The physical conditions of the office did not help morale. The two storey Regency-style building in Bridge Street, which the department occupied until about 1880, contained several rooms which were draughty and a ceiling which sometimes leaked.[17] The furniture was inadequate and improvements were hard to obtain. One clerk complained that he had once applied for a table, but had been told to wait patiently. After three years he thought he had waited patiently enough, and respectfully renewed his request.[18] Whenever it was suggested that the hours of work should be raised the clerks protested bitterly that they could work no harder.[19] One complained to Harington that he had experienced

> much worse health in this country owing to the long and unceasing work and confinement, than I ever knew before,but most sensibly I feel it in my sight, and repeatedly by the afternoon my eyes are most distressingly painful.[20]

Thomson therefore faced two major tasks when he commenced his new duties in 1837: firstly, he had to increase the department's efficiency; secondly, he had to improve its morale,

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17 Unsigned memoranda, 31 Aug. 1831 and 10 May 1836, CSIL SB 4/7166 and 4/7167. Morton Herman, *The Early Australian Architects and their Work*, 2nd ed., Sydney 1970, pp. 40-1. The building was eventually demolished in 1915.

18 W. Greville's memorandum, 28 Apr. [1834], CSIL 4/2239.6.

19 Several letters from clerks, Feb. 1834, CSIL SB 3822.3.

20 C. H. Jenkins to Harington, 8 Oct. 1832, ibid.

which in turn would contribute to efficiency. In aiming towards the first of these objectives, he was limited by the way in which the colony was governed. Although he conceded that the centralised system was 'circuitous, operose, and unsatisfactory', he believed that it was indispensable so long as the governor remained the source of executive authority.[21]

Consequently, his improvements built upon the reforms which Darling had initiated. He reorganised the distribution of business within the office and insisted on uniform procedures being followed. He transferred certain routine duties to other departments and set up a government printing press.[22] He concentrated on removing the large backlog of arrears which had accumulated during Macleay's administration. The *Australian* applauded his efforts to issue title deeds to every landholder in the colony.[23] Although the Colonial Office under Lord John Russell criticised delays in submitting the annual Blue Books, Lord Stanley praised 'the very satisfactory manner' in which the Blue Book for 1841 had been prepared.[24]

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[21] EDI to Denison, 2 July 1856 (paper headed 'Administrative Arrangements'), *VPLA*, 1856-7(1), p. 878.

[22] EDT's minute [for Bourke], 24 Jan. [1837], CSIL 4/2373.5. Gipps to Russell, 16 Jan. 1841, *HRA*, I, 21, pp. 187-8.

[23] *Australian*, 25 Oct. 1838.

[24] Russell to Gipps, 10 Apr. 1841, *HRA*, I, 21, pp. 316-17. Stanley to Gipps, 31 May 1842, ibid., 22, p. 98.

Thomson demanded and received the loyalty of those who worked under him. He gave ready credit for talent, promoting such clerks as Michael Fitzpatrick to situations of trust and responsibility. He was fortunate in the support he received from his senior officials. When Harington resigned in 1841, after he had intemperately attacked Judge Willis and used 'indecorous expressions' in reference to Gipps, the position of assistant colonial secretary was abolished as a retrenchment measure. William Elyard, who had joined the office in 1822, took over his duties, assuming the title of Chief Clerk. He filled this position to Thomson's saitsfaction until 1856, when he became the department's first Under-Secretary in the period of responsible government.[25]

The Colonial Secretary had little time for those who were careless or lazy. The clerks,who varied in number between nine and sixteen during Thomson's administration, were required to work six days a week, from ten o'clock until four, and for longer periods when work was in arrears. When a ship was about to sail for England they experienced what Gipps referred to as 'the agonies of a Bag', for numerous papers had to be prepared for transmission to the Secretary of State.[26] The clerks in

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[25] Gipps to Russell, 10 Feb. 1841, and enclosures, ibid., 21, pp. 229-37. EDT's unsigned minute no. M5397, 13 Feb. 1841, CSIL 4/2537. Arthur McMartin's entry on Harington, *ADB*, Vol. 1, p. 512. M. J. Saclier's entry on William and Samuel Elyard, *ADB*, Vol. 4, pp. 139-40.

[26] Gipps to La Trobe, 3 Jan. 1845, La Trobe Correspondence, 650/5, no. 324, La Trobe Library.

New South Wales certainly seemed to have worked harder than the junior members of the Colonial Office, whom James Stephen saw as 'young gentlemen copying papers in the interval between their morning rides and their afternoon dinner parties'.[27]

Thomson exercised a firm but just discipline over the members of his department. Occasionally he was forced to intervene in disputes where rivalries and petty jealousies threatened efficient administration. In 1843, for example, a bitter dispute took place in the records branch. Peter McSwyny, who had been in the office almost three years, launched a campaign against Thomas Thornley, a newly appointed temporary clerk. Thornley, who claimed that he had done nothing to arouse McSwyny's ire, had evidently been guilty of a lack of sufficient humility as a junior member of the department. McSwyny incited his colleagues to treat this 'disgusting snob' with profound and withering contempt, and to prevent him from gaining the upper hand. He told another clerk: 'we must pursue a *combined, systematic*, and *well organised*, as also a *well understood line of conduct* towards him'. They would speak to him only when absolutely necessary on official business. They would look for mistakes in his entering of letters and point them out to the head of the branch. Thornley would be left to derive what '*miserable consolation*' he could from the '*subordinate, cast off and turned out*' of the records room.

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[27] Quoted in R. C. Snelling and T. J. Barron, 'The Colonial Office and its permanent officials 1801-1914', in Sutherland, *Studies in the growth of nineteenth-century government*, p. 143.

At the same time that McSwyny was persecuting Thornley, he was being accused by another clerk of lending money at an exorbitant rate of interest. The Colonial Secretary was therefore called upon to consider two charges against McSwyny and to decide upon his fate. In passing judgment, Thomson regretted that he was forced to intervene in the private affairs of clerks, but pointed out that he was obliged to do so when their behaviour affected their eligibility for employment in the public service. He decided that McSwyny's conduct had been reprehensible, and having 'a proper consideration for the discipline of the Office', recommended to the Governor his dismissal.[28]

Despite occasional incidents such as this, the office under Thomson was a far happier place than under Macleay. Following his resignation in 1856, the clerks presented him with a valedictory address, in which they acknowledged 'the consideration and courtesy which you have invariably extended to those placed under you'.[29] Respect for his ability and authority no doubt contributed to the relative efficiency of the department during his administration.

Notwithstanding Thomson's achievements in promoting efficiency, administrative procedures remained cumbersome during his period as Colonial Secretary. With the exception of Elyard

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[28] Correspondence, minutes, etc., relating to McSwyny's activities, CSIL 4/2617 1.

[29] Address to EDI, June 1856, CSIL SB 4/7167.

and Fitzpatrick, who frequently recommended appropriate courses of action on specific matters, the clerks took virtually no part in decision-making. Thomson concerned himself with even the most trivial subjects. On one occasion a messenger attached to the Supreme Court broached a delicate matter:

> Sir
> the Privy for our Department is Nearly full I should feel Very much Obliged to you sir If you Could give me Instructions In what way to proseed to remedy This and Likewis the roof is Very Bad and Out of repair It would be A Great Deal more Convenient if there was some kind of fastening to that Place as there is A Great many Strange people Comes there Which is An Ecuse for them.

It was not one of the clerks - nor was it the Assistant Colonial Secretary - who attended to this problem: it was the Colonial Secretary himself. Thomson directed that, if necessary, a cart be hired and the expenses charged to a contingent account, and gave orders for the Colonial Architect to repair the roof and attach fastenings to the privy door.[30]

This was centralisation of authority carried to an extreme. Although he was bound by the existing system of government to retain Darling's administrative framework, there was surely room for more delegation than Thomson was prepared to allow. His retention of so much power lent substance to Sir Thomas Mitchell's

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[30] William Sears [to EDT or Harington], 15 Feb. 1839, and EDT's minute, 16 Feb., CSIL 4/2459.

charge that the business of the colony was tied up in red tape.[31]

The inadequacy of the centralised system became more apparent as the colony grew in wealth and population. In 1836, the year before Thomson became Colonial Secretary, the total population was approximately 77,000. Twenty years later, in the year of his retirement, it was approaching 287,000. In the same period the colonial revenue increased from £330,000 per annum to £2,000,000.[32] According to a select committee which reported in 1855 on proposed administrative changes, the colony had outgrown its old form of government.

> However convenient such a system may have been at an earlier period in our history, it is now quite clear that our affairs have become too numerous, too complicated, and too important for any one man, however great may be his genius, his industry, or his administrative powers, to superintend and manage them, with even reasonable efficiency.[33]

The subject of administrative reform was widely discussed

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31 'Straight-edge' to *SMH* editor (draft in Mitchell's hand), 24 Sept. 1854, Mitchell Papers, Vol. 5, MS. no. A294, p. 421, ML. For further fulminations by Mitchell against 'Red Tapeism', see Henry Halloran to Col. Sec., 25 Aug. 1851, enclosure in FitzRoy to Grey, 22 Sept. 1851, CO 201/442, ff.324-6.

32 Statistical View of the Progress of New South Wales, from the Year 1821 to 1858 inclusive, enclosure in Denison to Newcastle, 23 Sept. 1859, PP 1860(2711-1), Vol. XLIV, p. 67.

33 Report from the Select Committee on the Changes in the Administration under the New Constitution Act of 1853, ordered to be printed 7 Dec. 1855, *VPLC* 1855(1).

in New South Wales during the early 1850s. In 1851, for example, a board of enquiry appointed by FitzRoy strongly criticised the management of the post office and recommended substantial changes in its business methods and personnel. It suggested that a man of energy and decision should be appointed postmaster-general, with extensive powers regarding the appointment of clerks, the adjustment of salaries in accordance with competency rather than seniority, their deployment within the department, and their dismissal for unsatisfactory service.[34] Moreover, British discussions in the early 1850s on civil service reform influenced thinking in New South Wales. The *Herald* carried lengthy commentaries on the Northcote-Trevelyan report and suggested a similar enquiry for the colony. It called for open competition to replace what it termed the injudicious distribution of patronage under FitzRoy.[35]

Thus the discussions on administrative changes were not related solely to the coming of responsible government. However, the introduction of a new system of government provided the opportunity for reforms which were already overdue. In particular,

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[34] Report from the Board of Enquiry on the General Post Office, 21 Mar. 1851, *VPLC* 1851, 2nd session(1).

[35] For example, *SMH*, 21 Oct. 1854, 28 Sept. and 9 Oct. 1855. Compare Brian Dickey's comment on the Northcote-Trevelyan report, 'Not a breath of its views were heard in New South Wales': 'Responsible Government in New South Wales: the Transfer of Power in a Colony of Settlement', *JRAHS*, Vol. 60, Part 4, Dec. 1974, p. 238.

they necessitated the replacement of Darling's centralised structure by a system of departments, each of which would be headed by a minister responsible to the lower house of the legislature.

One of the major problems facing politicians on the eve of responsible government was what form these new arrangements should take. In 1855 the Select Committee on Changes in the Administration recommended that the duties of the existing departments should be fairly divided amongst four responsible ministers who, together with the law officers, would constitute the ministry. The matter was therefore already under discussion when Thomson returned from England early in 1856. Anticipating that he would be a member of the new ministry, he sought advice on possible administrative arrangements from H. C. E. Childers, a leading member of the first Victorian ministry, and from Michael Fitzpatrick.[36]

He was therefore well prepared to tender advice when the Governor asked him, late in June 1856, for his views on the distribution of government business amongst the responsible ministers. Denison told him that the term 'responsible government' would be nothing more than a name until distinct duties were allotted to each member of the new administration.[37] Denison by this time was becoming anxious. His private secretary, Alfred Denison, impressed upon Donaldson 'the

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[36] Childers to EDT, 6 Mar. 1856, DTP, vol. 3, pp. 531-50. EDT to Denison, 2 July 1856 ('Administrative Arrangements'), *VPLA* 1856-7(1), p. 877. Dickey, loc. cit., pp. 228-9.

[37] Denison to EDT, 24 June 1856, DTP, vol. 2, pp. 739-41.

utter impossibility of conducting a Govt. upon the system or rather no system, under which we are now suffering',[38] Donaldson himself was embarrassed 'by arrears & by the accumulation of foolscap & red tape which Thomson's centralising system has entailed upon this office':

> Education - Benevolent Asylum - Schools - Lands - Police - public works - rails - roads & bridges - Docks - Harbours - navigation - piracy - murders - finance - patronage - prerogative - and a score of other pressing, & daily pressing affairs, all come to me, & though I might work 24 hours out of 24, I cannot work 25.

Donaldson was irate that none of '*the highly paid pensioners*' had so far offered any assistance to their successors in office.[39] Probably Thomson was reticent about lending assistance for the reasons discussed in the previous chapter. However, as Brian Dickey observes, it is also true that the old officers were prevented from giving advice earlier by certain proprieties and constitutional difficulties, including delays in having the new ministry confirmed in power.[40]

On 2 July Thomson submitted his suggestions to Denison. His scheme, which owed much to the ideas of Childers and Fitzpatrick, as well as to earlier discussions on the question,

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38 Alfred Denison to Donaldson (copy), 2 July 1856, Governor's Archives 4/1665, pp. 154-5, NSWA.

39 Donaldson to James Macarthur, 4 July 1856, Macarthur Papers, Vol. 27, MS. no. A2923, pp. 577-9, ML.

40 Dickey, loc. cit., pp. 229-30.

provided for six responsible ministers: principal secretary and premier; attorney-general; solicitor-general; minister for finance and trade; minister for public instruction; and minister for Crown lands and public works. This division was related to the existing spread of business, but it also reflected Thomson's particular interests. The proposed ministry for Crown lands and public works indicated his concern that the land regulations should be carefully administered; and the suggested ministry for public instruction reflected his long-standing enthusiasm for an improved and expanded system of education. He proposed that each minister should be assisted by a permanent under-secretary and clerical staff and anticipated that this new decentralised system would lead to a great improvement in the transaction of public business.[41]

Although the *Empire* saw the proposals as excessively costly and elaborate, and complained that officers of the old regime should not have been consulted at all, Thomson's paper was generally well received. The *Herald* commented that his experience provided a better guide than any theoretical solution. The Governor thought it would serve well on the whole, although one or two points were open to question. Donaldson conceded that it was a valuable and able document.[42]

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[41] EDT to Denison, 2 July 1856 ('Administrative Arrangements'), *VPLA* 1856-7(1), pp. 877-84.

[42] *Empire*, 10 and 11 July 1856. *SMH*, 11 July 1856. Denison to Donaldson, 7 July 1856, Denison Letters, MS. no. B205, ML. Donaldson to Macarthur, 5 July 1856, Macarthur Papers, Vol. 27, MS. no. A2923, p. 592, ML.

But how much influence did it in fact have on the arrangements which were eventually put into practice? According to John W. Cell, Thomson came to the rescue when the ministers were floundering.[43] However, this observation overlooks the fact that his document was neither the first nor the last set of administrative proposals. As well as those of the old legislative council and Michael Fitzpatrick, other schemes were drawn up by Chief Justice Sir Alfred Stephen, Donaldson, Thomas Holt (a member of Donaldson's ministry) and Andrew Clarke, the Victorian Surveyor-General, who had been assisted by his close friend Denison in the preparation of his paper.[44]

Nevertheless, Thomson's scheme was the most influential of the several proposals put forward. Although Donaldson stressed that his ministry took into account a wide variety of views, the division of labour which was finally approved by the executive council in August 1856 closely reflected Thomson's suggestions.[45] Of course, not all of his ideas were accepted: most importantly, the feeling prevailed that the colony was not as yet ready for a ministry of public instruction.[46] This suggestion remained in

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[43] Cell, *British Colonial Administration*, pp. 171-2.

[44] Report of LC proceedings, 7 Aug. 1856, *SMH*, 8 Aug. 1856. G. N. Hawker, *The Parliament of New South Wales 1856-1965*, Ultimo (N.S.W.) 1971, p. 40.

[45] Executive council minute no. 39, 4 Aug. 1856, 4/1533, NSWA. Report of LC proceedings, 7 Aug. 1856, *SMH*, 8 Aug. 1856.

[46] Fitzpatrick to EDT, n.d. [July 1856], DTP, vol. 3, pp. 1024-7.

abeyance until it was given partial effect by the formation of a ministry of justice and public instruction in 1873. Thomson's proposals were further implemented in October 1856, when Henry Watson Parker's ministry, of which he was a member, instituted a more detailed plan of departmental arrangements.[47]

As Dickey points out, the arrangements of 1856 provided a working system for the next fifty years, until the formation of a Premier's Department in 1907.[48] Moreover, many features of administrative practice within individual departments continued from the old system of government to the new. For example, procedures within the colonial secretary's office, where William Elyard maintained Thomson's emphasis on efficiency, did not change markedly in the transition from one system of government to another.[49] Thomson's influence in the administrative sphere therefore extended far beyond his term as Colonial Secretary. As we shall see in the following chapter, he also remained influential after 1856 in many other areas of colonial life and society.

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47 *Government Gazette Supplement*, 9 Oct. 1856. Dickey, loc. cit., pp. 233-4.

48 Ibid., p. 237.

49 See Elyard's evidence, 27 May 1858, in Progress Report from the Select Committee on Retrenchment in the Public Expenditure, 29 Oct. 1858, *VPLA* 1858(3), pp. 19-33.

OUT OF THE MAINSTREAM

1856 - 1879

For many conservatives who had been leaders of society under the old political system the era of responsible government was one of frustration and anxiety. Some of their number, including Wentworth, Nicholson and Roger Therry, sought refuge in the United Kingdom, where they read gloomy reports from their friends in the colony. Those who remained, such as Thomson and James Macarthur, grieved at the rising strength of democracy, the assaults on property, the subversion of free trade principles, and the succession of ministries which they regarded as inept. Most would have agreed with Nicholson's conclusion that

> Since the introduction of "Responsible Government" everything is changed for the worse and the administration of public affairs is in the hands of people of the lowest class - and the amount of jobbery and corruption in public matters [is] beyond all belief.[1]

Except for a short period in 1861, Thomson was a member of the legislative council from 1856 until his death in 1879. However, he never fully adapted to the new order of politics. After his

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[1] Nicholson to Alexander Berry, 11 Aug. 1862, quoted in David S. Macmillan, 'The Australians in London, 1857-1880', *JRAHS*, Vol. 44, Part 3, 1958, p. 160.

failure to form the colony's first responsible ministry he drifted towards the periphery and became increasingly disillusioned with responsible government. He found it difficult to cope with radical and democratic politics and on several important issues failed to display that sagacity which had distinguished his earlier career.

For one brief moment it seemed that he would retain a place at the forefront of political affairs. In October 1856 he joined Henry Watson Parker's conservative ministry as Vice-President of the executive council and representative of the government in the legislative council. The *Herald* was delighted at this development, suggesting that it would lead to stable and efficient administration.[2] The liberals were less enthusiastic. According to Charles Cowper, he was the 'controlling genius' behind the ministry. Cowper complained to Parkes that a family compact ruled the country, with Thomson and the Macarthur family conducting affairs without any responsibility.[3] This was Thomson's first and last ministerial post under responsible government. It ended when the Parker ministry gave way to a government led by Cowper in September 1857.

While a member of the Parker ministry Thomson again turned his attention to the question of a federal union of the Australian

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[2] *SMH*, 30 Oct. 1856.

[3] Cowper to Parkes, 31 Mar. and 11 May 1857, Parkes Correspondence, Vol. 6, MS. no. A876, pp. 479-80; and Vol. 50, MS. no. A920, pp. 360-2, ML. Also James Byrnes to Major-General Edward Macarthur, 29 Nov. 1856, Macarthur Papers, Vol. 21, MS. no. A2917, pp. 244-52, ML.

colonies. His renewed interest was probably inspired by a *Sydney Morning Herald* article of October 1856 which advocated federation. Shortly after the appearance of this article, Thomson outlined in the legislative council 'seven great questions which ought to be submitted to some general Federal Assembly representing all the Australian colonies'. These were the tariff, the regulation of Crown lands, the management of the gold fields, postal communications, railways, the electric telegraph and lighthouses.[4] His interest in federation, like that of the *Herald*, was therefore very pragmatic. He gave no hint of any emotional wish for national unity.

On Thomson's suggestion a select committee was formed to enquire into the expediency of establishing a federal legislature. In October 1857 it reported strongly in favour of a federal congress and recommended that parliament accede to a Victorian proposal for an intercolonial conference to discuss the matter. The committee's proposals were accepted by the council without opposition, but ran into difficulties in the assembly, where the new Premier, Cowper, directly opposed federation. In the following year, the subject was formally shelved. Federation based on convenience, rather than a feeling of national unity, had little chance of success while matters of local concern were dominating New South Wales politics. Moreover, other colonies were similarly particularist and, as John M. Ward points out, the administrative problems which encouraged

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[4] Extract from EDT's speech in LC, 20 Oct. 1856, Appendix B. in papers relating to Australian Federation, *LC Journal*, Vol. 2, 1857.

Thomson and others to support federation were being solved by specific arrangements.[5]

In the early years of the legislative council there were few major issues to provoke the formation of party groupings. By mid-1858, however, Cowper's ministry was introducing reform legislation which led to clashes between liberals and conservatives. In the council a clearly recognisable opposition emerged, with Thomson as its acknowledged leader.[6]

Although he consistently opposed the Cowper government, Thomson believed that the council was limited in the degree to which it could obstruct measures approved by the assembly. In accordance with precedents set by the House of Lords, he argued that the council should submit to the will of the assembly rather than engage in protracted struggles which might lead to a swamping of the upper chamber. After all, this 'expansive character' of the nominated council had been a major reason why, in 1853, Wentworth, Thomson and others had favoured its formation.[7]

Thomson therefore led the conservative retreat on Cowper's electoral bill of 1858, which provided for the introduction of manhood suffrage. This was a measure which he abhorred, for he

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5 Ward, *Earl Grey*, pp. 465-6. Ward deals at length with Thomson's contribution to the federation discussions in *Earl Grey*, esp. pp. 359-62, 453-65. See also Report from the Select Committee of the Legislative Council, on Australian Federation, 20 Oct. 1857, *LC Journal*, Vol. 2, 1857; and EDT to C. Gavan Duffy, 7 Nov. 1857, Correspondence of C. Gavan Duffy, MS. no. 661, La Trobe Library.

6 Connolly, Politics, Ideology and the New South Wales Legislative Council, 1856-72, pp. 81-2.

7 See above, pp. 367-8.

regarded it as threatening the security of property and the liberty of the individual. In his view the possession of property gave a man the interest in society which was necessary to make him a responsible voter. When the bill came up to the council he proposed an amendment which would restrict the vote to £5 householders and those who possessed £100 in the bank. However, when the assembly refused to accept this change and submitted the bill to the council a second time, he and his moderate conservative colleagues abstained from voting, thereby allowing it to pass into law. By yielding they believed they were acting in the best interests of the country.[8]

The introduction of manhood suffrage brought the council more directly into conflict with the assembly, for conservatives now looked upon the upper house as the one remaining line of defence for their interests. In 1860, arguing that the government had permitted irregular financial practices, they threatened to reject an appropriation bill. However, when the matter came to the point Thomson and seven other conservatives voted with the liberals in favour of the bill and so averted a possible swamping.[9]

The conflict between council and assembly reached a crisis over the two land bills introduced by John Robertson's ministry. These measures, which won strong popular support in the 1860 election, were designed to replace the system based on the 1847

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[8] Connolly, op. cit., pp. 82, 99-100, 119-28. Letter from 'Monitor' to Editor, 23 July 1860, in *SMH*, 25 July 1860; a copy of this letter, at DTP, vol. 4, p. 783, makes it clear that EDT was its author.

[9] Connolly, op. cit., pp. 137-62.

Order in Council. Their provisions bypassed sale by auction, enabling the small capitalist to claim before survey an area of Crown land, irrespective of whether it was occupied by a squatter, and to purchase his selection at a fixed price and on favourable terms. The bills therefore threatened the alleged squatter monopoly. More than that, they appeared to undermine the foundations of wealth and property in the community. As Connolly points out, they 'precisely embodied the liberal-conservative conflict in New South Wales'.[10]

Thomson was strongly opposed to the principle of free selection. He believed that it was dangerous to decrease the squatters' security of tenure and argued that the new system would increase survey costs. Most importantly, he felt that the incentives offered to people to engage in agricultural pursuits were inconsistent with the principles of political economy. The system would encourage men who lacked the necessary skill and capital to settle on the land, and was therefore inevitably destined to fail.[11]

Although the conservatives, led by Thomson, deferred to public opinion by accepting the principle of free selection before

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[10] Ibid., p. 179. Historians have disagreed regarding the reasons for conservative opposition to the land bills: see D.W.A. Baker, 'The Origins of Robertson's Land Acts', in *Historical Studies: Selected Articles* [first series], comp. J.J. Eastwood and F.B. Smith, Melbourne 1964, pp. 103-26; and Connolly, op. cit., pp. 162-83.

[11] EDT's evidence, 24 Nov. 1865, in Progress Report from the Select Committee on the Present State of the Colony, *VPLA* 1865-6. (3).

survey, they attempted during the committee stages of debate to limit its application. Robertson, flushed with his recent victory at the polls and assuming that the council was obdurate, persuaded the Governor, Sir John Young, to swamp the chamber with twenty-one new members. The conservatives were surprised and angered that they had not been permitted, in accordance with constitutional convention, to reject the bills once. Nor had they been allowed a conference with the assembly, which might have led to a satisfactory compromise. In a gesture of defiance twenty of their number, including Thomson and the President, Sir William Westbrooke Burton, resigned from the chamber, thereby depriving it of a quorum and preventing the new nominees from being sworn in. These events took place just a few days before the first council was due to expire, to be replaced by a chamber of life nominees.[12]

Thomson refused to become a member of the new council if conditions were imposed upon him. However, he told Sir John Young that he and three of his colleagues would assent to the land bills, in deference to popular opinion and the need to preserve political harmony. When this was made clear they were appointed life members of the council. They voted in favour of Robertson's measures, which passed into law without further serious conflict.[13]

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[12] Peter Loveday, 'The Legislative Council of New South Wales, 1856-1870', *HS*, Vol. 11, No. 44, Apr. 1965, pp. 489-93. Connolly, op. cit., pp. 172, 179-83.

[13] EDT to Young (draft), 7 June 1861, DTP, vol. 2, pp. 499-506. Report of LC proceedings, 12 Mar. 1874, in *SMH*, 13 Mar. 1874.

Even before the swamping Thomson and his colleagues were doubting the wisdom of their support in 1853 for a nominated council. They had not fully anticipated how far the assembly would go when supported by democratic elements in the community. Now they were convinced that an upper house elected on a restrictive franchise would prove a far surer defence of conservative interests than the existing chamber. According to Thomson the council needed to be constituted on such a basis as would allow it to interpose 'those salutary checks which will be so much needed to counteract the downward tendency which cannot fail to characterise the legislation of a body which owes its existence to manhood suffrage'.[14] In 1862 the council passed a bill to reconstitute the chamber as an elective body. However, the liberals had no wish to see the formation of an undemocratically elected upper house. The swamping, together with the passage of important reforms, had shown them that the nominated council could be kept well in control; on the other hand, an upper chamber elected on a restrictive franchise might strengthen conservative power. The bill was therefore thrown out by the liberal majority in the assembly.[15]

In the new council of life nominees Thomson took a less active part in debates, and, during its first few sessions, shared the conservative leadership with several other members.[16] By 1869

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[14] Letter from 'Monitor' to Editor, 23 July 1860, in *SMH*, 25 July 1860.

[15] Connolly, op. cit., pp. 246-56.

[16] Ibid., p. 204.

he was sitting on the back benches.[17] He remained disillusioned with the new order and was disgusted with the tone of politics. In 1861 he and four of his former colleagues were violently attacked by David Buchanan, a member of the legislative assembly who was, according to Roger Therry, 'an out and out democrat'. Buchanan claimed in a letter to *The Times* that Thomson and his friends had voted themselves life pensions, a charge which was immediately and effectively refuted by James Macarthur. Thomson felt that the attack had some use, for it showed the world the sort of man that manhood suffrage brought to the surface and placed in positions of responsibility and trust.[18] When a severe economic depression occurred in the mid-1860s, he blamed it largely on the government's financial mismanagement, its extravagance, its alterations to the land system and its failure to encourage immigration.[19]

In Thomson's eyes, manhood suffrage was responsible for many of the evils of the day. He told James Macarthur that its adoption had been a fatal error and that, for all purposes of good government, it had totally failed. Although he hoped that it might be abolished he was not optimistic that this could be achieved. He felt that certain measures might be introduced to minimise its influence, but feared that these could never entirely nullify the

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17 Ibid., p. 301.

18 Therry to James Macarthur, 20 Feb. 1862, Macarthur Papers, Vol. 34, MS. no. A2930, pp. 126-30, ML. EDT to James Macarthur, 21 Apr. 1862, ibid., Vol. 29, MS. no. A2925, pp. 75-83.

19 Connolly, op. cit., p. 276. EDT's evidence, 24 Nov. 1865, in Progress Report from the Select Committee on the Present State of the Colony, *VPLA* 1865-6, Vol. 3.

evil effects of the principle itself.[20]

During the late 1860s Thomson and many other conservatives gradually became reconciled to the new political order. As Connolly points out, the liberals had achieved their major 'popular' reforms by the early years of the decade; thereafter the specifically democratic content of liberalism began to fade and the ideological differences between conservatives and liberals diminished. The conservatives were able to support the main principles of such 'progressive' legislation as Parkes's Public Schools Bill of 1866, which set up a council of education and restricted state aid to denominational schools, and the Municipalities Act of 1867, which emphasised property as a qualification for voting in local elections and signified that the liberals were less inclined to insist upon democratic forms. Both parties welcomed the reform of the act restricting Chinese immigration, which many conservatives regarded as morally repugnant.[21]

Thomson's own position was indicated by his voting pattern in the late 1860s. Generally he gave his support to the ministry of the day and demonstrated in debate that he sympathised with the problems facing all governments. His growing confidence was also shown in his attitude to the legislative council. When the constitution of the upper house again came under discussion in

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[20] EDT to James Macarthur, 21 Apr. 1862, ibid., Vol. 29, MS. no. A2925, pp. 75-83, ML.

[21] Connolly, op. cit., pp. 278-313, 317.

1873, he reverted to his initial view that the nominated chamber was well suited to the colony. Recognising that the elective council in Victoria had been in frequent conflict with the assembly, he concluded that the New South Wales system, which provided for the satisfactory resolution of deadlocks by means of threatened swampings,had worked well.[22] In 1875 he was encouraged when John Robertson, the Colonial Secretary, presented a budget based on free trade principles. He told his wife that the ministry was returning to his own tariff of 1852: 'Mr. Robertson no longer talks, as he did in times gone by, of "the dark days of Deas-Thomson"!'[23]

Thomson's political outlook was therefore less gloomy in the 1870s than it had been in the early 1860s. However, his reconciliation with the new order was never complete. In 1879, the year of his death, he was still sending Sir Charles Nicholson in England 'a painful resumé of the political vagaries and wretched imbroglios of the Government'.[24]

As a legislative councillor, Thomson's political role was wide open to public view. However, he also played a part behind the scenes as an adviser to various governors. Although the extent

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[22] Ibid., pp. 298-313. EDT's evidence, 14 Oct. 1873, in Report from the Select Committee on the Legislative Council Bill, *LC Journal*, Vol. XXIII, Part I, 1873-4.

[23] EDT to Anne Deas Thomson, 11 Dec. 1875, DTP, vol. 2, pp. 253-4.

[24] The words are Nicholson's: Nicholson to EDT, 16 Nov. 1879, DTP, vol. 3, pp. 951-4.

of his influence is difficult to determine, it is clear that his advice as an 'elder statesman' was valued at Government House. In September 1856, when the second responsible ministry was running into difficulties, Denison called him in for 'half an hour's talk' regarding Premier Cowper's proposal for a dissolution of the assembly.[25] In 1868 it was rumoured that he had assisted the newly arrived Governor, the Earl of Belmore, in attending to problems created by an altercation between Geoffrey Eagar, the Colonial Treasurer in James Martin's ministry, and W.A. Duncan, the Collector of Customs. Belmore's actions on this occasion enhanced his reputation as Governor.[26] Thomson enjoyed very close relations with Sir Hercules Robinson, who succeeded Belmore in 1872. Their discussions ranged from sporting activities to the constitutional position of governors. Shortly before he left the colony in 1879, Robinson called at 'Barham' to thank Thomson for 'all the help, & support, & valuable information' he had given him.[27] Thomson was also the close friend and confidant of Chief Justice Sir Alfred Stephen, who administered the colony for some

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[25] Denison to EDT, 27 Sept. 1856, Copies of letters to Officials and Private Persons, Governor's Archives 4/1665, p. 197, NSWA.

[26] Archbishop John Pede Polding to Henry Gregory Gregory, 6 Nov. 1868, MS. no. DA 0268, Downside Abbey Archives. I am indebted to Sister M. Compton for this reference. *SMH*, 18 Sept. 1868. Bede Nairn's article on Belmore, *ADB*, Vol. 3, p. 136.

[27] Robinson to EDT, 13 Mar. 1879, ML DOC. 1230. Also Robinson to EDT, 18 June 1878, DTP, vol. 3, pp. 845-9.

months in 1872 and 1879.[28] Less than a month before Thomson's death Stephen was lamenting that he had been unable to consult him regarding a case of rape which had recently caused a popular outcry, for there was 'no one in this Community who co[d] have given me safer or sounder counsel'.[29]

Although Thomson won the praise and gratitude of governors, the home government was surprisingly slow to honour him for his services to the colony. After the C.B. was conferred upon him in 1854, he received no further recognition until a K.C.M.G. was granted in 1874. Many colonists felt that this honour was long overdue and that far less worthy men, such as Charles Nicholson and William Macarthur, had already received knighthoods.[30] As his name had certainly been put forward by governors,[31] it may seem that the Colonial Office had particular reasons for withholding the honour.[32] More probably, the omission was due to Thomson's reluctance to press his own claims.[33] This reticence may have owed something to the memory of his brother's transgressions at the Cape,

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28 Stephen also administered the colony during 1885 and 1890-1.

29 Stephen to EDT, 19 June 1879, DTP, vol. 3, pp. 945-6. EDT to Stephen (copy), 20 June 1879, ibid., vol. 2, pp. 530-2. Neil Illingworth Graham, The role of the governor of New South Wales under responsible government, 1861-1890, PhD thesis, Macquarie University 1972, pp. 595-7. Also Stephen to EDT, n.d. [1879?], DTP, vol. 3, p. 982: 'I wish that you wd. advise me if I can do any thing more in this matter'.

30 For typical reactions to the news of Thomson's knighthood, see Manning to EDT, 3 Oct. 1874, DTP, vol. 1, pp. 128-31; and *Gulgong Evening Argus*, 3 Oct. 1874, clipping in DTP, vol. 1, p. 1.

31 For example, Denison to Labouchere, 11 Sept. 1857, Denison Correspondence, microfilm no. FM3 795, ML.

32 See above, pp. 381-2.

33 See Therry, *Reminiscences*, p. 380.

even though it is unlikely that the events of the 1840s would have prevented the Colonial Office from honouring his services.

There was something pathetic about the situation of those who lamented the passing of the old order. Although the former civil officers continued to enjoy a high social standing, few of them could adjust to the new system of politics. Some indication of Thomson's feelings emerges in a letter he wrote to Governor Young in 1865, in which he requested home government permission to wear the Windsor, the official uniform of his former office, on ceremonial occasions.[34]

Although his political influence steadily declined, Thomson continued after his retirement as Colonial Secretary to play a prominent part in the life of the colony. He was closely involved with the University of Sydney from its inception in 1850. He served as president of various institutions, including the Sydney Infirmary, the Benevolent Society, the Society for Destitute Children, the Australian Club and the Australian Jockey Club. A typical day early in 1869 found him attending an insurance company meeting in the morning, chairing the Benevolent Society's annual general meeting at half past two, and attending the council from half past four until seven.[35]

Thomson's readiness to contribute to the welfare of the community is partly explained by his undiminished belief in social

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[34] F. Turville (private secretary to Young) to EDT, 27 Nov. 1865, DTP, vol. 1, p. 61.

[35] EDT to Anne Deas Thomson (at Bowral), 29 Jan. 1869, DTP, vol. 2, pp. 169-73.

improvement. He felt a duty to make his experience available to the colonists, especially in view of the fact that they were supporting him with a pension of £2,000 per annum.[36] Moreover, he clearly enjoyed the prestige and influence attached to his position as a leader of society.

Thomson's association with charitable institutions shows that he was no mere figurehead. During the late 1860s he corresponded at length with Florence Nightingale on the subjects of hospital improvements and the introduction of trained Nightingale nurses to New South Wales. At his instigation a modern ventilation system along lines suggested by Miss Nightingale was constructed in the Benevolent Asylum and soon he was able to report that the health of inmates had markedly improved. As President of the Sydney Infirmary, an office which he held for thirty-two years, he gave constant support to Lucy Osburn and her team of five Nightingale nurses, who arrived in the colony in 1868. When Miss Osburn encountered obstruction and resentment from the visiting surgeon Thomson came to her defence. He prevented other board members from imposing restrictive rules which, according to one sister, would have been enough to cause trained Nightingale nurses to revolt. The whole Thomson family tried to make the sisters feel at home, with Elizabeth, the eldest daughter, giving them music

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[36] Report of LC proceedings, 2 Sept. 1857, in *SMH*, 3 Sept. 1857.

lessons.[37]

Thomson was equally active in his support for the University of Sydney. In 1849 he sat on the select committee chaired by Wentworth, which recommended the University's formation. The following year he became a foundation member of the senate and in 1863 was elected Vice-Chancellor. He then served as Chancellor from 1865 until 1878, when failing health forced him to relinquish the position. He was convinced that education served a vital function in preparing the people for the exercise of their political rights. In 1849 he agreed with Wentworth that without adequate education responsible government would be the greatest curse that could be inflicted on the colony. This view lay partly behind his support for a ministry of public instruction in 1856. He believed that, in a country possessing democratic institutions, it was essential to educate a body of men who would be specially fitted to fill the highest political offices.[38]

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[37] This paragraph is based on correspondence between EDT and Florence Nightingale, 1867-1873; also Lucy Osburn to Nightingale, and Sister Haldane Turriff to Nightingale, 1868-1869: Nightingale Papers, Vol. CLV, BM ADD. MS 47,757. See also John Griffith's article on Lucy Osburn, *ADB*, Vol. 5, pp. 377-8; Isadore Brodsky, *Sydney's Nurse Crusaders*, Sydney 1968, passim; and Freda MacDonnall, *Miss Nightingale's Young Ladies: The Story of Lucy Osburn and Sydney Hospital*, Sydney 1970, passim.

[38] Report of LC proceedings, 6 Sept. 1849, in *SMH*, 7 Sept. 1849. EDT to Denison, 2 July 1856 (paper on Administrative Arrangements), *VPLA* 1856-7 (1). EDT to Vice-Chancellor, Rev. Canon Robert Allwood, 12 Mar. 1878, DTP, vol. 2, pp. 518-21.

As Chancellor, Thomson played an active role in the day to day administration of the University. He concerned himself with the appointment of staff and kept a cautious eye on the Registrar, Hugh Kennedy, who, as he put it, required an occasional fillip 'to keep things straight and regular'.[39] Most important, the respect in which he was held by the professors and other members of the senate enabled him to maintain relative harmony amongst them. It is therefore not surprising that he was repeatedly re-elected Chancellor, despite his own fears that he lacked the academic standing or literary attainments to qualify him for the position.[40] As Charles Badham, Professor of Classics, told him, what the senate wanted was not a profound scholar or scientific man, but a wise director and impartial judge of their various proposals.[41] According to Badham, Thomson 'maintained that tone in our University discussions which none but a gentleman understands or knows how to produce'.[42]

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39 EDT to Sir Roderick Murchison, 20 Apr. 1866, Murchison Papers, Vol. IV, BM ADD. MS 46,128. Charles Badham to EDT, 25 Aug. 1876, DTP, vol. 3, pp. 762-5. EDT to Anne Deas Thomson, 24 Feb. 1869, DTP, vol. 2, pp. 210-14. G.L. Fischer's entry on Kennedy, *ADB*, Vol. 5, pp. 15-16.

40 EDT to Badham (copy), 24 May 1870, DTP, vol. 2, pp. 512-15. Also Professor M.B. Pell to EDT, 16 Sept. 1873, DTP, vol. 3, pp. 705-9; and extract from senate minute, 2 May 1877, DTP, vol. 1, p. 112.

41 Badham to EDT (private and confidential), n.d. [May 1870], DTP, vol. 3, pp. 983-6.

42 Badham to William Macarthur, 21 Apr. [1878], Macarthur Papers, Vol. 43, MS. no. A2939, pp. 252-3, ML.

Thomson was as much at home on the race course as in the senate chamber. As early as 1833 he had selected the site for a course at Randwick and had supervised its preparation. Some twenty-five years later he assisted with the reconstruction of the course on a far grander scale. When the Randwick Metropolitan Course was inaugurated in 1860 he received full credit as the main driving force behind its establishment.[43]

In the later years of his life Thomson was increasingly weighed down by domestic anxieties. The elder of his two surviving sons, Richard Bourke Deas-Thomson, suffered from an unstated ailment which prevented him from holding a regular job and seeking that self-improvement upon which his father placed so much store. He lived recklessly, and repeatedly drew large sums on his father's account.[44]

Lady Deas-Thomson continued to be a source of strength and consolation to Sir Edward in his old age. They spent much time together in the extensive flower and vegetable gardens at 'Barham', and attended numerous social gatherings in the evenings.[45] The

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43 *SMH*, 29 May 1860. Letter from Mortimer William Lewis to Editor, 29 May, in *SMH*, 31 May 1860. *Bell's Life in Sydney*, 9 June 1860.

44 Therry to James Macarthur, 30 Jan. 1862, Macarthur Papers, Vol. 34, MS. no. A2930, p. 119, ML. H.K. Shaw to EDT, 28 Dec. 1867, DTP, vol. 3, pp. 603-4. Assistant Secretary of Bank of New South Wales to EDT, 28 Dec. 1874, DTP, vol. 3, pp. 719-20. Charles H. Green to EDT, 10 Feb. 1875, DTP, vol. 1, pp. 158-65. Richard Deas-Thomson to EDT, 3 Sept. 1877, DTP, vol. 2, pp. 150-7. Copy of will of Dame Anne Maria Deas-Thomson, 20 July 1880, DTP London.

45 EDT to Anne Deas Thomson, 15 Feb. and 10 Mar. 1869, DTP, vol. 2, pp. 196-204, 232-8.

other children also brought him comfort and satisfaction. Young Edward was an active member of the Church of England and an enthusiastic supporter of the temperance movement.[46] By the time of Thomson's death, three of the five surviving daughters had made desirable matches, one to a nephew of Alexander Macleay, one to a member of the Indian civil service and one to a naval officer.

In the last two years of his life Thomson was increasingly troubled by his long-term illness, rheumatic gout, and was forced to abandon most of his public activities. However, his faculties remained unimpaired until the last. As he entered his eightieth year he told a friend that he had 'much reason to be thankful for the long and happy life which it has pleased the Almighty to vouchsafe me'.[47] He died at 'Barham' some six weeks later, on 16 July 1879. Although his widow had requested a quiet funeral the *cortège* which moved from 'Barham' to St Jude's Church, Randwick, extended for about a mile, testifying to the esteem in which he was held by the community.[48]

Those who lamented Thomson's passing did so for many reasons. Perhaps the key to his popularity lay in his personality. As the

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46 See press extracts in DTP, vol. 4, pp. 901, 905.

47 EDT to Mrs Elizabeth S. Moore (copy), 3 June 1879, DTP, vol. 3, p. 923.

48 William Macleay to Henry Parkes, 17 July 1879, Autograph Letters of Notable Australians, MS. no. A62, p. 21, ML. *SMH*, 19 July 1879. Thomson's estate was valued in excess of £14,000. See Deas Thomson's Trust: Statement of Investments and Cash for division on 1st October 1885, DTP London.

author of one obituary wrote, 'He was emphatically a gentleman'.[49] Unlike Wentworth, who frequently gave offence by his coarseness, or Lowe, who alienated many of his intellectual inferiors, Thomson's unaffected and open manner commanded respect. He epitomised many of the virtues of a nineteenth century English gentleman, especially in his sense of social responsibility and his commitment to improvement.

During his official career he made important contributions to the development of New South Wales as a free colony. His concern for administrative order and political harmony helped smooth the transition from representative to responsible government. As an adviser to governors his influence was often decisive. Unlike many other colonial officials he generally avoided involvement in party conflicts. By shrewd judgment and skilful management of the legislative council he was able to retain the respect of most colonists as well as successive governors and secretaries of state.

Although he possessed outstanding qualities as a politician, it must be conceded that Thomson was well placed as Colonial Secretary. Had he been appointed to the more responsible position of governor of Victoria his success might not have been so marked. There was some truth in Denison's observation that he lacked decisiveness. Although he demonstrated firmness and determination

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[49] Pamphlet, 'In Memory of the Honorable Sir E. Deas-Thomson, C.B., K.C.M.G.', in DTP, vol. 1, p. 264.

during the gold rushes, when the burden of responsibility rested officially on FitzRoy, he was less resolute when called upon to form the first responsible ministry. He was a man who performed best in the service of others.

Thomson warrants a place in the history of New South Wales for promoting good government, administrative efficiency and the welfare of the community, as well as many social and political improvements. His contributions were not of that description which attracts the attention of posterity. He was neither a profound thinker nor a brilliant orator. Rather, he was what contemporaries referred to as an 'eminently useful' colonist. Perhaps Roger Therry, who knew him better than most, offered the fairest assessment of his qualities when he compared him in 1854 with William Huskisson:

> Like that great statesman, his mind is more remarkable for solidity than brilliancy. Like him, his main merit is an enlightened and well instructed good sense .... Like him, too, he has won his way by pursuing the honest and straightforward path of duty.[50]

Thomson himself would have wished for no higher compliment.

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[50] Annual meeting of Sydney Infirmary and Dispensary, 13 Jan. 1854, reported in *SMH*, 14 Jan. 1854.

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B. NEWSPAPERS AND PERIODICALS

Systematic perusal:

Atlas
Australian
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People's Advocate
Sydney Gazette
Sydney Herald (later *Sydney Morning Herald*)
Weekly Register

Occasional use:

Australasian Chronicle (later *Morning Chronicle* and *Sydney Chronicle*)
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