could little afford the expense. Edward Baker's estate, heavily mortgaged like that of his brother-in-law John Moore, was assessed at less than £100.⁵

Mortuary practices had become an important part of the social structure, expressing the predominant ideologies of a respectable middle class. As William Ewart Gladstone, Queen Victoria's Prime Minister mused:

⁴ Last will and Testament of Edward Baker dated 3 March, 1864 and codicil dated 18 March, 1895, Supreme Court, Probate Division, Series 4, Number 27669, AONSW 6/7938.

⁵ Affidavit under the Stamp Act, Deceased Estate File, Edward Baker (duty paid 17 March, 1893), AONSW 20/213.

Show me the manner in which a nation or community looks after its dead and I will measure with mathematical exactness the tender sympathies of its people, their respect for the law of the land and their loyalty to high ideals.⁶

The importance of aristocratic lineage, expressed by huge family vaults to house generations of the dead, had given way to middle class individualism with single monuments extolling a singular life of righteousness or economic achievement. Mortuary practices also reinforced the romantic stereotypes that had emerged in Victorian times as the family had been redefined as a set of quite specific gender roles. The maudlin sentiments often associated with the Victorians' handling of death are usually attributed to the rambunctious manner by which death struck at all ages. But this is not a satisfactory explanation. Rather, the Victorians were reinforcing those ideal family types which had become a symbol of the age: the loving, caring, self-sacrificing mother; the doting, patriarchal father and provider; the innocent child. Mortuary monuments speak of the dead but tell more of the living.

There was a range of rhyming epitaphs from which to choose. Few displayed the craft of the skilled poet and some degenerated into doggerel at the hands of those who failed to realise that it was a singular misfortune of the English language that 'God' should rhyme with 'sod' and 'tomb' with 'gloom'. But they were public statements that extolled and exaggerated homely virtues in accordance with the age.

One of Ann Mackay's sons evoked the image of the ever-loving mother with a plethora of ancient forms of the second person pronoun.

My mother when I learned that thou wast dead
 Say! Wast thou conscious of the tears I shed
 Hovered thy spirit o'er thy sorrowing son
 Wretch even then life's journey just begun
 Perhaps thou gavest me though unfelt a kiss
 Perhaps a tear if souls can weep in bliss
 Ah! That maternal smile it answers Yes.

⁶ William Ewart Gladstone quoted in Lionel Gilbert, *A Grave Look at History*, Sydney, 1980, p.127.

Husbands and fathers received a similar treatment although the emphasis was on kindness, nobility, strength and good advice. James Ferris, a small farmer from Saumarez Ponds who died in 1904, was eulogised by his children with the following.

Father is gone but not forgotten
 Nor is the good advice he gave
 Sweetest thoughts shall ever linger
 Around our darling father's grave
 Long days and nights he bore in pain
 To wait for cure was all in vain
 But God alone who thought it best
 Did ease his pain and gave him rest.

There is every indication that Biblical verses and rhyming epitaphs were carefully chosen. Rachel Davies, the widowed daughter of John Moore, died only eight weeks after her father and was buried next to him. She left behind three little girls. Her epitaph, which can be seen on other graves where circumstances were similar, read:

Weep not for me my mother dear
 Shed not for me a useless tear
 And after me no sorrow take
 But love my children for my sake.

The verse was all the more relevant given the financial situation in which John Moore had left his dependants.

Of course the parents' fear of losing a child became a reality for many colonial families. Sweet innocence snatched from life was the general theme. When Amelia and William Brereton of the Wellington Hotel lost their son, William Gordon Brereton, at the age of 8 they chose to evoke that image on his headstone.

This lovely lad so young and fair
 Called hence by early doom
 Just came to show how sweet a flower
 In paradise would bloom.

The images of near perfect mothers, fathers, husbands, wives and children mirrored the romantic family stereotypes of the period but were out of step with Christian teaching. However, James and Lucy Tysoe, one time publicans of the St. Kilda Hotel, were more attuned to theology with their preference for a bald statement of Christian reality pared of all sentiment.

Here lies beneath this stone
 Sinners saved by Grace alone.

The importance of kinship networks was well expressed by the juxtaposition of graves and family plots. Cast iron fences around family plots were common in the nineteenth century for the practical reason of keeping out wandering stock and the symbolic reason of defining the importance of the relationships within. John Moore's fenced plot also contained the remains of his wife Sarah, his widowed daughter, Rachel Davies, his grand daughter, Catherine Davies, his father-in-law, John Purvis, and his sister, Sarah Starr. Next to the Moores was the fenced family plot of the Marshes, squatters of Salisbury Court and no relation to John Moore. However, beyond their graves was the plot of Edward and Mary Baker, Edward being a cousin of the Marshes and Mary a sister of John Moore's wife. This group of graves encompassed a kinship relationship which also had a political expression. John Moore, Edward Baker and Charles W. Marsh were often depicted as a faction representing the politics of Orangemen, Tories and squatters.

Many, however, went to graves unadorned by sentiments in stone. The unmarked grave, so hard now even to detect, bore no testimony except the lack of status. Others had to be content with the simplest of memorials. The headstone on the grave of Sydney Blythe, long serving Land Agent and Clerk of Petty Sessions in Armidale, bears nothing more than his name, age and date of death together with a brief statement: 'Erected by his friends'. Minor public officials and small town professionals often lived their lives in economic uncertainty. Their graveyard memorials were often as simple as Blythe's, drawing attention to the occupational status which had provided them with an income and a position of respect in the town: 'S.P. Spasshatt, MD MRCPE'; 'Arthur Kemmis, late principal of the New England Grammar School'; 'Evan Edward Rowsell, solicitor'; 'Patrick Rafferty, Senior Sergeant of Police'.

The graveyard monument bestowed an immortality of sorts on the deceased, the funeral ceremony was the ephemeral mark of respect. Its ritual was highly formalised and status oriented. For the funeral of an important person the shutters on the local shops would be drawn, the prominent men of the town would attend and the significance of the ceremony was likely to be measured in the *Armidale Express* by a roll call of the notables in attendance and a crude measure of the length of the carriage procession following the

hearse.⁷ The ritual was fundamentally a male affair. There was a growing tendency for middle class women in England over the course of the nineteenth century to stay away from the burial service and graveyard ceremony in the belief that they were too delicate to bear the public rituals of death.⁸ There is some evidence that this was also a custom in Australia. The diaries of Caroline Thomas of Saumarez mention five funerals. In 1871 the Thomases lost their baby daughter, Florence, from whooping cough. Caroline did not attend the baby's funeral, visiting the grave for the first time eleven days later. Two years earlier Dr. West, a regular visitor to Saumarez for over ten years, died. Henry Arding Thomas attended his funeral but Caroline did not. The diaries also suggest that the practice had spread beyond the middle class. In 1866, Ellen, a former servant of the Thomases who was still living on the property, lost her baby. As with the other examples Henry went to the funeral and the diary seems to suggest that the mother did not, but visited the grave a week later.⁹

The dominance of men at the burial and graveyard ceremonies did not make for less formal occasions. In fact funerals were highly ritualised public displays and the outlays necessary for these rituals were increasingly a cause for concern. They often brought economic hardship to those who were already facing economic uncertainty.

Senior Sergeant Balls of the Armidale Police died entirely unexpectedly one Sunday afternoon in 1871. He was 47 years of age. He had spent the last evening of his life drinking moderately at the St. Kilda Hotel, reading newspapers at the School of Arts and enjoying the companionship of fellow police officers at the Wellington Hotel. His wife of eighteen years, Jane Balls, was inclined to think that the onset of illness later that night and into the next morning was more the result of over indulgence than any other cause. She did not call a doctor until it was too late so her natural grief was underscored by guilt. A subsequent coronial

⁷ See a description of the funeral of C.W. Marsh, squatter, of Salisbury Court, *AE*, 14 October, 1871, p.2.

⁸ Leonore Davidoff and Catherine Hall, *Family Fortunes*, London, 1987, p.408.

⁹ Entries for 18 January, 1866; 4 February, 1866; 2 January, 1869; 10 March, 1871; and 21 March, 1871, Caroline Thomas Diaries, typescript prepared by Ann Philp, Saumarez House records.

enquiry revealed that Senior Sergeant Balls had harboured a belief, just before he died, that he had been poisoned, but the coroner, on the advice of Armidale's two doctors, found that there was no evidence of this. Rather, the coroner concluded, Senior Sergeant Balls had died of a mortal swoon.¹⁰ Jane Balls gave her husband a full funeral and commissioned for his grave a large headstone inscribed with Biblical warnings about the shortness of life and the suddenness of death. Eight months later she was brought to court by John Moore, unable to pay for a dozen pairs of gloves purchased on credit for the pall bearers at her husband's funeral.¹¹

It was stories such as this, combined with the extravagant excesses of people like Joseph Daly which prompted Walter Craigie, the editor of the *Armidale Express*, to recommend the establishment of a branch of the Funeral Reform Association in Armidale in 1876.¹² This was a nation-wide movement and the following year Craigie published an extract from the Victorian branch of the association listing minimal requirements for an acceptable funeral.¹³ In particular, over-ornamentation of coffin and hearse were deplored as were the practice of providing refreshments after the ceremony and the elaborate fashions in mourning apparel which had become so important a statement of grief and status. Craigie could see the adverse consequences of a social practice which had got out of control. Respectability had become expensively formalised. As Craigie's son said in a later editorial: 'Elaborate symbols of grief ... entail heavy expenses on the living'.¹⁴

The campaign was fitful and seemed to have no notable impact on funerals in Armidale in the nineteenth century. Other imperatives were overriding. These occasions provided opportunities for important statements about respectability and family status.

But social statements are best defined against counter statements. It is not a satisfactory explanation to claim that the

¹⁰ Sudden Death of Senior Sergeant Balls, *AE*, 27 May, 1871, p.2.

¹¹ *AE*, 10 February, 1872, p.6.

¹² *AE*, 28 April, 1876, p.4.

¹³ *AE*, 27 July, 1877, p.3.

¹⁴ *AE*, 17 September, 1880, p.2.

behaviour of Jane Balls and those like her was simply an imitation of the middle class. After all, there were plenty of highly respectable people like Walter Craigie, who deplored 'the objectionable excrescences that have grown upon the present custom [of funerals]'.¹⁵ Rather, as F.M.L. Thompson has pointed out, the avoidance of the stigma of the pauper's grave was a more compelling motive.¹⁶ The stigmatising of a poor underclass was a powerful means of social control in an achievement oriented society. At all stages of the life cycle and in all lifestyle practices many members of the working class distanced themselves from an underclass of marginal workers, the chronic unemployed and the racially undesirable. There was a vast gulf between the deserving poor and the indigent poor, a gulf that was as wide at the point of death as it had ever been in life. To the progressively minded Victorians the poor were an image of a brutish past from which civilised men and women were emerging. The poor were always with them and that ubiquitous reminder of the past sharpened the image of the future to which civilisation was heading.

Death was, indeed, about futures. Priests, vicars and elders took pains to assure their followers that there was some future state for the immortal soul. But there was also a future for those things which the dead had owned. Assets had to be disposed of, and that disposal affected the futures of the family members the deceased left behind. Tangible wealth had a meaning beyond the limits of mere substance. A portion of land might be more than a portion of land. It might be a farm capable of generating income, or a prime piece of urban real estate with a potentially high market value. A set of tools might be the means whereby a son could establish himself in a trade. A kick in the teeth might be all the more painful when it came as a cool disinheritance, the final act in an embittered relationship between parent and child. The last will and testament was a document concerned with securing futures as much as disposing of the past.

The disposal of wealth was, of course, a middle or middling class concern, and, given the gender structures of Victorian society, it was a male concern more than it was a female concern. In the

¹⁵ *Ibid.*

¹⁶ F.M.L. Thompson, *The Rise of Respectable Society*, London, 1988, pp.352-353.

second half of the nineteenth century, fewer than one third of the people who died in New South Wales left probated wills.¹⁷ Those who did were mainly men, but also some women, of the middle and middling classes who had secured their own position in society by an accumulation of wealth. That wealth had provided them with status in their respective communities. Their nett balance of assets placed these people on the desirable side of the ledger in terms of power imbalances, the side which contained the masters rather than the servants, the landlords rather than the tenants, the lenders rather than the borrowers, the small independent tradesmen rather than the skilled employees. So there was more than tangible wealth to pass on. There was status and a desirable position in the power structure.

There was strong circumstantial evidence to suggest that most of Armidale's wealthier citizens, with the notable exception of John Trim, had received an inheritance from home. In most cases it was the sudden change in fortunes expressed usually by large property purchases which suggested a windfall inheritance. This may well have been the situation with Henry Arding Thomas of Saumarez. In 1860 he intended to sell Saumarez, possibly because he may have thought it would be difficult to defend the run by freehold purchases once new land laws were enacted. While Saumarez was on the market, he learned that his father, Colonel Thomas, had died, and shortly thereafter a potential sale fell through.¹⁸ Thomas decided to stay and, in 1862, he began substantial purchases of land across the run.¹⁹ The sequence of events suggests a possible inheritance.

In town there was Henry Guy Mallam, a son of Thomas Mallam, an auctioneer, reportedly very well connected, and mayor of the city of Oxford, England.²⁰ Henry Mallam came to Armidale as a chemist in 1864, renting both his business premises and his house.

¹⁷ This statistic was determined from a comparison of the New South Wales Probate Index of the Supreme Court and the Registrar General's index of deaths.

¹⁸ Entries, 20 February, 1860; 18 March, 1860; and 28 March 1860; Caroline Thomas Diaries (typescript by Anne Philp), New England Historical Resources Centre.

¹⁹ John Ferry. 'Building a Pastoral Property: Henry Arding Thomas and Saumarez', *ADHSJ*, No. 33, November, 1990, p.113.

²⁰ 'The late Mr Mallam', *AE*, 6 January 1903, p.4.

In 1869 he commissioned the building of a substantial brick house in Rusden Street for £1,200²¹ and, when completed, leased it to long term tenants. In 1870 he joined Barnett Aaron Moses in his boot manufactory, obviously supplying capital to match Moses's business skills²² and in 1877 he erected substantial business premises with upstairs residence in the centre of Armidale and purchased the New England Flour Company as sole proprietor.²³ The status of his father and Mallam's sudden expression of wealth again suggests an inheritance. The same could be said of Joseph Scholes who seemed to have been a favourite of a mill owning uncle and Josias Moffatt whose father was a Cornish freehold farmer. Both men suddenly made purchases of considerable property over the span of a few years and their circumstances changed quite markedly. However, only research in Britain would discover the extent to which prominent middle class entrepreneurs in colonial Armidale owed their position to an inheritance from home.

In looking at the social significance of inheritance, English historian E.P. Thompson developed the concept of a grid thrown forward by one generation to which the succeeding generation could attach itself.²⁴ There were strategies involved to secure the future of immediate family and, insofar as these strategies were devised by people of the same class, they might be significant in describing how class structures were perpetuated over time. One school of thought has it that wealth is dissipated over time by inheritance practices creating a fluid society in which families rise and fall and are replaced in economic and social importance by others. In Yorkshire this supposed pattern is the weft of the old saying 'clogs to clogs in three generations'²⁵ which has a counterpart in the Australian saying 'shirtsleeves to shirtsleeves in three generations'. On the other hand, studies in England have shown that gentry families, for instance, have retained their status and property over many centuries.²⁶ The research is equivocal.

21 Securities Book, 1871-1876, Commercial Banking Co. Sydney, Armidale Branch, National Australia Bank Group Archives, Springvale, Victoria.

22 *AE*, 24 December, 1870, p.1.

23 *AE*, 6 April, 1877, p. 4.; and 21 December, 1877, p.5.

24 E.P. Thompson, 'The Grid of Inheritance: A Comment', in Jack Goody, Joan Thirsk and E, P, Thompson, *Family and Inheritance*, Cambridge, 1976.

25 *Ibid.*, p.360.

26 Lawrence Stone and Jeanne C. Fawtier Stone, *An Open Elite? England 1540-1880* (abridged ed.), Oxford, 1986, pp.277-82.

But even a localised study of colonial Armidale can give an indication of inheritance strategies and an idea of the way social status might be inherited over time.

Whatever patterns emerge, they will occur in the nineteenth century context of testator freedom and minimum state interference. English society and its derivatives were will-writing societies and the legally expressed and validated will of a testator came to supersede most other inheritance rights and customs. With the abolition of dower in Britain and New South Wales in the 1830s²⁷ the last vestigial right circumscribing the will of the testator was withdrawn and there followed a period of maximum testator freedom until the early twentieth century when laws were introduced allowing close relatives to challenge a perverse will under certain circumstances.²⁸

Maximum testator freedom was one facet of the high patriarchy of Queen Victoria's reign. It was a manifestation of an ascendant capitalist middle class subscribing to a positive view of the active economic life of men.²⁹ It was assumed men would act more rationally in the market place if they were unrestricted by any custom or enforced sentiment. Testator freedom produced on the one hand the whimsical will of the testator whose affections were unpredictable, easily given, easily withdrawn, easily applied to emotional blackmail. On the other hand there were testators who willed their estates predictably according to some older adherence to lineage, or a newer belief in equality. The state only interfered in cases where a property owner died intestate, and here there was a change in New South Wales from the medieval English law of primogeniture, the inheritance of all real estate by the eldest son, to

²⁷ An Act for the Amending of the Law Relating to Dower [29 August 1833], 3^o & 4^o *Gulielmi IV*, Cap. 105, *A Collection of the Public General Statutes Passed in the Third and Fourth Years of the Reign of His Majesty King William the Fourth*, London, 1833, pp.1343-1347; and Sir Richard Bourke to Lord Glenelg, 14 September, 1836, *Historical Records of Australia*, Series 1, Vol. 18, p.539.

²⁸ The full expression of testator freedom can be found in the consolidated act: An Act to Consolidate Enactments Relating to Wills Probate and Administration [27th July 1898], Act N^o 13 of 1898, *The Statutes of New South Wales Public and Private Passed during the Session of 1898*, Sydney, 1898, pp.100-136. The constraints on testator freedom came with the following: Testator's Family Maintenance and Guardianship of Infants Act, Act N^o 41 of 1916, *The Statutes of New South Wales (Public) passed during the session of 1916*, Sydney, 1917, pp.36-42.

²⁹ Davidoff and Hall, *op. cit.*, p.206

a more democratic notion of equal shares apportioned according to a formula.

An example of the operation of the old system of primogeniture is afforded by the case of Margaret McLean, sister of James McLean, both long-term residents of Armidale. Margaret McLean married Michael Quinlin in 1850 soon after his arrival in Armidale with his mother and younger unmarried brother Timothy. The Quinlins purchased considerable amounts of land in Armidale upon which were erected a store, a hotel and other buildings. In 1851 Michael Quinlin's mother and brother Timothy both died intestate and the latter's share of the family businesses and land holdings passed to Michael. In 1855 Michael Quinlin died intestate leaving his widow, Margaret Quinlin, and three infant children, a son and two daughters.³⁰ Margaret Quinlin gained administration of the personal estate of her dead husband, which was valued at £700³¹ but the considerable real estate passed, by the law of primogeniture, to her son George Quinlin aged four at the time of his father's death. The greater portion of the liquid assets controlled by Margaret Quinlin was absorbed in the final purchase of some of the real estate and by 1858 she and her children were in financial difficulties notwithstanding the considerable inheritance of her infant son over which she had no control.³² Margaret Quinlin petitioned the Supreme Court to be appointed her son's guardian and receiver of the rents and profits of the estate from which she intended to support her son and draw an annual salary for herself and her daughters. The court approved her appointment as guardian but disallowed her petition to manage the estate, instead offering her a very small annual allowance.³³ Under these circumstances it is not surprising that Margaret Quinlin married again within twelve months of the court's decision.³⁴

³⁰ Declaration of Margaret Miller (formerly Quinlin) 17 September, 1873, LTONSW, Primary Application Packet 3443, AONSW, K 260110.

³¹ Statement of Margaret Quinlin, 23 October, 1855, Letters of Administration of the Intestate Estate of Michael Quinlin, Supreme Court, Ecclesiastical Jurisdiction, Series 1, Number 2894, AONSW 14/3282.

³² Affidavit of Margaret Quinlin, 6 December, 1858, Supreme Court in Equity, Case Papers No. 1542, AONSW 3/3719.

³³ Report and Certificate as to Guardian, Receiver and Maintenance, 7 June, 1859, Supreme Court in Equity, Case Papers No. 1542, AONSW 3/3719.

³⁴ Marriage Certificate, John R. Miller and Margaret Quinlin, Marriage Register, Armidale Court House, No. 183 of 1859.

In 1858, the very year that Margaret Quinlin petitioned the Supreme Court, the Parliament of New South Wales considered a bill to abolish the law of primogeniture. That bill was directed to a select committee where it languished until Parliament was prorogued. In 1862 a similar bill was introduced and on this occasion passed through both houses becoming law. Thereafter one third of intestate real estate passed to the widow and two thirds to the children in equal shares. This legislation represented a victory for a radical middling class over a conservative parliamentary faction with aristocratic pretensions³⁵ and preceded similar legislation in Britain by over 60 years.

Increasingly, during the nineteenth century, as the number of solicitors in rural areas increased and as the writing of a will became an accepted custom, the role of the state in apportioning wealth diminished. The last will and testament became the typical legal device for settling estates. However, to see inheritance purely in terms of wills and probate, is to miss the point that, in many families, wealth passed from parents to children over many years before the parents' death. Frederick White of Booloominbah made generous bequests to charity in his will in 1903 justifying his action with the statement: 'I have during my lifetime made ample and sufficient provision for my wife and children'.³⁶ Indeed he had, since each child was established on a substantial pastoral property.

Men of more modest means did the same. Joseph Scholes established his older sons on the land. However, after he had acquired his wealth, he ensured that his two youngest sons, at least, entered the professions, Richard Scholes becoming a doctor and eventually chief medical officer of the Queensland hospitals for the insane,³⁷ while Edward Scholes trained in the law and became a notable district court judge in later life.³⁸ An investment in education was a major form of passing wealth from father to son.

³⁵ Although the legislation is not specifically mentioned by C. N. Connolly, it is an example appropriate to the argument in his article: 'The Middling Class Victory in New South Wales, 1853-62: A critique of the Bourgeois-pastoral dichotomy', *Historical Studies*, Vol. 19, April 1980-October 1981, Nos 74-77, pp. 369-87.

³⁶ Last Will and Testament of Frederick Robert White, Deceased Estate File 90748, AONSW, 20/1966.

³⁷ 'Death of Popular Medico', *Glen Innes Examiner*, 2 August, 1898, p.2.

³⁸ 'An Armidale Boy', *AE*, 31 July, 1908.

Henry Mallam sent his second son, Lawrence, to England in 1879 to study for the medical profession,³⁹ and when John Moore's eldest son William died in 1864, he was at a boarding school in Sydney.⁴⁰ Other fathers, such as John Trim, set their sons up in trade or in business. As well as an education for sons, there was the practice described in Chapter Five of providing unimproved blocks of land for children as an investment for when they got married.

However, only a limited number of parents could help their children substantially in their youth and young adult years. Most wealth still passed from one generation to the next with the death of the parents. As a document therefore, the will was a reflection of the class and gender structure of colonial society, as well as being a statement of the testator's beliefs regarding the relationship between parents and children and the importance of property. To get an indication of patterns and trends an analysis was undertaken of 150 wills of men and women from Armidale and the surrounding farmland who died between 1880 and 1910. This date range included wills of many of the pioneers of the district who came to Armidale in the 1840s and 1850s and stayed for the rest of their lives. The wills were also matched with corresponding death certificates showing the close relatives of the testator and deceased estate files showing the nature and valuation of the assets and liabilities of the testator.

In terms of nett wealth held at the time of death, there was, as might be expected, quite a range from zero in the case of John Moore, whose liabilities cancelled out his assets, to George Lorimer Gibson, the bachelor pastoralist of Longford station south of Armidale⁴¹ who left an estate of over £90,000 when he died in 1885. The range was great but personal fortunes in colonial Australia were very low by comparison with Britain, the United States or even the seemingly more comparable Canada.⁴² Gibson's

39 *AE*, 21 November, 1879, p.4.

40 *AE*, 8 October, 1864, p.2.

41 For this analysis, pastoral properties outside the area which has been the focus of this study were used. This was done to supply a broader picture of the pastoral industry in New England. Nonetheless no station more than twenty miles from Armidale was included.

42 W.D. Rubinstein, 'The Top Wealth Holders of New South Wales, 1817-1939', *Australian Economic History Review*, Vol. XX, No. 2, September, 1980, pp.140, 143, 144, 146.

estate ranked amongst the top 100 personal fortunes in New South Wales for the entire decade 1880-90.⁴³ Like Gibson, all the top wealth holders were pastoralists. The most wealthy non pastoralist in the sample was James Miller whose estate, valued at £31,000, was made through the incredible good fortune of sharing in the discovery and development of the main gold reef at Hillgrove, east of Armidale, in 1886.⁴⁴ Miller's wealth was exceeded by four other pastoralists and below him in ranking came another five pastoralists before the next major non-pastoral estate. This local trend matched the colony-wide domination of wealth by the pastoral industry throughout the nineteenth century.⁴⁵ Of all the estates in the Armidale area of greater than £6,000, 54 per cent belonged to graziers, the remainder to urban storekeepers, professionals and the mining entrepreneur, Miller.

The wealth of farmers, the largest single occupational category, varied between £60 and £6,000. Of these 38 per cent left a nett estate of £1,000 or more which compares closely to the proportion of farmers holding such wealth in Fahey's study of northern Victoria.⁴⁶ A nett estate of £1,000 was considered a modest but comfortable fortune⁴⁷ belying the stereotype of the Australian small farmer as an impoverished battler against those apocalyptic demons of drought, flood, fire and the banks. Over 70 per cent of the urban tradesmen and small businessmen left estates of less than £1,000 and only one testator, whose occupation was recorded as a labourer, was represented. He left an estate of £123. There is therefore a rough correlation between occupational status and wealth holding but the range within any one occupational category could be large — large enough to suggest caution, once again, in using occupational status alone as a statement about class position or social mobility.

It is important to note that 60 per cent of the total wealth of all 150 testators was held in real estate. Only 17 per cent of wealth was held in cash and liquid assets and this form of wealth was

43 *Ibid.*, p.141.

44 Affidavit under the Stamp Act, Deceased Estate File 7669, James Miller, AONSW 20/70.

45 W.D. Rubinstein, *op. cit.*, p.149.

46 Charles Fahey, 'The Wealth of Farmers: a Victorian Regional Study', *Historical Studies*, Vol. 21, No. 82, April, 1984, p.51.

47 *Loc. cit.*

mainly held by the top wealth holders. The bulk of the rest of the personal estate was in the form of livestock, equipment, tools, stock in trade, crops, furniture and good will, all categories intimately associated with the real estate.

The wealth holding of women was markedly different from that of men. In the first place women held far less wealth, as might be expected given the concept of coverture and its implications for married women's property. Women's property based on 41 subjects averaged £1,503 per person compared to an average of £6,586 for male subjects. Only 5 women's estates exceeded this average figure of £1,503 indicating a small number of comparatively large holdings the greatest of which was £15,911 belonging to the widow of a pastoralist. Even this figure was well below the largest estate for men. Real estate remained a male concept and many women seemed reluctant to hold land. In a number of instances widows transferred land inherited from their husbands to their children. Margaret Jackes, for instance, the widow of Canadian born storekeeper and orchardist, Franklin Jackes, inherited absolutely an estate of £15,200 when her husband died in 1884.⁴⁸ Nearly 75 per cent of this estate was held in land. By the time of her death in 1897 Margaret Jackes owned an estate of just £1,100.⁴⁹ All the land had been transferred to her sons about five years before her death.⁵⁰ This was precisely the strategy used by Grace Dangar thirty years earlier when she transferred all the land she had inherited from her husband to her children before she died.

The proportional amount of wealth held by women did not seem to increase immediately with the passage of the Married Women's Property Act of 1893,⁵¹ even though the new legislation gave widows the right to control their own estates free from the interference of any second husband. However, there was a sharp increase in the property holdings of women by the second decade

48 Affidavit under the Stamp Act, Deceased Estate File, Z1185, Franklin Jackes, AONSW 20/6977.

49 Affidavit under the Stamp Act, Deceased Estate File 13722, Margaret Jackes, AONSW 20/111.

50 Indentures of Conveyance, LTONSW, Old System Register Book 300, No. 358; Book 506, No. 795, Book 527, No. 574 and Torrens Title Registers Vol. 22, Folio 238 and Vol. 562, Folio 161.

51 Rubinstein, *op. cit.*, p.146.

of the twentieth century indicating a time-lag between the passage of the innovative Married Women's Property Act and the acceptance by the community of the changes implied. Most women of wealth in the nineteenth century were widows. Throughout the nineteenth century, the treatment of widows in wills was largely influenced by the concept of coverture and all that it implied.

When Walter Craigie, editor of the *Armidale Express*, died of exposure in the bush outside Armidale in 1879, he was, as might be expected from his injunctions, fully prepared for the mortal blow. He had drawn up a will some years earlier leaving all his estate absolutely to his widow Elizabeth. This type of will represented one extreme in the treatment by men of their widows. At the other extreme was George Post, a German immigrant from the village of Eltville in Hesse Nassau, who married his second wife, Catherine, in 1870 a few years after his first wife had died in childbirth, prematurely induced by a severe beating at the hands of her husband.⁵² When George Post died in 1875 his brief death bed will left everything to his children making no mention whatsoever of his wife.⁵³ Between these two extremes were a variety of wills providing some form of trust arrangement for the widow. Typical of these was the will of James Miller. When he died unexpectedly of influenza with pneumonic complications in 1894 he was only 41 years of age and left a widow, Mary Miller, and three children the eldest of whom was 11. The fortune he had won on the Hillgrove Goldfield had been used to erect an impressive home in central Armidale. He also owned three other brick cottages which he rented, as well as the Royal Hotel in Tamworth. The rest of his estate was held in the form of mining shares, mortgages and life insurance.⁵⁴ His will nominated his brother and his bank manager as executors and trustees of his estate and provided a widowhood interest in the house and an annuity of £500 for Mary. Upon her death or second marriage the entire estate was to be divided amongst the children.⁵⁵

⁵² The *AE*, 18 August, 1866, p.2.

⁵³ Last Will and Testament of George Post, Supreme Court, Ecclesiastical Jurisdiction, Series 2, Number 1373, AONSW 6/7812.

⁵⁴ Deceased Estate File, James Miller (affidavit and schedules of valuation).

⁵⁵ Last Will and Testament of James Miller, Supreme Court, Probate Division, Series 4, Number 7669, AONSW 6/7881.

These examples represented the range of possibilities. Few men, however, entirely ignored their widows. For those who left trusts, there was a great variety of ways this could be done. From the sample of 150 wills for the Armidale area, 65 wills were written by male testators leaving a widow and children. Of these 19 testators, or 29 per cent left their estates entirely and absolutely to their widows, thereby giving them the responsibility of passing the estate to the children of the marriage. Almost all of the remainder left their widows a conditional interest in the estate, with management by trust for the more wealthy families. The most noticeable difference between those who left their estates absolutely to their wives and those who left them a conditional interest only was occupation.

No grazier with surviving children left his wife in absolute control of his estate and therefore, by definition, the largest estates were controlled by men from beyond the grave. Similarly over 80 per cent of farmers gave their wives only conditional access to their estates. Women were tied to the property, as dependants of their husbands and later dependants of their sons. Farmers and graziers tended overwhelmingly to see one of their sons as replacements for themselves. There was an old view of the relationship between property and family. Land and family were tied and it was a lineage which was secured. For some of the farming and grazing families surveyed, the line and the land have continued unbroken over four or five generations. The same family name still belongs to the same family farm at the end of the twentieth century.

Of the remainder of the estates there seems to have been few clear divisions between those who did leave absolute control to their widows and those who left a conditional enjoyment of the estate. However it was obvious, although the sample when broken down was very small, that hotel keepers were much more likely to leave everything to their widows absolutely. This probably reflects the fact that, in this occupation, more than any other, husbands were likely to view their wives as economic partners. Although the gender roles within this type of enterprise were strictly delineated, her tasks of providing meals, cleaning rooms, washing linen and serving behind the bar would have been readily recognised by her husband as important economic contributions to the enterprise. Indeed a number of widows in the hotel trade were prominent in

colonial Armidale, Mrs Brady of the St Kilda Hotel, for instance, running that establishment for many years.

Amongst those who left a conditional interest in their estate to their widows, there were two main types of condition imposed. A life interest in the income, profits and family home and a widowhood interest. The two types of conditional interest were almost evenly represented in the sample. The widowhood interest was the more restrictive and had the effect of discouraging the widow's remarriage. It seemed to express the concept that the wife was her husband's exclusive property until they were both dead. The widowhood condition did not seem to be based on protecting the interests of the children of the marriage since, generally, their rights to inherit the real estate, in particular, were adequately secured by the will. The life interest of the widow in the estate on the other hand allowed widows greater freedom to remarry and still draw an income from their first husbands' estates. Nonetheless, with no opportunities to appeal against the will of a husband, the inheritance practices provided yet another example of the extraordinary dependence of women on men in Victorian society.

In the middle and middling classes, children looked to their fathers, and to a much lesser extent to their mothers, for an inheritance — a share in the family estate. The will was a testament to one of the major power relationships in colonial society — that between parents and children. The threat of disinheritance or reduced inheritance was a powerful means of parental control. There were plenty of examples in the survey of one or more children receiving no mention in their father's will. In many cases this omission did not signify a breach between parent and child but was simply a part of family strategy. But in other cases the will was an expression of parental disfavour. Sometimes testators gave voice to their displeasure.

Janet Richardson, wife of merchant John Richardson, survived her husband by nine years, dying in 1897 and leaving an estate of £1,200. After a number of bequests of jewellery, silver plate and china to daughters and other female members of her family, she left most of her liquid assets to her eldest son Robert, the author, and her youngest son Arthur, then 25 years old. No mention was made of her other sons who were well established in the retail

trade. She allowed Robert to use the money she left him as he saw fit, but Arthur was only allowed the interest from his inheritance which had to be managed by his oldest brother on his behalf.⁵⁶ When Joseph Daly died in 1875 with the considerable estate of £10,000 his will provided his two sons with a life interest only in the various properties without power to sell off any land. Thereafter the lands were to pass absolutely to his grandchildren.⁵⁷ In her will of 1899 Diana Allen left all her estate equally to her seven surviving children with the exception of her youngest son Charles. His share was left to his wife free from his control.⁵⁸ In both the latter instances the cause of the parent's displeasure was the drunkenness of the respective sons.

With men holding the greatest portion of family wealth, patriarchal whim was an important factor in inheritance practices, and, no matter how perverse, the will could rarely be challenged. Whereas husbands could discourage their widows from remarrying and could certainly ensure the inheritance of their children against such an eventuality, there were no such controls on the remarriage of widowers. Michael Black who was for many years a farmer on the creeklands just to the west of Armidale married his second wife, Theresa, at the age of 86 and died the following year. Theresa was fifty years his junior. Michael Black's will was generous to his new wife as it was to his new mother-in-law. However his three youngest children of his first marriage, then in their forties, received virtually nothing under the terms of their father's will.⁵⁹ Affections developed late in life were not necessarily centred on new, young wives. Grandfathers often became attached to particular grandsons especially if the grandson bore the same name. Richard Pearson, farmer of Violet Dale west of Armidale, died in 1875 leaving all his estate to selected grandsons, one being

56 Last will and testament of Janet Richardson, Supreme Court, Probate Division, Series 4 Number 13282, AONSW, 6/7899

57 Last will and testament of Joseph Daly, Supreme Court, Ecclesiastical Jurisdiction, Series 2, No. 1912.

58 Last will and testament of Diana Allen, Supreme Court, Probate Division, Series 4, No. 21482, AONSW, 6/7921.

59 Last will and testament of Michael Black, Supreme Court, Ecclesiastical Jurisdiction, Series No. 18808, AONSW, 6/7854.

favoured particularly.⁶⁰ This wilful will set the family squabbling for years.⁶¹

Apart from such wills of the whim which were not typical, there were patterns evident in the ways in which inheritance passed from one generation to the other. To put it another way there were patterns by which the class and gender structures were translated over time.

From the original sample of 150 wills there were 88 which passed estates to two or more children. 31 per cent of that sub sample passed the estate equally to all children. This concept of absolute equality was held largely by urban professionals, storekeepers, publicans, tradesmen and the widows of such men. There were 9 farmers and graziers in this sub-group but 4 set up their children as tenants in common on their land and 2 directed that shares in the farm could only be sold to a brother or sister thereby keeping the farm in the family. Size of family seems not to have been a factor in the equal distribution of inheritance. The average size of families where absolute equality prevailed was 5.7 children whereas the average size of families where there was an unequal distribution of inheritance was 6.1 children.

Of the remainder, where an unequal distribution was made, very few favoured daughters over sons. Those which did, were all written by the mothers of the beneficiaries. When these wills were combined with those of spinsters who frequently left their estates largely, or entirely, to their sisters rather than to their brothers, there is a clear indication that many female testators felt that they should look after the other women in the family.

When fathers were the testators, sons were usually favoured over daughters. Most fathers regarded their married daughters as the responsibility of their husbands and it was typical to leave a married daughter a small cash bequest. Where the family was sufficiently wealthy, other arrangements might have been made. In 1891, Frederick White's eldest daughter, Kate, married a bank

⁶⁰ Last will and testament of Richard Pearson, Supreme Court, Ecclesiastical Jurisdiction, Series 3, No. 2851, AONSW, 6/7820.

⁶¹ Edgar J. Robinson to W. Wilkins, Secretary for the Council of Education 14 August, 1879, Violet Dale School File AONSW, 5/17598.3.

clerk, Thomas R. Forster, of 'good family' but no money and, in the same year, White bought Abington station for the newly married couple.⁶² White looked after all his children similarly. However, most families could not afford such strategies. Many a father decided to look after his sons as the first priority.

When Joseph Scholes died in 1884, he left six sons and one daughter surviving him. Another daughter died a few years earlier leaving a husband and five children. Old Scholes divided the bulk of his estate almost equally amongst his sons.⁶³ However, he left his widowed daughter, Elizabeth, a small cottage worth a fraction of what her brothers inherited and made no provision at all for the children of his deceased daughter, obviously regarding their futures as the responsibility of their father, Joseph W. Mitchell, a solicitor. Daughter Elizabeth was struggling to run the Commercial Hotel at the time and within eighteen months was bankrupt,⁶⁴ and Mitchell, an alcoholic, had been declared bankrupt a few years earlier as a result of mining speculation.⁶⁵ It is likely that Joseph Scholes knew of the plight of his daughter and motherless grandchildren when he drew up his will but his eyes were set firmly on the futures of his sons. Given the Scholes example, which was not unusual, it is reasonable to assume that downward social mobility in a family over two or three generations would be more likely to occur on the female line. Certainly, inheritance customs placed greater pressure on daughters to marry well or at least to marry a man of similar economic circumstances as her father.

Scholes had sufficient wealth to look after each of his sons and to set them up either on the land or in professions. In many families such was not the case. One or two sons were favoured over others. Elizabeth Craigie, who had inherited all her husband's estate, survived him by twenty one years and died in 1900. At that time her estate consisted of the main family farm at Craigielea which she left to her eldest son Robert, free of mortgage debt,

⁶² Ann Harris, *Abington*, Armidale, 1982, pp.22, 43.

⁶³ Last will and testament of Joseph Scholes, Supreme Court, Ecclesiastical Jurisdiction, Series 3, Number 10640, LTNSW, Primary Application Packet 28116, AONSW, K263510.

⁶⁴ Affidavit of George K. Hosmer, Supreme Court in Insolvency, Case 21232, AONSW, 2/10277.

⁶⁵ Sworn statement of Joseph W. Mitchell, Supreme Court in Insolvency, Case 12185, AONSW, 2/9547.

together with her horses, cattle and farming equipment. Another, smaller farm at Box Hill was left to her two other sons John and William as tenants in common. Her half share of the *Armidale Express* was left to her three daughters, Elizabeth, Lucy and Jane in equal shares.⁶⁶ This would seem to have been a reasonably equitable distribution although favouring the eldest son. However, the probate inventory showed that the mortgages on the farms amounted to almost £2,000 and the only method of acquitting these mortgages, as required by the will, entailed the sale of the Craigie share in the *Armidale Express* which was the inheritance of the daughters.⁶⁷ The will therefore greatly favoured the eldest son and was not a reasonably equal distribution of the family estate.

The favouring of one son over others was most typical of rural families where the testator tried to keep the main farm or pastoral property intact and in the family name. In a society based on English law and custom it might be expected that the eldest son would be favoured with the bulk of the inheritance, as was the case in the Craigie family. However, such was not the case around Armidale. More often than not it was the youngest son who was favoured over his brothers and sisters. George Faint's will was typical. He was a farmer originally from Cumberland, England, who owned a valuable property to the south of Armidale when he died in 1891 at the age of 72. His wife had pre-deceased him by twelve months and there were ten surviving children of the marriage. He left a bequest of £200 to his youngest unmarried daughter and his steam engine and threshing machine to his second oldest son. However his entire farm at Spring Valley, valued at £2,652 was left to his youngest son Joseph, aged 24 at the time of his father's death. The rest and residue of the estate valued at £700 was left to his next youngest son Alexander. None of the other six children was mentioned.⁶⁸

Most of the favoured youngest sons were minors or in their twenties. The tendency to favour youngest sons in a large

⁶⁶ Last will and testament of Elizabeth Craigie, Supreme Court, Probate Division, A.W. Simpson & Co., Solicitors, Armidale.

⁶⁷ Affidavit under the Stamp Act, Deceased Estate File (duty paid 3 July, 1900), Elizabeth Craigie, AONSW, 20/158.

⁶⁸ Last will and testament of George Faint, Supreme Court, Probate Division, Series 4, Number 1848, and various affidavits of valuation, Deceased Estate File 1848, George Faint, AONSW, 20/34.

proportion of wills may have been due to the fact that, in colonial New South Wales, there was still an abundance of land which could be taken up to start new farms. Certainly in colonial America an abundance of frontier land was said to have affected inheritance practices.⁶⁹ It could well have been that younger sons were favoured over older sons already established on their own farms in the region.

Of George Faint's other sons, only one had been established on a small 40 acre farm in 1885.⁷⁰ However, all sons appear in the 1891 census list and the electoral roll for that year. The three middle sons had a freehold qualification to vote. The two oldest boys had only residence status on the electoral rolls, the eldest living in the mining town of Melrose and the second son, who inherited his father's threshing machine and steam engine, still living with his parents on the family farm. The two youngest sons who were favoured in their father's will were also living at home.⁷¹ Clearly not all sons were established on the land when their father died. The over-riding concern seemed to have been to keep the farm in the family name by favouring one son over the others. Whether that be the eldest son or the youngest son or a middle son was determined by the preferences of the patriarch and the needs of the family at the time he drew up his will.

The pattern of inheritance in colonial Armidale illustrates the nature of family relationships in different class and occupational groupings. Where family wealth was based on land, the grid thrown forward was one of property rights to which a few sons, but typically not all, could attach. Notions of lineage ensured that properties would remain largely intact and in the family name. Some urban entrepreneurs and professionals acted similarly but there was a tendency amongst this sector of the middle and middling classes to throw forward a grid of occupational skills, supported by cash gifts which sons could then use at their discretion to establish themselves. The view of inheritance subscribed to by many farmers and graziers was one of status replacement. Sons inherited the property and property rights that

⁶⁹ Linda Auwers, 'Fathers Sons and Wealth in Colonial Windsor, Connecticut, *Journal of Family History*, 1978, Vol. 3, No. 2, pp.136-49.

⁷⁰ Annual Report of the Inspector of Stocks and Brands, V&P, 1885 (3 Vols), Vol. III, p.584.

⁷¹ New South Wales Electoral List 1890-1, Subdivision of Armidale.

their parents had enjoyed. Urban professional and commercial families were more likely to subscribe to status attainment where, ideally, sons would achieve a status similar to or above that of their fathers but the mix of status attributes would be different. One set of inheritance practices was based on securing a position for selected sons; the other set was based on securing an advancement in life for all sons. One set was based on holding property and associated rights intact for the next generation; the other set saw merit in a changing economic world where the advantages of parental wealth would secure an assured but unprescribed future for the next generation.

The world view, or 'class awareness',⁷² of men and women from the property owning classes both reflected and was shaped by their family experiences. For women, neither replacement nor advancement were considered appropriate notions. Parents attempted to secure for their daughters a tied position in life. Women's fortunes were tied to those of their husbands or, if they remained unmarried, to those of their fathers and brothers. Their economic role remained basically passive and dependant so long as their rights to property were severely curtailed. The entry of middle class women into the non-domestic economy as publicans, boarding house keepers, governesses and school proprietors was not a sign of individual initiative and achievement but rather a sign of misfortune. The blessed, supposedly, were those dependant on successful husbands and that dependency was, typically, life long even if their husbands pre-deceased them. Status was seen as being achieved by men and vicariously shared by women. Security came through marriage. There is no doubt that many women internalised the beliefs underlying this restrictive structure and recreated that structure in their daily lives especially in maintaining elaborate codes of conduct which were socially exclusive and kept a tight control on the social context in which courtship and marriage would take place.

For sons, investments in education, cash gifts when they were setting themselves up in business and equal cash bequests on the death of the parents reflected parental beliefs in individual

⁷² Anthony Giddens, Class structuration and class consciousness, in Anthony Giddens and David Held (eds.), *Classes, Power and Conflict*, Hampshire, 1982, pp.162, 166.

initiative, responsibility and achievement and this parental ethos often passed like wealth, to the succeeding generation finding special favour with those children who benefitted most from their parents' strategies for securing their futures. Where wealth in land passed by paternal choice to favoured sons, those so favoured would most likely demonstrate a respect, and indeed an admiration, for authority and a strong sense of family name and family place. Theirs was an ordered world where change was potentially disruptive and the status quo was the best possible world. For such people security depended on maintaining a precise economic position and social status. The best future was achieved through maintaining the assured present.

For those sons who missed out, and for those daughters whose husbands could not keep them in a manner to which they were accustomed, downward social mobility was a real possibility. The examples of John Moore and Joseph Scholes, described above, suggest that there could well have been considerable differences in wealth and status amongst their grandchildren. People who stood in relationship to each other as first cousins, each descended from the same moderately wealthy grandfather, might well have spread across the middle, middling or working classes. Some may even have found themselves in the under class. It is in this sense that some branches of a family would move from shirtsleeves to shirtsleeves in three generations. Other branches of the same family might well have maintained a social position similar to that of their progenitor over three or four generations. Such was clearly the case with many landed families. To this extent, class position, family and inheritance were intricately linked.

The early development of Armidale was typical of many towns and small cities which emerged in the nineteenth century along the inland corridor comprising the highlands of eastern Australia. Like so many of these towns it was a product of the needs of three great industries — pastoralism, agriculture and mining.¹ If many of these towns were ultimately characterised by conservatism, cohesion and a strong sense of belonging, notwithstanding the usual social inequalities,² then the Armidale example suggests that this evident homogeneity of values was a recent phenomenon. It did not reflect the communal interactions of the emergent years. The history of early Armidale, and probably of many similar Australian towns, was characterised by struggle rather than harmony.

The initial struggle was for territorial control. The Armidale community, including its adjacent farmlands and pastoral ranges, emerged in the 1840s and 1850s from ancient Anaiwan lands. Its advent represented the type of total break in human continuities that characterises the violent dispossession of one group by another. There was a new control of the land and a new truth. The bush would be reordered according to the precepts of this new truth, and there would be new ways of communal living. The survivors of the old ways and the old truth had to make of the new world order what they could.

The new European community which presented itself in central New England in the frontier years was a monstrous distortion of the balances which usually characterise human societies. It was absurdly young, absurdly gendered and, by comparison with the older communities to the south, strangely egalitarian. The basic social institutions of the family and the economy were only emerging. The other formal institutions of the law, religion and education, centred in more settled districts in the south, struggled to establish and maintain outposts in the new community.

¹ This is similar to but somewhat narrower than the inland corridor described by J.W. McCarty in his 'The Inland Corridor', *Australia*, 1888, No. 5, September, 1980, p.33. In character and self-promotion, Armidale had much in common with other highland towns and small cities such as Toowoomba, Warwick, Katoomba, Orange, Bathurst, Bowral, Goulburn and Mittagong.

² Ken Dempsey, *Smalltown*, Melbourne, 1990, pp.296-317.

The social structure which developed was essentially masculinist and although that masculinism developed with an Australian idiom, personified in Ward's legendary bushman, it still had many of the features of those insulated, male-dominated communities which were a familiar part of the wider culture — the barracks, the between decks, and the gaol — and shared similarities with the frontier cultures of the great plains of Canada, the United States and Argentina. Status was centred on the male body and based on prowess in fighting, drinking, boasting, whoring and horse riding. There could be little status in real property given the lack of secure land tenure, and buildings were thrown up in a vernacular style which was necessarily utilitarian and pared of most comforts. Making a virtue of necessity the rough lifestyle devoid of comfort became an essential ingredient of the masculinist ideal. This ideal with its status in prowess and its emphasis on collectivity rather than individualism was one of the continuities of this story. It remained a predominant ideology for significant sections of the community, especially for young men without the responsibilities of ownership and family, and for the nomadic working class, Furphy's 'futureless' men.³

The most significant change to this grossly simplified frontier society came with an administrative decision to allow the Crown Lands of New England to be thrown open to sale. With all the legal mechanisms in place, this simple act allowed for the development of a much more sophisticated capital-based economy; for the advent of a resident property-owning class; and for the growth and proliferation of family-based enterprises.

The economy became more diverse, with crop farming, small-scale pastoralism, urban retailing, professional services and secondary industries, most especially boot manufacturing. However, all those industries remained dependant on large-scale pastoralism, the premier industry on the tablelands, and the only enduring industry producing a product for export beyond the locality and the region. Even wheat in its hey-day was restricted to the regional markets of the northern pastoral districts. Over the period pastoralism became more cost efficient and labour on the

³ Graeme Davison, 'The Dimension of Mobility in Nineteenth Century Australia', *Australia 1888*, No. 2, August, 1979, p.9.

large stations was substantially reduced. This in itself limited the scope of most other rural- and urban-based enterprises. But, as well, there was another constraining factor, a tyranny as it were. The story of the remote Armidale economy provides no evidence that distance was a tyrant. Distance was not an independent and causal variable.⁴ Rather there was the tyranny of transport costs combined with the tyranny of soils and climate. For instance, two generations of local farmers persisted with wheat. The industry did not collapse because of its distance from markets. It collapsed because a better product, grown and processed under better conditions and transported efficiently over more than two thousand miles, was able to price the locally grown product out of even its local market.

With the advent of this more sophisticated economy, a new class structure emerged with some distinct characteristics. It emerged as people created opportunities within the constraints of law and custom. The greatest proportion of those who were to make up the middle and middling classes were immigrants. Some of them had arrived in New England even before the first gold rush of 1852 and prospered with the district. Joseph Scholes, Thomas Fitzgerald, John Moore, James Tysoe, Richard Pearson and John Trim all belonged to this category and enjoyed the monopolistic advantages of an open field in a community that was headed for growth. They were the early birds who caught the proverbial worm.⁵ It was under these circumstances that success based on a very modest beginning was most evident, John Trim's rise from convict to wealthy merchant being the most spectacular example, and James Tysoe's rise from an agricultural labourer to a prosperous publican another. The rise and fall of John Moore showed that a multi-faceted enterprise could be built and maintained for three decades on heavy borrowing supported and guaranteed by contacts formed in those very early years with the pastoralist/ merchant sector.

However, the story of Richard Hargrave reminds us that the easiest way to get established and prosper was through access to family wealth. After 1860, most of the successful new enterprises

⁴ See J.W. McCarty's criticism of Geoffrey Blainey's thesis in J.W. McCarty, *op. cit.*, p.37

⁵ Davison, *op. cit.*, p.11.

in the district such as those of Robert Perrott, John Richardson and Henry Mallam seem to have been based on the availability of establishment capital, and there were few 'rags to riches' stories in the later years. In other words this community became stratified quite early in its history.

Social mobility was certainly possible in colonial Armidale, but the moves were modest. Only a small proportion of a resident working class, in the course of a decade, became property owners. There is no need to quantify this proportion because the technique used could not account for that majority of working class males who did not stay in the area for ten years, nor could it account for those men disenfranchised because they were frequently on the move. All that needs to be said is that movement across the division between a propertyless working class and an independent property-owning class was very limited. Perhaps the greatest vehicle for such a move was the Free Selection Acts of the 1860s and 1870s. Farming was a catchment occupation attracting families from other occupations and generally expanding in numbers throughout the period. Certainly there was a significant group of free selectors who had been shepherds and labourers previously. Of those who were genuinely socially mobile, it would appear that the long-term residents of New England, the early birds who had learned about the country and its vagaries during a long residence, were the most typical.

A concept of class is a useful tool for analysing the structures and struggles of an historical community.⁶ Data for colonial Armidale suggest a four class model based on a small middle class comprising large scale entrepreneurs who were significant employers of labour as well as large investors in the development of the town and district. In the earlier period many of these middle class entrepreneurs and investors were absentee. However, by the 1880s most were resident and influential, and certainly had a role to play in shaping the community for the twentieth century.

⁶ I disagree with those who maintain that class analysis is an outmoded method of examining rural communities and that a different type of approach is needed in order to produce a more conservative interpretation of rural life. See McCarty, *op. cit.*, pp.45-6.

The working class remained, basically, a capitalist, wage-earning stratum throughout the period. It comprised a large number of itinerant males and a disproportionately large number of unmarried males of all ages. It was easy to identify a separate, male-oriented, working class culture which was at odds with middle class values and attitudes. It was also possible to see incipient occupational organisations emerging within this stratum during the period. However, there was little sense of a broadly conceived class consciousness and there were certainly divisions between married and single men, white collar and blue collar workers, the respectable and the disreputable, and between permanent workers and those casual workers whose primary economic interest was their own small farm or that of their fathers.

There was also an underclass, impossible to quantify from the records, comprising women in poverty, the chronically unemployed or unemployable and the racially excluded. In an economic sense, these people allowed the labour market to expand and contract as needed. Socially, they formed a stigmatised group of 'abnormals' against whom the normal could be gauged.

Particular attention in this thesis has been given to the middling class, defined as those property-owning, independent entrepreneurs who either lacked control of a significant permanently employed labour force, because their operations were too small, or lacked control of their assets because their debt levels were so high as to be severely constraining. Also included in the middling class was a group of managers who had control over a labour force, but did not own the associated productive assets. This was not a transitional class of people on the move upward or downward in society. It was a permanent feature of the social landscape, enduring from generation to generation, particularly in the case of small farmers.

There were certain characteristics of this class which made it a significant feature of colonial Armidale. First, unlike the greater proportion of the working class and the middle class, the small entrepreneurs were long term residents of the town and district. They saw themselves as locals rather than transients or absentee investors, and did much to shape the community in which they lived. Secondly, they were overwhelmingly immigrant, bringing

with them many of the attitudes and values from their homelands. There is no reason to believe that, as later immigrants, they adapted to and assumed the attitudes and values of the earlier generations of Anglo-Australians. Their position in the local economy was sufficiently important for them to be able to assert their own ideals with confidence. Thirdly, unlike the working class, these people, as a group, were a very married lot. There were very few examples of small farmers and businessmen, over the age of 35, who were not married. This fact emphasises the family nature of their enterprises and the idea that marriage itself was a class phenomenon.

The middling class was a nervous class. Small entrepreneurs were proud of their independent status, but were often shackled by debt and were vulnerable to the vagaries of the economy. Their interests frequently set them at odds with the large middle class operators who tried to squeeze them from the markets and from the land, and the working class whose labour they needed to employ from time to time on a contractual basis. They frequently described themselves as 'poor men' as they challenged the bigger pastoralists and entrepreneurs economically and politically. Their independence also entailed a need to compete, and the middling class in Armidale was often divided by bitter personal enmities, commercial rivalries and sectarian bickering. But the instincts of those in the middling class were basically conservative. They sought a market niche, stability in their economic relationships, and a reasonably assured future for their children. These small entrepreneurs were to form the basis of rural conservatism and their collective political character came to typify the towns and districts where they lived. In time they created a legend for themselves based on their immigrant ancestors, the noble pioneers, who personified the working class ideals of prowess in physical labour combined with middle class ideals of purposeful hard work, individualism and economic independence.

It is also critical to examine the family and the gender structure in colonial Armidale. Women were outnumbered by men throughout the entire period and were disproportionately represented in the classes. This gender imbalance and its class implications seem to have produced a greater control of women by men manifested by low age at marriage; low rates of bridal

pregnancy; social stability through marriage rather than social mobility; and a gendered community which even contemporaries found unusual. As well as such local peculiarities, women in colonial society were particularly constrained by the common law principles of coverture and the associated laws restricting married women's property. The central importance of marriage, together with large families and the customary expectations that the mother would be the principal parent prescribed the fundamental occupation of most women throughout most of their adult lives.

The class and gender structures of colonial Armidale were totally pervasive for the members of the community. These structures were the essence of communal living. People's aspirations, self identities and sense of belonging were shaped by these fundamental structures. It is difficult to disentangle and analyse separately the gender and class structures of the community without producing an analytical barrenness. The two structures were intimately connected as is evident from an examination of some of the predominant ideologies in this community.

Ideologies were important in creating a sense of group cohesion and exclusiveness. They legitimised individual and group behaviour. There was no dominant ideology which implies the legitimation of dominant power structures and the existence of a unified dominant elite whose interests are entirely served by the dominant ideology. Rather, there were many ideologies in the community and there is little doubt that people consigned to the underclass, such as Aborigines and Chinese, held ideologies which were important for their sense of identity and belonging. However, I have acknowledged that some ideologies were predominant, that they commanded a widespread allegiance, and I have examined especially the ideologies of masculinism and respectability.

The masculinist ideology persisted from the crude social structure of the frontier days. It was particularly strong amongst sections of the propertyless working class for whom prowess was a source of pride and collectivism a source of security. Respectability was an immigrant ideology, transported from Britain on the immigrant ships, disseminated from the pulpit and from the magistrates' benches, and refined and reinforced in the press and in

all forms of popular literature. The precepts of respectability permeated every social institution and were channelled down through the bureaucratic hierarchies of education, banking, religion and the law to reach the lives of the local school teacher, bank manager, clergyman and police constable. In turn it shaped their perceptions of the good child, the safe customer, the redeemed Christian, and the law-abiding citizen.

The precepts of respectability were also loci for struggle. There were elements of both masculinism and feminism in the ideology of respectability, with strongly suggested rules of conduct for the ideal mother, father, husband and wife. These solid images could be polished to a sheen and deferred to in marital arguments about the 'is' and the 'ought' of family life.

There was further struggle as respectability permeated the working class. There was direct confrontation between the masculinist image of the masterful male and the respectable image of domestic man — a confrontation which was played out and parodied in the pages of the *Bulletin*. But many women and men of the working class imbibed the precepts and passed them on to their children. In the Victorian mind, the working classes were two, divided into the moral and cultural categories of the respectable and the disreputable.⁷ But there was a counter insurgency. Many men of the middle and middling classes were attracted to the images of masculinism with its misogynistic and anti-familial traits. Even Sir Arthur Hunter Palmer, variously premier, treasurer, and colonial secretary of Queensland could provide ample evidence in his rough manners and coarse language that all his young adult years were spent as a bachelor on the frontiers of New England where 'men were men'.

The struggles which were played out in colonial Armidale can be explained by relating them to the class, gender and, to a lesser extent, racial structures of the community. Central to an understanding of conflict and struggle are the theoretical concepts of power and resistance, and the outcomes which emerged as people made use of the strategies available to them.

⁷ Lynette Finch, *The Classing Gaze*, St Leonards, 1993, p.11, 33.

The social structure, those patterns of behaviour which pervaded the social institutions and found expression in the daily encounters of individuals in the community, were shaped by legal sanction and by customary behaviour passed from one generation to the next. The social structure could be grouped into class structures, gender structures or racial structures, but however these structures are viewed, they implied power relationships and power imbalances. Implicit in most encounters between people was a structured power imbalance where, if a conflict of interests occurred, one party would have greater strategic advantages than the other. However, no one was completely empowered or completely disempowered. There was always scope for action.

The struggle between employers and employees over labour costs and working conditions took place within the legal constraints of the Master and Servant Act which gave considerable strategic advantages to the employer. Nonetheless, it was possible for an astute employee to win a verdict in the magistrates' court. But the court was a battleground of the employers' choosing, where the employers held all the strategic high ground. Workers came to realise that their advantages lay in collective action outside the court system. But such collective action, and its most notable expression — the strike, was limited to certain types of industry. It was less likely to occur in rural towns where the hegemony of the employer was based on his visibility in the workplace and the community, and where his contribution to the local economy was obvious, especially to those who derived permanent, unbroken employment from him.

For women, whose lives were greatly constrained by the legal complexities of coverture and age-old customs which cast women in the role of dependants, collective action was more problematic. The diaries of Carolyn Thomas indicate that, even for a woman of the middle class, there were few opportunities in a community like Armidale to meet and bond with other women without men being present. The most effective strategies for women in the presence of the enormous power of men was through the skilled use of influence in the intimacy of the family. Despite their isolation in the family, women controlled the details of social etiquette, supervised the important marriage market, contributed significantly to the shaping of respectable public behaviour and

above all socialised their children and shaped the ways of the world to come.

Laws such as the Master and Servant Act, the Vagrant Act, and the common law principles of coverture were most effective because they maintained power imbalances. However, the Robertson Land Acts were concerned with change. The struggle for the lands of central New England, shows the possibilities and limitations of legislation as a vehicle of change. Certainly, as the Armidale example demonstrates, it was possible for aspiring small farmers to acquire land, for established freehold farmers to expand their operations, and for the socially mobile to make an enduring success of free selection. However, the contours of power favoured the wealthy pastoralists, with their access to the best legal advice, their global networks, and their ability to bring pressure to bear on local officials and the senior administrators of the legislation. The selectors were more constrained in their actions by limited resources at their disposal, by the restricted nature of their local networks, and by their inability to mount effective collective action. It was difficult, in a class of people who revered individualism, to urge those people to think and act collectively.

The example of the Robertson Land Acts showed that the advocacy of change through legislative engineering produced tension and instability. The story of the struggle for the social infrastructure of the town shows that the absence of structures of power could be very destabilising. Neither the magistrates nor the police had anything to say about the disputes which centred on the hospital committee, the local council and the School of Arts in the 1860s. These were fresh fields of battle. Notwithstanding a homogeneity of class and gender amongst the protagonists, the sectarian and personal bickerings were so intense as to make the municipal council a national laughing stock and to almost destroy the organisations which were supposed to have been formed from a charitable disposition to improve the lot of the poor. For all the pejorative connotations associated with the concept of power, there was the obverse reality that 'power gets things done',⁸ and that a power vacuum will be filled by a rush and a crash of competing interests and ambitions.

⁸ Barry Smart, *Michel Foucault*, London, 1988, p.78.

For those pioneer women and men who live to the early 1890s the changes to their adopted town, the town they had helped to shape, were dramatic. From the howling plains of the 1840s and the roughly fashioned settlement of the 1850s there had emerged a cathedral city, boasting its sophistication in education and religion and offering carefully crafted public places which provided the setting for respectability, achievement and self-improvement. There had been a metamorphosis from a man's town to a family town. The change had come slowly, but the decade of the 1860s was crucial, when private land was developed into meaningful enterprise and family life became typical.

With the deaths of Armidale's pioneers, the wealth of the middle and middling classes passed to the succeeding generation. The patterns in that devolution of wealth indicate some of the fundamental beliefs in the community. Women in their roles of widows and daughters were largely left dependant as the greatest proportion of family wealth eventually passed along the male lines of descent. The situation amongst urban business families was typified by a roughly equal inheritance for all sons, giving expression to a belief in independence and initiative. On the land, it was far more typical for one son to be selected to inherit the bulk of the estate, although every attempt was made, as far as resources would allow, to assist the non-inheriting sons to establish their own enterprise. Here was evidence of an older belief linking lineage and land across many generations, and that belief held good on the smallest farms as it did on the largest pastoral properties.

With the passing of the pioneer generation, a new Australian born generation emerged who knew little about their ancestry in distant lands.⁹ For them, Armidale was home. They knew no other. A sense of belonging associated with the Armidale community developed and a new rift between locals and transients emerged. By 1891, the social leadership of the community had passed to wealthy, local pastoralists who lived close to town. They had wealth surplus to their needs which could be channelled into the local community. The divisions between the middling and middle

⁹ This statement is based on the surprisingly large number of informants, the sons and daughters of immigrants, who could not state on their parents' death certificates the names of their parents' parents, whom, of course, they had never met.

classes had gone with the resolving of the land issue, at least in the local area. The middling class itself was less fractious as the local economy became more stable, and there was a general belief that divisiveness was unseemly. There were still tensions but these tended to become internalised. Those unhappy with their lot expressed their dissatisfaction in a variety of ways, all of them personal — drunkenness, illness, petty crime, eccentricity, suicide, moving on, or the resignation of quiet despair. The social structure of the community was widely accepted and there was a sense of cohesion as a new but distant enemy emerged — the men from the city. Change and innovation were widely seen as unnecessary and productive of divisiveness and inefficiency. Armidale developed those features so typical of many Australian towns, cohesion, conservatism and belonging. The formative years were over.