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The 1859 Election on the Ovens.

by

Antony O’Brien, Bachelor of Arts (Honours)

Submitted in fulfilment of the requirements for the degree of

Master of Arts

Deakin University

30 July 2004
Candidate’s Declaration

I certify that the thesis entitled *The 1859 Election on the Ovens* submitted for the degree of Master of Arts is the result of my own work and that where reference is made to the work of others, due acknowledgment is given.

I also certify that any material in the thesis, which has been accepted for a degree or diploma by any other university or institution is identified in the text.

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Signed: ............... Signature Redacted by Library

Date: 2004
Abstract

The Victorian general election of 1859 occurred during a time of social transition and electoral reformation, which extended the vote to previously unrepresented adult males. Gold discoveries, including those on the Ovens, triggered the miners’ insistent demands for access to land and participation in the political process.

The thesis identifies issues, which emerged during the election campaign on the Ovens goldfields, surrounding Beechworth. The struggle centred on the two Legislative Assembly seats for the Ovens and the one Legislative Council seat for the Murray District. Though the declared election issue was land reform, it concealed a range of underlying tensions, which divided the electorate along lines of nationality and religion. Complicating these tensions within the European community was the Chinese presence throughout the Ovens. The thesis suggests the historical memory of the French Revolution, the European Revolutions of 1848 and the Catholic versus Protestant revivals divided the Ovens goldfield community. The competing groups formed alliances; a Beechworth-centred grouping of traders, merchants and the Constitution’s editor, ensured the existing conservative agenda triumphed over those perceived radicals who sought reform. In the process the land hungry miners did not gain any political representation in the Legislative Assembly, while a prominent Catholic squatter who advocated limited land reform was defeated for the Legislative Council seat.

Two daily Beechworth papers, Ovens and Murray Advertiser and its fierce competitor, the Constitution and Ovens Mining Intelligencer are the major primary sources for the thesis.
The 1859 Election on the Ovens.
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# Abbreviations

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<tr>
<td>ADB</td>
<td>Australian Dictionary of Biography</td>
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<td>Constitution</td>
<td>Constitution and Ovens Mining Intelligencer</td>
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<tr>
<td>J.P.</td>
<td>Justice of the Peace</td>
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<td>O&amp;MA</td>
<td>Ovens and Murray Advertiser</td>
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<td>Punch</td>
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Acknowledgements

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To my supervisor, A/Professor Don Gibb of Deakin University, I extend a warm thank you and acknowledge his untiring support, sharp insights and patience. To Dr. Graeme Cope, my second supervisor, thank you for clear comments and suggestions on the project.

Thank you to the following:


Dr. Peter Wilkinson, for access to his Doctoral thesis, ‘A Mission to the Burmese’, his insights into the missionary revival in the 1800s and Latin translations.

Anna Robbins, Chris Dormer, Jennifer Williams and the staff at the Robert O’Hara Burke Memorial Museum, Beechworth for access to original newspapers.


To those several critical readers who in the last weeks, checked for syntax, commas, full stops, footnotes and the tables.

Explanation

I made a conscious decision not to approach any local identities, groups or old families living in Beechworth or nearby localities.

Alfred Arthur O’Connor who features throughout this study remains a mystery. To divert energies to find answers on O’Connor was outside the scope of the thesis.


Dramatis Personae

Duffy
Charles Gavan (1816-1903); Irish born patriot, Catholic intellectual, author, founder of the *Nation*, leader of Young Ireland and Irish Confederation. Prominent during Irish Insurrection of 1848, jailed and tried for treason, member of House of Commons, emigrated to Victoria 1856, elected to the Victorian Parliament and in 1859 was second to O'Shanassy in that Ministry.¹ He was connected to Arthur O'Connor, the United Irishman, sourcing arms for Ireland during 1848.

Henderson
George William (1825-1861); changed his name from Hodgskin. His father was a political activist and journalist in England. George was sub-editor of *The Economist* in England, arrived in colony in 1856, initially worked as editor for *O&MA*.² Editor of *Constitution* newspaper in 1859; member of Lodge of St. John, he was its Master by late 1859. Active in Beechworth politics, belonged to the elite grouping termed ‘the clique’ and ‘sparrow-tailed gentry’. He was the voice of the squatters and the elite’s agenda.

Keefer
Alexander (1824-1863); Canadian lawyer, living and practising in Beechworth, had close ties to the Beechworth power grouping and the *Constitution’s* editor. He was a member of Lodge of St. John. Stood as the candidate for the Ovens in 1859.

Kerferd George Briscoe. (1836-1889) Liverpool born; Justice of the Peace; Presbyterian; Returning Officer for the Legislative Assembly election of 1859 and member of the Lodge of St. John. Later became Premier of Victoria.

Photo. 1. *George B. Kerferd.*³

³ Victorian Parliamentary Library, Item No. 5/69.
Arthur Alfred (1763-1852); Irish Protestant lawyer and member of English Parliament, leader in the United Irishmen rebellion during the 1798 ‘Year of Liberty’; arrested and charged with treason for his involvement in the abortive French invasion of Ireland. Following a bungled trial and acquittal, he became a general of Napoleon’s Grande Armée. He wrote *The State of Ireland* (1798), modelled on Thomas Paine’s *Rights of Man*, and Sieyes’s, *Qu’est-ce que le tiers état?* Arthur was ‘the most important conduit between French republicanism and Irish political radicalism in the late 1790s.’ A book on his life exists titled, *Arthur O’Connor, United Irishman.*

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5 Ibid., p. 12.
6 Ibid., p. 2.
O’Connor Alfred Arthur (b? - d?); Irish, claimed to be a Catholic and the son of Irish banister, William Conner (sic) of Inch. Arrived in Victoria about 1853, a miner at old Ballarat; was that district’s delegate to Land Convention in Melbourne 1857, member of first Ballarat Mining Board in 1858, then appeared in Chiltern 1859. Stood as an independent mining candidate for Ovens Assembly seat and lost. Later elected to district Mining Board; returned to Ballarat, elected to parliament in 1862 in Peter Lalor’s vacated seat. On entering parliament, he took oath as an Anabaptist.9 Melbourne Punch jested that he wrote a book, Some Thoughts on Ryots (sic).10

O’Connor Feargus (1794-1855); Irish born nephew of General Arthur A. O’Connor. A radical Chartist member of the House of Commons during the disturbances of 1848. Feargus was a major participant in the massed rally at Kennington Common.

9 Thomson and Serle, A Biographical Register, p. 153.
10 Punch, 2 Apr 1863, p. 281.
O’ Shanassy John (1818-1883); Irish born, Premier of Victoria (1857-1859), a prominent Catholic associated with the political arm of Catholic action, the St. Patrick’s Society. Received Papal knighthood during the election of 1859, but news of the award did not arrive until after the election. O’Shanassy departed Ireland before the Insurrection of 1848.

Photo. 3. John O’Shanassy.¹¹

¹¹ VPL, Item 9/6C.
Reid  
David (1830-1906); English born, Presbyterian, travelled into Victoria as an ‘overlander’ from New South Wales. He was a squatter living on the ‘Barnawatha Run’, near Chiltern in 1859. Gold destroyed his pastoral activities, on ‘Curramunjic’ Run, at the Woolshed, Reid’s Creek, and Tarrawinge; and ‘Yackandandah No. 2’ Run comprising 13,240 acres. He stood as candidate for the Upper House in 1859.

Photo. 4. *David Reid in later life.*
Rowe

John Pearson, Dr. (1810-1878) English born, Catholic, educated at Jesuit college, Stonyhurst. Arrived in Tasmania as military surgeon; later settled in Victoria. A gentleman squatter of the pre-gold era, involved in establishment of Melbourne University. He had ‘Five Mile Creek Run’, of 60,000 acres near Longwood (Vic.); in 1852; established ‘RestDown Plains’ Run at Rochester (Vic.) comprising 106,922 acres. Stood as candidate for the Victorian Upper House in 1859 against David Reid.

Photo. 5. Dr. John Pearson Rowe.

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16 Ibid., p. 49.
17 Ibid., p. 181.
Scarlett John. (1824 - ) Scottish miner from the Nine Mile, outside Beechworth. Claimed to be a descendant of Lord Abinger; arrived in Victoria 1854, appeared on the Ovens 1856. A piece of verse suggested he walked from Melbourne:

With a tremendous big swag he started from town,
And night after night 'neath a gum tree lay down;
When he reached these diggings his was full sore,
For his calves they had dwindled six inches and more.

Though a radical agitator, a former Member of the Mining Board, a serial caller of public meetings at the Stanley public hall, he suddenly emerged as an 1859 candidate for Assembly seat.

Warren Richard. (1830-1906); Anglican; editor of The Ovens and Murray Advertiser; joint-owner with his brother until 1860, when Richard became the sole owner. Served six months with hard labour, of a nine-month sentence for perjury. Perceived as pro-miner and land reform.

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20 O&MA, 22 Sep 1859, p. 3, Col. 5.
Wood

John Dennistoun. (1829-1914); Tasmanian born, educated in England, Melbourne based lawyer. Former (non-elected) Attorney-General, 1857. Elected Ovens member in 1857 by-election. Perceived as a squatters’ man, he contested the Ovens Assembly seat in 1859 election. Opposed O’Shanassy’s Ministry and won. He was the Solicitor General in the new government.23

Photo. 6. John Dennistoun Wood.24

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24 VPL, Item 5/18.
# Maps

## Maps 1-4

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Map 1. Wangaratta – Beechworth – Chiltern district in 1865.

Proposed main railway line - - -
Proposed Chiltern - Beechworth line - - - - - - - - -
Proposed Tarrawingee - Beechworth line — — — — — — — — —

Map. 2. Beechworth to Bowman’s Forest.

Department of Natural Resources,
Albury Sheet No. 8225,
Victoria and New South Wales, 1:100,000, 1970.
NB. Map manipulated
Pennyweight Flat, Bowman’s Forest overlaid.

*Albury Sheet No. 8225.*

N.B. Napoleon overlaid.
Map. 4. *Beechworth – Bright district in 1865*

Proposed main railway line - - -
Proposed Chiltern - Beechworth line - - - - -
Proposed Tarrawingee - Beechworth line — — — — —

The 1859 Election on the Ovens.

The political life of the Roman Republic was stamped and swayed, not by parties and programmes of a modern and parliamentary character, not by the ostensible opposition between Senate and People... but by the strife for power, wealth and glory. The contestants were the nobiles among themselves, as individuals or in groups, open in elections and in the courts of law, or unmasked by secret intrigue.


[T]he [French] Revolution gave birth to a new kind of political world, it is less often understood that that world was the product of two irreconcilable interests — the creation of the potent state and the creation of a community of free citizens. The fiction of the Revolution was to imagine that each might be served without damaging the other and its history amounts to the realization of that impossibility.

Introduction

Are not Representative Democracy, with its organizations and frequent elections, and Trial by Jury, the life and soul of their constitutions? and are they not so, also, of yours?

Arthur O’Connor, *The State of Ireland* (1798)¹

Situated in a bowl-like feature, surrounded by higher country, Beechworth, Victoria, is about 500 metres above sea level and 36 kilometres east of Wangaratta. Beechworth was once the regional centre of the Ovens district, an area of enormous wealth founded on gold. The Ovens goldfields region is better understood today as North-eastern Victoria, that area covering Wodonga, Wangaratta, El Dorado, Woolshed, Benalla, Yackandandah, Stanley, Chiltern and Bright, with Beechworth the then colonial government’s administrative town. In 1859, some localities had different names, Separation (Shepparton), Belvoir (Wodonga), New Ballarat and the Lower Indigo (Chiltern) and Morse’s Creek (Bright). Some camps and diggings such as New Ballarat, Nine Mile, Napoleon, Bowman’s Forest, Upper and Middle Indigo are long abandoned with blackberries marking the one-time presence of mines.

Beechworth’s heyday lasted from 1852 until 1857. With hindsight, it is easy to state that Beechworth was in a slow decline during 1859. At the time, this assessment was not broadly accepted or understood. The hard times during 1859 were perceived as temporary by the Member for Ovens, J.D.Wood. The Ovens was not a ‘duffer’ and the existing population would remain in the district, while those who departed would ‘generally’ come back, he said.² John Scarlett, a miner, suggested that the rush to Indigo was temporary and those new diggings would soon be deserted as miners returned to the Nine Mile region.³ Despite these optimistic assessments,

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¹ Livesey (ed.), *The State of Ireland*, p. 120.
³ *Constitution*, 8 Feb 1859, p. 3, Cols. 2-3.
‘Old Stoney’, better known as ‘StonePuncher’ Brady, a dry miner or puncher, believed that Beechworth’s leading merchants and traders, whom he labelled ‘sparrow tails’ because of their fashionable coats, misread the ominous signs:

Alas poor Beechworth Sparrow Tails,
Like Birds of passage jaded
That cannot fly, are left to die,
Your golden hopes have faded.4

For a time, Beechworth dominated the district not only geographically and as a centre of government, but in commerce, gold production and law. Today, Beechworth is a tourist destination, some thirty kilometres off the Hume Highway renowned for its magnificent granite colonial buildings, churches and bakery.

Two major writers covered Beechworth’s history; namely, Carole Woods5 and Tom Griffiths.6 Woods addressed the 1859 election in broad terms not exploring the intricacies, as her research covered the period 1836-1891.7 Griffiths’ research was a wide-ranging exploration of the town, its pioneers, its decline and reinvention as a tourist destination. He made it clear his work did not ‘fully trace Beechworth’s history’; his task explored recollections and oral stories, rather than specific events such as the election of 1859.8 Geoffrey Serle explored the 1859 Victorian general election in detail; however, his focus was not the Ovens.9 Other publications deal with adjoining goldfields and towns including Bright, Chiltern and Eldorado.10 Specialized publications detail mining sites and

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4 O&MA, 2 Sep 1859, p. 2, Col. 6.  
8 Griffiths, Beechworth, p. 2.  
9 Serle, Golden Age, pp. 287-293.  
remnants. Several publications cover local issues including, the Masonic lodge, the 1855 election, the Chinese, various families, churches and other events. McQuilton’s significant regional historical work on the Kelly Outbreak focused on the social divisions and conflicts during the period of land selection and settlement after 1860. The 1859 election and the events discussed in this thesis pre-date the 1860 Land Act, which was the first of many reforms designed to open the land for small farming cultivation. The focus on this election allows a precise examination of the issues and tensions identified in this transitional community, remote from Melbourne and the centre of the Empire, London.

According to Woods, the unlocking of large land holdings held by squatters for meat and wool production, to allow small yeoman farming for crop cultivation (termed the Land Question), was ‘debated vigorously’ in the Ovens during the 1859 election. However, voters elected ‘respectable moderates’, and by 1866 the district’s reputation was a ‘hot-bed of conservatism’. In other words, the Ovens radicalism, evident in 1853, surrounding licence agitation and harsh policing, when nearly 10,000 diggers concentrated into the confined area of Reid’s Creek, evolved into a conservative disposition different to the radicalism still evident on the central goldfields. Within this thesis, the term ‘conservatism’ means a ‘disposition to preserve what is established . . . opposition to innovation or

11 Department of Natural Resources And Environment, Victorian Goldfield Project: Historical Gold Mining Sites in the North East Region of Victoria, 1999.
15 Ibid.
16 Ibid., p. 133.
17 Serle, Golden Age, pp. 104 & 111.
change. In short, it means maintaining the existing social or political order.

This thesis builds upon existing historical material on Beechworth and its surrounds, called the Ovens and Murray district. In seeking evidence of religious divisions between Catholics and Protestants and of social, nationalistic and political tensions and conflict between Europeans and Chinese, it evaluates their influence on the outcome on the 1859 election. At a broader level, in exploring the fears of respectable moderates against those perceived radicals, the thesis identifies a struggle for political ascendancy. It suggests that local political and social intrigues, if examined in the light of contemporaneous European events reveal new dimensions to the Ovens society. The Ovens nobles feared the emerging democratic process. Democracy suggested ‘republicanism’ and carried implicit historical memories of European revolutions. The elite believed that an extension of the franchise, followed by a democratic election, was the precursor to revolution. Revolution enhanced the power of the state, implied violence and threatened the individual’s right to private property and the status quo.

This thesis examines the issues identified during the 1859 general parliamentary election for the two Legislative Assembly seats for the Ovens and the one available seat of the Legislative Council, Murray District. It seeks evidence of alliances and groupings formed and attempts to gain an insight of the power and influence of various social groupings. It investigates influence wielded by a dominant coalition of the goldfields’ society, centred on Beechworth’s elite. Further, it examines whether national or religious matters were ‘scrupulously avoided’, as the dominant

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social group termed the ‘Ford-street clique’,\footnote{O&MA, 31 Aug 1859, p. 2, Col. 2.} excluded outsiders from the political process.

In the prelude to the Victorian general election of 1859, the \textit{Constitution}, a Beechworth newspaper, said there was a tendency ‘to give a national or religious character to the [impending] contest’ and that sectarianism should be ‘scrupulously avoided’.\footnote{Constitution, 23 May 1859, p. 2, Cols. 4-5. (NB. Beechworth edition, not Melbourne)} It suggested the election should not be a contest of an ‘English faction fighting an Irish faction’ of ‘belligerent Orangeman arrayed against equally pugnacious Papists’,\footnote{Ibid.} then assured its readers that popular opinion was hostile, especially against the ‘Irish element’ in the government of the ‘O’Rowdies’ trying to be the ‘leaders of an Irish party’.\footnote{Ibid.} The same paper reported, under the heading of ‘Chinese Emeute’, that an uprising occurred at Spring Creek outside Beechworth.\footnote{Ibid., p. 2, Col. 5.} The paper’s editorial set the tone for the impending election.

Two local papers, the \textit{Ovens and Murray Advertiser (O&MA)} and its fierce competitor, \textit{the Constitution and Ovens Mining Intelligencer (Constitution)} are the primary sources, providing insights to Ovens society with letters to the editors, advertisements, editorials and meeting reports during the 1859 election campaign. Utilizing local papers from a selected time to gain insights into a community is not new in historical research and one thesis examined the \textit{Chiltern Standard}.\footnote{Williams, ‘Chiltern Standard’ Cf Margaret M. Pawsey, \textit{The Popish Plot. Culture Clashes in Victoria 1860-1863}, Studies in the Christian Movement, Sydney, 1983.} Judging by the volume and variety of advertisements, reports from outlying areas and letters from far off Melbourne commenting on local issues, both the \textit{O&MA} and \textit{Constitution} enjoyed widespread readership. In 1859, both Beechworth papers were daily publications with articles from surrounding areas, re-printed news
from nearby regions and considerable news from ‘home’, that is to say, England and Europe. The papers covered local incidents, including court reports, accidents, council meetings, social or church meetings at nearby towns or camps and local personalities. These articles ranged from spiteful to incisive.

Perhaps the personal conflicts between the *O&MA’s* Anglican editor, Richard Warren, and the *Constitution’s* Freemason editor, George Henderson, which resulted in a libel case during 1859, wherein the latter won one shilling damages, added to the papers’ vitality. Both editors generated loyalty or opposition among competing social groups.

Warren termed the *Constitution*, the ‘Tomb’, the ‘Bull and the Frog’ and Henderson as ‘Jemmy Ducks’, ‘the frog aforesaid’, the ‘Camp-street Cock-a-doodle-doo’, a ‘croupy crow’, and decried its ‘paltry effort to imitate the substantial crow’ of the *O&MA*. With the foundation stone laid for an extension to Beechworth’s London Tavern for the accommodation needs of the elite ladies and families, the *O&MA* hoped the bold venture was not lost on the “‘croaking” citizens’. J.B. Williamson, the *Constitution’s* runner wrote, that on the Nine Mile, the *Constitution* enjoyed an 8:1 advantage over its rival, which like a comet’s tail left no lasting impression appearing at distant intervals in ‘a most eccentric orbit’, while at Stanley the *O&MA* appeared for several days in succession ‘then disappeared for a month or two into the depths of space’. The *Constitution* was anti-Catholic and accused the *O&MA* of

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30 *O&MA*, 4 Aug 1859, p. 3, Col. 4.
31 Ibid., p. 3, Col. 2.
bias against members of the town ‘clique’. The ‘Ford-street clique’, comprised Henderson, the Ford Street traders and the Masonic Lodge of St John.

In August 1859, the *Chiltern Standard and Murray Valley Mining Reporter* commenced production. The emergence of this rival signified an influential shift to the new goldfield on the plains below Beechworth. The *Standard* described Chilternites ‘as naughty boys’, when compared to the ‘paterfamilias’ of Beechworth, that ‘Tadmor of the Ovens’ and ‘ultima Thule of misery’. In her thesis on the *Standard*, Williams focused on George Mott the editor, the nature of the paper and matters which post-date the span of this thesis. By December 1859, Chiltern news diminished in the Beechworth papers.

A Wednesday and Saturday paper, *Indigo Advertiser* appeared briefly, though no copies are known. Sometimes an article from this paper reappeared in the *Constitution* or *O&MA*.

The *Melbourne Punch (Punch)* allows a broader understanding of the issues of the day and was a primary source. *Punch* enjoyed a widespread Victorian circulation, suggested by the inclusion of the electoral enrolment ‘Claim’ forms for Legislative Assembly and Council, advertisements for stationary steam engines and mining equipment. Like the Beechworth papers, it used extensive doggerel and poems. Unlike regional papers, *Punch* concocted fictional letters including one from a railway sleeper.
unable to sleep because of poor rail-bed foundations.\textsuperscript{41} Other points of difference included fictional interviews and reports lampooning and pillorying with social and political comment.

The gold fields are not yielding so much as they did formerly, but while some men have found “the Ovens” too hot for them, others have made their bread very successfully\textsuperscript{42}

\textit{Punch} had the same formula as its English and Sydney namesakes. As a scathing critic of the O’Shanassy government it suggested nepotism flourished within that administration with Irishmen allocated favoured positions and allowed ‘grow quite fat on public pay’:

\begin{quote}
How doth great John O'Shanassy
Improve each shining hour,
Seeking favourites day by day,
And placing them in power.\textsuperscript{43}
\end{quote}

\textit{Punch} projected an ultra-conservative agenda, a Melbourne based ideological view of the world of ‘us’ and waged scathing often bigoted criticisms against the ‘them’; namely the Catholics,\textsuperscript{44} Irish, and ‘others’ such as Chinese, radicals and even miners.

\begin{quote}
What is the difference between the operations of a miner and a pig?
One washes his stuff and other stuffs his wash.
(The perpetrator of the above, fearful of the consequences, has absconded.)\textsuperscript{45}
\end{quote}

This thesis utilizes \textit{Punch} cartoons, for they were loaded with innuendo, subliminal messages and humour, allowing insights of events and perceptions. The following personification of John O’Shanassy’s [JO’S] Government suggested Irish supporters idolised him and the image carried subliminal comments on the working of the government, parliament and the Chinese.

\begin{flushleft}
\textsuperscript{41} ‘A Sleeper Awakened’, \textit{Punch}, 11 Jun 1857, p. 160.  \\
\textsuperscript{42} ‘The Golden Fields of Literature’, \textit{Punch}, 23 Jun 1859, p. 175.  \\
\textsuperscript{43} \textit{Punch}, 2 Jun 1859, p. 145.  \\
\textsuperscript{44} Michael Hogan, \textit{The Sectarian Strand: Religion in Australian History}, Penguin, Ringwood, 1987, p. 103.  \\
\textsuperscript{45} \textit{Punch}, 12 Aug 1858, p. 23.
\end{flushleft}
Fig. 1. The JO’S(S) house

Punch, 18 Nov 1858, p. 133.
In 1859, tensions festered among several social groupings throughout Victoria, as some struggled for democratic reform and a participatory role in the political process, while others opposed such notions. Some demanded access to land, while most occupying the land supported the status quo. Some social groups wanted mining to be the prime interest of the country. Those with land wanted sheep, wool, cattle and squatting to recoup its primacy. Some were unsure of what they wanted, while some, as emerged in Beechworth, simply protected their social and political advantages.

Limitations
The original newspapers are 145 years old and incomplete. The Burke Museum, Beechworth has the original collection. Some ‘alternative’ or second editions papers constitute the State Library collection in Melbourne and may confuse; e.g. the Constitution’s Beechworth edition reported Margaret Simmons sued Joseph Cooper, while the ‘alternative’ Melbourne edition said she sued George Cooper.46 While this may appear minor, there were two local hoteliers called Cooper; George of Beechworth and James of Sebastopol and both featured in court cases.47 Some papers missing from the Melbourne microfilm collection are in the Burke Museum,48 while some in the Melbourne collection are absent from the Burke collection.49

The Constitution and O&MA followed a four-page format, with the front page reserved for advertisements. Pages were un-numbered. Page numbers in this thesis match the originals in the Burke Museum. Both papers comprised broadsheet formats across 7 columns, devoid of art work, with

46 Constitution, 2 Jun 1859, p. 2, Cols. 5-6.
47 O&MA, 24 May 1859, p. 3, Col. 4.
48 Constitution, 29 May 1859.
49 O&MA, 8 May 1859.
blocks of small print lacking eye catching headlines; these footnotes give page and column number.

*Punch* microfilm in the Victorian State Library excluded advertisements and possibly other pages, whereas the collection in the National Library, Canberra contained advertisements and electorate enrolment applications.\(^{50}\) As *Punch* was a two column format, only date and page number appear.

The local newspapers carried a bias, especially in editorials. Many letters appeared under *noms de plume*, some were possibly by the same author. Correspondents sometimes seemingly posed as one belonging to a community grouping. ‘Sluice Box’ purported to be a Nine Mile miner, but might have been Henderson, of the *Constitution*;\(^{51}\) ‘Tarrawinge Elektor’ claimed to be a Catholic,\(^{52}\) and another correspondent apparently purported to be the Chinese Interpreter.\(^{53}\) ‘Jack Reilly’s’ letter published in the *O&MA* on 23 June 1859 resulted in a libel action against the editor, W.H. Warren, by Alex Keefer, a candidate in the election.\(^{54}\) Warren was committed to trial in the County Court, while ‘Jack Reilly’ was a non-existent person, that is to say a *nom de plume*.\(^{55}\) Names were often spelt incorrectly or varied in different papers; ‘Brady’ as ‘Bradley’, ‘O’Connor’ as ‘Conner’ and ‘Connor’. One reference to ‘Connor’ was interpreted as ‘O’Connor’ with an assumption based on that conclusion, though the reader is alerted to this.

Some reports, letters and advertisements were *ad hominem*. *Ad hominem* inferences are not ‘evidence’ against an individual. Doggerel was a

\(^{50}\) *Punch*, 16 Jun 1859, pp. 171-172.


\(^{52}\) *O&MA*, 1 Sep 1859, p. 2, Col. 4.

\(^{53}\) *Constitution*, 13 Aug 1859, p. 3, Col. 3.

\(^{54}\) Though Richard Warren was editor, this action was against his brother also deemed the editor.

favoured *ad hominem* tool used in the Ovens papers and *Punch*. It allows insights not gleaned from normal reports, yet one cannot always separate fact from exaggeration. This racy piece permits a glimpse of the recipient’s dress, his humble origin and sense of importance; the victim, John Scarlett features throughout the thesis:

```
Tis a smart feller who in Stanley does dwell,
Wears kid gloves on Sunday like a fine Beechworth swell;
His name it is John, once a footman so bold,
But forced to turn digger and fossick for gold...56
```

That so much doggerel appears in this thesis is perhaps its strength and weakness; yet such enormous amounts appeared in the papers that if ignored, the essence of characters and valuable insights would be lost. Candidate O’Connor suggested that anyone wishing to publish ‘abusive and unfounded attacks upon innocent and irreproachable men’ in the papers could do so ‘for a bottle of brandy’.57

Taking one report sometimes bore little resemblance to the same incident reported elsewhere. Often after examining both papers a clearer picture emerged, as this incident shows. Mary Townsend a ‘tall buxom female of about 25’, a ‘single woman on the diggings’ at New Ballarat claimed £5 damages against a lad of about 14 years and of ‘diminutive body’, called Henry Pope. Townsend owed Pope 9/- and he assaulted and struck

56 *O&MA*, 22 Sep 1859, p. 3, Col. 5.
57 *O&MA*, 21 Sep 1859, p. 2, Col. 5.
Townsend on the nose. Pope conducted his courtroom defence and ‘amid shouts of laughter’ cross-examined Townsend:

‘Did you not throw an iron bucket at me?’ — ‘No!’
‘Didn’t you throw the axe at me?’ — ‘No!’
‘Didn’t you throw a ginger beer bottle at me?’ — ‘No!’
‘Didn’t you throw a pair of shears at me?’ — ‘No!’
‘Didn’t you fasten on to me and tear handfuls of my hair out of my head?’ — ‘No!’
‘Didn’t you threaten to chop off my legs with the axe?’ — ‘No!’
‘Didn’t you try to split the baker’s head open?’ — ‘No!’  

The Standard, by way of contrast, reported that Mary Townsend, a ‘strapping wench’ called ‘Hobart Town Lizzie’ beat-up Pope, a ‘diminutive specimen of humanity’, the proprietor of Chiltern’s ‘Southampton Store’ who instituted legal proceedings to recover a debt. When Pope lay down after Townsend’s initial attack, she grabbed him by the hair, where-upon a ‘great battle ensued’ and Pope emerged ‘second best’. Anne Hill substantiated Pope’s story. Case dismissed.

John Dennistoun Wood was a candidate and appears as ‘J.D.Wood’ or ‘John D.Wood’; while Carole Woods, the historian, appears as ‘Carole Woods’ or ‘C.Woods’. Alfred Arthur O’Connor was a local candidate; while Arthur O’Connor the United Irishmen had been dead several years prior to the Ovens election. The candidate O’Connor appears as ‘Alfred’ or ‘candidate O’Connor’, while the United Irishman appears as ‘Arthur O’Connor’.

Chapter 1 overviews North-eastern Victoria during the lead-up to the general election of 1 859. It relates that peripheral society to the rest of the colony. Though the population throughout the Ovens was increasing, it disguised the decline of Beechworth. Nearby goldfields suffered drought and water shortages which limited mining operations, especially for
sluicers; smalltime operators. Hard times forced many to move-on or follow the rushes to the new discoveries in Chiltern and beyond. As Chiltern’s deep lead gold required new mining techniques and investments, it attracted strangers from beyond the Ovens. They came from the radical fields around Ballarat, and among these strangers were Catholics and Irish. This chapter demonstrates the identifiable religious and national groups on the Ovens, which become an important element in later discussions of the alliances forged during the 1859 election campaign.

Chapter 2 suggests Beechworth and its satellites were part of a greater national and religious struggle emanating from Europe. The religious missionary zeal on the Ovens, during the late 1850s, was connected to Victoria’s wider religious and political tensions. The pre-existing national and religious tensions concealed the shared collective historical memory and fear of the French Revolution and Revolutions of 1848. These European events influenced the Protestant establishment’s perceptions of the Irish and Catholics, who advocated republicanism, Chartist principles, land and electoral reform. The Ovens was already a missionary battlefield between two different national and religious ideologies, which translated into fears surrounding the pending election of 1859 and threatened the dominant elite’s assumptions about the existing social and political order.

Chapter 3 explores the ‘Chinese Emeute’ which propelled a disturbance on nearby Spring Creek, to the political forefront on the Ovens in May 1859. Some among the European population suspected a Chinese uprising on the Ovens was imminent and the issue flourished during the campaign of 1859. These events and perceptions might explain the isolation Chinese experienced in the region, while suggesting another reason for the ascendancy of conservative European attitudes against those perceived as outsiders.
Chapter 4 investigates the activities, alliances, issues and debates which emerged in the Ovens contest for the two Legislative Assembly seats and the single seat in Legislative Council election. It suggests the alliances formed by the Beechworth dominant elite for the two Assembly seats ensured their candidates John D. Wood and Alexander Keefer defeated Alfred O’Connor a non-establishment miner candidate with radical Victorian connections and perceived Irish radical links. It suggests the Beechworth elite recruited another radical miner, John Scarlett to stand as a spoiler against O’Connor. As a result the miners were excluded from the political process because of fears and notions based on nationality, class and religion.

The second part of the chapter investigates the contest for the single Legislative Council seat and the alliance formed to ensure that the Presbyterian squatter David Reid defeated the Catholic squatter John P. Rowe. The activities surrounding the defeat of several candidates are possible water-shed indications as to how and why the region later gained its reputation for conservatism.

Chapter 5 examines the three defeated candidates, suggesting that singularly and collectively they were more important and more divisive than the declared issues of Chinese and land. Two candidates, an English Catholic squatter Dr. J.P. Rowe and the radical Irish miner, Alfred O’Connor had perceived Catholic connections. The third unsuccessful candidate, John Scarlett, was unacceptable because of his one time support for the Chinese.

The Conclusion summarizes the evidence suggesting the Beechworth and Ovens community divided along pre-determined national and religious
lines, because various social and religious groups were in competition. The ascendant and dominant Protestant conservatives, comprised the Beechworth merchants and traders, excluded the miners from the political order. The ‘others’ included, in part, that group of Irish and Catholics with a perceived radical political agenda for reform. The Ovens, like many of the other goldfields, boasted radicals, but unlike other fields, this thesis suggests those radical voices were, in 1859, bought off, or isolated in order to preserve the dominant elite’s conservative agenda.

The transitional nature of the Ovens goldfields meant there was restlessness among many miners. People appeared and departed as StonePuncher said, like ‘birds of passage’. Some like StonePuncher are long forgotten. Alfred O’Connor was unmentioned in the Australian Dictionary of Biography and barely mentioned in C.Woods, Williams, Bate and Serle. In this thesis, O’Connor is a central figure because he arrived at Chiltern at a critical time, stayed a while then departed.

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61 Bate, *Lucky City*, pp. 91 & 134.
Chapter 1

The Ovens 1859: Time and Place

A vote is a sacred duty a man owes, not only to himself, but to his country. In performing that duty he is not to consider whether a Candidate is Mahommedan, Protestant or Catholic; does he belong to this faction or that; but is he . . . the one . . . best qualified to represent them.


This chapter suggests that in 1859 the Ovens was restless: a male dominated mining community, far removed from its colonial centre, Melbourne. The region was undergoing permanent change as initial gold discoveries dissipated and the restless moved to new localities. The Ovens was also involved in a religious struggle between two competitive missionary forces, the Protestant and Catholic revivals.

The Ovens was far from Melbourne, both in distance and time required to travel. Today, the trip from Melbourne to Beechworth, some 270 kilometres takes over 3 hours. In 1859, the journey by the fastest stagecoach was exhausting, not just on horses, but for ‘the driver and drivees’.1 Charles Ferguson, a one-time driver wrote that the Beechworth-Melbourne trip took 24 hours; a possible exaggeration.2 Though advertised as a 27 hour trip,3 ‘Viator’ discovered the scheduled 11 hour run between Kilmore and Benalla took 16 hours over broken roads with passengers enduring 14 hours without ‘a warm meal’.4

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1 Punch, 19 Apr 1860, p. 100.
2 Charles D. Ferguson, Experiences of Forty-niner in Australia and New Zealand, Gaston Renard, Melbourne, 1979, p. 122. (First published as The Experiences of a Forty-niner during Thirty-four Years’ Residence in California and Australia, 1888).
3 O&MA, 4 Oct 1859, p. 3, Col. 3.
4 Constitution, 23 May 1859, p. 3, Col. 2.
J.D. Wood’s letter, written in Melbourne on 30 March, correcting an error in the previous Saturday’s *Constitution*, appeared on Saturday 2 April, suggesting that Wood examined the local papers for his electoral intelligence and that there was a good turn-around time for the mail. Initially mail services from Melbourne to Chiltern went via Beechworth, with mailbags delayed thirteen hours before trans-shipment. As Chiltern gained prominence, a Wangaratta direct service connected with the Beechworth-Melbourne stage, creating an advertised 27-hour through service. Melbourne was at the edge of the Empire. In 1859, the only connection from Victoria to the outside world was via mail ships bringing

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5 *Constitution*, 2 Apr 1859, p. 3, Col. 1.
6 *Standard*, 1 Oct 1859, p. 2, Col. 3.
7 Ibid., p. 1, Col. 5.
news, papers and letters reporting events. The September editions of the *O&MA* reported the dramatic European events during July,\(^8\) including the conflict between the Pope and Victor Emmanuel and the Battle of Solferino.\(^9\)

The Ovens villages were remote from each other. A modern day 40-kilometre drive from Benalla to Wangaratta takes less than 30 minutes, while in 1860 the same trip in a horse and gig was about 4.5 hours.\(^10\) The 36-kilometre ascent from Wangaratta to Beechworth today takes less than 40 minutes, while in 1860 it took 4 hours.\(^11\) Journey timings were much longer during periods of flood or wet tracks. In the election campaign, candidates travelled at neck breaking speeds, addressing a public meeting in Yackandandah one evening and appearing the next night at Chiltern.\(^12\) At least one scheduled meeting was cancelled due to a candidate’s exhaustion,\(^13\) while another candidate travelled 60 miles in one day.\(^14\) While these examples give an insight into the difficulty of personal travel, transporting freight was arduous and slow. Rail travel beyond Melbourne and Geelong was limited. Neither Ballarat nor Bendigo had rail connections to the capital until 1862.\(^15\) In 1859, a lone telegraph line connected Melbourne, Kilmore, Seymour, Euroa, Benalla and Wangaratta to Beechworth then proceeded to Belvoir crossing the Murray River into New South Wales at Albury. As the map below shows, Chiltern, Woolshed, Stanley and Yackandandah, lacked telegraphic links to Beechworth or the outside world.

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\(^{8}\)*O&MA*, 6 Sep 1859, p. 2, Cols. 3-4.

\(^{9}\)*O&MA*, 12 Sep 1859, p. 2, Cols. 4-5.


\(^{11}\) Ibid., entry 24 Sep 1860, p. 13.

\(^{12}\)*O’Connor’s itinerary, O&MA*, 19 Sep 1859, p. 3, Col. 4.

\(^{13}\)*Ibid.*

\(^{14}\)*Constitution*, 1 Sep 1859, p. 2, Col. S.

By 1865, the telegraph line from Beechworth to Belvoir was re-routed from Wangaratta to Albury via Chiltern, leaving Beechworth connected via a spur wire.\textsuperscript{16}

Early railway plans proposed a Beechworth connection to either Wangaratta or Chiltern (Fig. 4). Proposed costs rated the Beechworth-Chiltern route at £11,493 per mile. The second option Beechworth-Wangaratta via Tarrawinge was £8,648 per mile.\textsuperscript{17}


\textsuperscript{17} Appendixes A, B, pp. i-vi, in ‘Report of Select Committee on Railway Extension, June 1 865’, D., No. 24, in \textit{VPP, Session 1864-65}, Vol. 2.
When the main direct railway route between Melbourne and Albury opened in the 1870s, it traversed the flat country from Wangaratta via Chiltern to Albury, with Beechworth sidelined on a secondary rail linking it to Wangaratta via Tarrawinge.

Travel was dangerous. Many suffered injuries when horses shied, or wheels hit roots. Candidate J.D.Wood’s horse stumbled near the Three Mile bruising the candidate in the fall.\(^{18}\) Police Magistrate Arnold, recently posted to Beechworth, snapped his neck when thrown from a Melbourne bound coach.\(^{19}\) Occasionally, armed robberies occurred along the Beechworth-Indigo road.\(^{20}\) *Punch* showed a gentleman departing Melbourne, well armed with a brace of pistols, a Bowie knife and a truncheon. (Fig. 5)

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\(^{18}\) *Constitution*, 10 Sep 1859, p. 3, Col. 3.

\(^{19}\) *O&MA*, 18 Jul 1859, p. 3, Col. 3.

Fig. 5. Prepared for a Beechworth journey.

*Punch*, 2 Jun 1859, p. 145.
A report published prior to the election of 1859 from the Mining Surveyor, gave the impression of a growing and stable population in the vicinity of Beechworth.

<table>
<thead>
<tr>
<th>European</th>
<th>Chinese</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring Creek</td>
<td>1,903</td>
</tr>
<tr>
<td>Three Mile</td>
<td>1,620</td>
</tr>
<tr>
<td>Woolshed</td>
<td>1,907</td>
</tr>
<tr>
<td>Beechworth</td>
<td>3,100</td>
</tr>
</tbody>
</table>

The positive aspect was that the regional mining population was 12,343 in September against 10,800 in June 1859 and that the population was increasing and stable.\(^{21}\) Expressed in percentage terms, this report suggested population fluctuations ranging between 12%-32% in three months, with those remaining experiencing hard times. Despite this assessment there was concern about the population restlessness surrounding Beechworth. Lane encapsulated the declining Beechworth population changes showing the 1859 enrolment at the Catholic school fell by 30 pupils as the miners departed for the new goldfields.\(^{22}\) The negative assessments in the Surveyor’s report suggested no new leads or discoveries, that miners were reworking old claims and that water was unavailable for sluicing, with many miners resorting to rocking cradles for a hard won income of 5/- per day. Were sluicing water available, the report said, the area of Pennyweight Flat outside Beechworth, could sustain 1000 miners for three years.\(^{23}\)

\(^{21}\) *O&MA*, 5 Sep 1859, p. 2, Col. 6.  
On the radical Ballarat goldfields districts many former miners went farming,\(^{24}\) gained employment in secondary industries or congregated with the unemployed into Ballarat East.\(^{25}\) In contrast, on the Ovens, unemployed miners rather than congregating into unsettled communities around Beechworth, broke-camp and trekked to new goldfields beyond Chiltern. Part of the reason why a large body of unemployed could not congregate around Beechworth or turn to farming was due to difficult topography comprising ravines, and narrow gullies, poorer soils and harsh winters. Winter on the Ovens in 1859 produced ‘very severe frost. . . even during day time’ with gutters in Camp Street covered in ice.\(^{26}\) The restless population, its transience and decline, in Beechworth, by comparison with other inland towns in the colony, (Table 1-2) appeared significant in percentage terms and its economic consequences for commercial businesses. C.Woods said the ‘depression in Beechworth deepened’ with signs of a malaise identifiable since 1858.\(^{27}\)

### Table No. 1-2

**Inland Towns Population Increases**  
Comparison 1857 to 1861 census

<table>
<thead>
<tr>
<th>Inland Town</th>
<th>Male Population increase</th>
<th>% variation</th>
<th>Female Population increase</th>
<th>% variation</th>
<th>1861 Female to male Per 100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kilmore</td>
<td>186</td>
<td>26.1</td>
<td>224</td>
<td>41.0</td>
<td>86</td>
</tr>
<tr>
<td>Ballarat West</td>
<td>1,864</td>
<td>59.2</td>
<td>2,362</td>
<td>134.1</td>
<td>81</td>
</tr>
<tr>
<td>Castlemaine</td>
<td>793</td>
<td>19.6</td>
<td>1,227</td>
<td>50.7</td>
<td>74</td>
</tr>
<tr>
<td>Sandhurst (Bendigo)</td>
<td>-43</td>
<td>-0.6</td>
<td>1,777</td>
<td>53.2</td>
<td>74</td>
</tr>
<tr>
<td><strong>Beechworth</strong></td>
<td><strong>-662</strong></td>
<td><strong>-37.3</strong></td>
<td><strong>-59</strong></td>
<td><strong>-6.7</strong></td>
<td><strong>73</strong></td>
</tr>
</tbody>
</table>


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\(^{24}\) Bate, *Lucky City*, pp. 91 & 281, n 81.  
\(^{25}\) Ibid., p. 134.  
\(^{26}\) *Constitution*, 21 Jun 1859, p. 3, Col. 3.  
\(^{27}\) Woods, *Beechworth*, p. 94.
An insight into the short sharp peak of the Beechworth district and the early warnings of decline appears in the ‘Gold Fields Population’ returns presented to Parliament:

Table No. 1-3
The Ovens Population Decline 1857-1858

<table>
<thead>
<tr>
<th>Sub-Division</th>
<th>Gold Fields</th>
<th>From when Reported</th>
<th>To when Reported</th>
<th>Maximum of Population</th>
<th>Minimum of Population</th>
<th>Population Decline as a %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beechworth</td>
<td>Beechworth</td>
<td>10Oct 1857</td>
<td>25Sep1858</td>
<td>3121</td>
<td>3121</td>
<td>00.0%</td>
</tr>
<tr>
<td>Spring Creek</td>
<td>4 Jul 1857</td>
<td>25Sep1858</td>
<td>4300</td>
<td>2650</td>
<td></td>
<td>-38.4%</td>
</tr>
<tr>
<td>One, Two &amp; Three Mile Creeks</td>
<td>4 Jul 1857</td>
<td>25Sep1858</td>
<td>4055</td>
<td>1417</td>
<td></td>
<td>-65.0%</td>
</tr>
<tr>
<td>Bowman’s &amp; Six-Mile Crk</td>
<td>10Oct 1857</td>
<td>25Sep1858</td>
<td>5500</td>
<td>2200</td>
<td></td>
<td>-60.0%</td>
</tr>
<tr>
<td>Silver Creek</td>
<td>13Mar1857</td>
<td>25Sep1858</td>
<td>640</td>
<td>280</td>
<td></td>
<td>-56.3%</td>
</tr>
<tr>
<td>Stoney Creek</td>
<td>28Aug1857</td>
<td>11Sep1858</td>
<td>300</td>
<td>90</td>
<td></td>
<td>-70.0%</td>
</tr>
<tr>
<td>Woolshed</td>
<td>Reid’s Creek</td>
<td>4 Jul 1857</td>
<td>25Sep1858</td>
<td>1211</td>
<td>904</td>
<td>-25.4%</td>
</tr>
<tr>
<td></td>
<td>Up/Woolshed</td>
<td>4 Jul 1857</td>
<td>25Sep1858</td>
<td>1557</td>
<td>1184</td>
<td>-23.9%</td>
</tr>
<tr>
<td></td>
<td>Sebastopol</td>
<td>4 Jul 1857</td>
<td>25Sep1858</td>
<td>1064</td>
<td>515</td>
<td>-51.6%</td>
</tr>
<tr>
<td></td>
<td>Napoleon &amp; El Dorado</td>
<td>4 Jul 1857</td>
<td>25Sep1858</td>
<td>762</td>
<td>239</td>
<td>-68.6%</td>
</tr>
<tr>
<td></td>
<td>Indigo</td>
<td>4 Jul 1857</td>
<td>25Sep1858</td>
<td>410</td>
<td>34</td>
<td>-91.7%</td>
</tr>
<tr>
<td>Yackandandah</td>
<td>Yackandandah</td>
<td>4 Jul 1857</td>
<td>28Sep1858</td>
<td>2746</td>
<td>2104</td>
<td>-23.4%</td>
</tr>
<tr>
<td>Barwidgee</td>
<td>4 Jul 1857</td>
<td>28Sep1858</td>
<td>148</td>
<td>5</td>
<td></td>
<td>-96.6%</td>
</tr>
<tr>
<td>Buckland</td>
<td>Buckland</td>
<td>4 Jul 1857</td>
<td>28Sep1858</td>
<td>2597</td>
<td>700</td>
<td>-73.0%</td>
</tr>
<tr>
<td>Ovens River</td>
<td>4 Jul 1857</td>
<td>28Sep1858</td>
<td>377</td>
<td>200</td>
<td></td>
<td>-46.9%</td>
</tr>
<tr>
<td>Quartz Reefs</td>
<td>30Jan1858</td>
<td>28Sep1858</td>
<td>62</td>
<td>---</td>
<td></td>
<td>-100.0%</td>
</tr>
<tr>
<td>Omeo</td>
<td>Snowy Creek</td>
<td>30Jan1858</td>
<td>25Sep1858</td>
<td>468</td>
<td>152</td>
<td>-67.5%</td>
</tr>
<tr>
<td>Mitta Mitta</td>
<td>30Jan1858</td>
<td>25Sep1858</td>
<td>146</td>
<td>14</td>
<td></td>
<td>-90.4%</td>
</tr>
</tbody>
</table>

The table shows that at Silver and Nine Mile Creeks, some 56% of the population departed in a little over a year; Barwidgee suffered greater losses and the Upper Indigo was almost deserted. Reid’s Creek population fell from 1211 in 1857 to 904 in 1858, a dramatic plunge from its 1853 peak of almost 10,000. Despite these upheavals in a variety of places, the total regional population during October 1857-September 1858 appeared stable and static, particularly in Beechworth. C.Woods suggested the Ovens population had increased during 1855-57 and ‘became static at

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about 22,000 in 1858’. Though the population increased, the warden’s returns showed a shifting population, with peaks and troughs throughout the district. The table below shows fluctuations across the period.

Table No. 1-4

| Beechworth district population fluctuations 18 July 1857 — 25 September 1858 |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 4 Jul 1857      | 18 Jul 57       | 10 Oct 57       | 21 Nov 57       | 27 Feb 58       | 17 Jul 58       | 11 Sep 58       | 25 Sep 58       |
| 10,407          | 12,304          | 15,955          | 14,167          | 13,578          | 13,119          | 13,340          | 10,989          |


The rush to the new discoveries on the Lower Indigo, coincided with the sudden population decrease from 13,340 to 10,989, during the fortnight 11 September - 25 September 1858. The Woolshed, where John Strickland and other ‘lucky vagabonds’ made their pile, was declining; apart from a few working steam engines at the odd site, many diggings were deserted.

Evidence of Beechworth’s decline appeared in the ‘Central Board of Health’ 1860 report, which identified the population drifting beyond Chiltern towards Wahgunyah and east to Morse’s Creek, some thirty miles away. Of Beechworth, the report stated:

[T]he town has still further suffered. . . the busy stirring character which marked it in former days being now quite reversed. . . Very many premises are unoccupied…

Though many miners surrounding Beechworth rushed to the new discoveries, the ‘Stephens Map’ reveals these new diggings fell within the electorate of the Murray District. Mining techniques on the Ovens, prior to 1859 differed to those used on the more politically radical fields, in particular the deep lead mining used in Ballarat. A reason for some of the sustained radicalism on goldfields, like Ballarat, was that there were greater numbers of men working in close proximity, who could assemble

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30 Ibid.
quickly, produce leaders and support that leadership. Furthermore, as the surface gold expired, fields like Ballarat required investment in capital equipment or labour to dig to great depths. Molony suggested this form of deep mining, by its nature, brought a ‘stability’, that is a long-term commitment to work together in teams and share the rewards usually based on groupings of the same nationality. Many Ovens miners without access to heavy machinery joined other rushes creating a regional instability if compared with Molony’s interpretation of Ballarat. Some with stationary steam engines and equipment remained on the Ovens and struggled to make wages during 1859. The Ovens [Assembly] electorate with its small mining communities scattered throughout a large area (Table 1-5) meant that miners were restricted in their ability to organise, communicate or congregate in large numbers, as could their counterparts at Ballarat or Bendigo.

<table>
<thead>
<tr>
<th>District</th>
<th>Square Miles</th>
<th>Acreage</th>
<th>Person per Sq. Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ovens</td>
<td>1,372.0</td>
<td>878,080</td>
<td>11.40</td>
</tr>
<tr>
<td>Ballarat East</td>
<td>80.5</td>
<td>51,520</td>
<td>127.63</td>
</tr>
<tr>
<td>Ballarat West</td>
<td>138.5</td>
<td>88,640</td>
<td>208.69</td>
</tr>
<tr>
<td>Sandhurst [Bendigo]</td>
<td>12.0</td>
<td>7,680</td>
<td>1,434.25</td>
</tr>
</tbody>
</table>

Compiled from and includes all races ‘Numbers and Distribution of the People’, Table X, p. 11, in ‘Census of Victoria 1861’, in VPP, Sessions 1862-63, Vol. 3.

The Murray [Legislative Council] electorate was an even bigger area and with less men eligible to vote.

**Table No. 1-6**

**Legislative Council Area and Population density 1861**

<table>
<thead>
<tr>
<th>District</th>
<th>Square Miles</th>
<th>Acreage</th>
<th>Persons per Sq. Mile</th>
<th>Eligible Voters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murray</td>
<td>13,428</td>
<td>8,593,920</td>
<td>2.4</td>
<td>3,294</td>
</tr>
</tbody>
</table>

*Census of Victoria, 1861*  
Part 1, Table VI, p. 8,  
& Table IX, p. 10, in  
No. 1, *VPP Session 1862-6*. Vol. 3.

Although some radical agitators lived on the Ovens, they, unlike their counterparts in Ballarat, namely John Lynch, John Humffray or Alfred O’Connor, were isolated and pilloried. Several Ovens radicals, including the same Alfred O’Connor moved on, others who remained like John Strickland became respectable while, John Scarlett became the Stanley Mining Registrar and [eventually] respectable.36

Gold created Beechworth and now the lack of it and discoveries at distant fields, affected the town during 1858-59. Gold had triggered a series of rushes into the mountainous and confined districts in 1852 where the miners used sluicing techniques and water races to extract the metal.37 Ongoing squabbles over water, races, claims and thefts of wash dirt saw aggrieved parties resorting to local Courts, with the papers reporting in detail. Disputes over wages often ended in court, as when T.H.Duncan took P.Naylon and his associates to the Indigo Court for a claim of £6 per week comprising £3 per week plus £3 out of the mine’s takings. Naylon’s associate, Alfred O’Connor, said Duncan’s agreement was for £3 per week in wages and £3 when it came out of the mine. With no gold yet extracted,

36 Ashley, Shire of Chiltern, Ch. 10; Strickland, Chairman Indigo Road Board; Scarlett, Stanley Road Board. Scarlett appointed Mining Registrar, ‘Civil Establishment of the Colony of Victoria, 1864’, No. 46, p. 38, in *VPP Session 1864-65*; & ‘Reports’ No. 49, pp. 23-24.

the case was dismissed.\textsuperscript{38} C.Woods mentioned ‘Patrick Neylon’ and his mine as the ‘Nil Desperandum’.\textsuperscript{39}

Miners divided into and identified with local groupings based on nationality, their mining district and mining methods. Leaders or heroes in one locality did not necessarily translate into support at an adjoining gully, as candidate O’Connor discovered. Miners paraded in uniforms of moleskins, sashes, boots or similar flash apparel, carried knives and guns.\textsuperscript{40} New discoveries in late 1858 and 1859, around Chiltern, attracted miners, like Alfred O’Connor experienced in techniques unfamiliar on the Ovens. These new techniques reflected those used in Ballarat, namely deep wet leads working to a depth of 250 feet.\textsuperscript{41}

Yackandandah, in mid-1859 experienced water shortages, due to drought,\textsuperscript{42} and Chinese worked old abandoned diggings with ‘tub and cradle’, yet could not make it pay for ‘pigs and poultry’.\textsuperscript{43} Total gold escorts out of the Ovens district remained high during 1859; yet a two year trend suggested production declining around Beechworth and immediate regions and a fall in quality of assayable material.\textsuperscript{44} The decline was disguised by the output from the new Chiltern fields. (Table 1-7)

\textsuperscript{38} \textit{O&MA}, 29 Jun 1859, p. 3, Col. 5.
\textsuperscript{39} Woods, \textit{Beechworth}, p. 93.
\textsuperscript{40} Harvey, \textit{Background to Beechworth}, p. 8. Cf. Woods, \textit{Beechworth}, p. 46.
\textsuperscript{41} ‘Board of Science’, Second Annual Report 1859-60, No. 48, p. 16, \textit{VPP, Session 1859-60}, vol. 3.
\textsuperscript{42} \textit{Constitution}, 6 May 1859, p. 2, Col. 4.
\textsuperscript{43} \textit{Constitution}, 1 Jun 1859, p. 2, Col. 6.
\textsuperscript{44} \textit{Constitution}, 17 Sep 1859, p. 2, Col. 1.
### Table No. 1-7

**Gold shipments from the Ovens Sep 1858 v Sep 1859**

<table>
<thead>
<tr>
<th>Goldfield</th>
<th>Sep 1858</th>
<th>Sep 1859</th>
<th>% of total Sep output 1858</th>
<th>% of total Sep output 1859</th>
<th>% change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beechworth</td>
<td>9,561</td>
<td>4,595</td>
<td>76%</td>
<td>44%</td>
<td>- 48%</td>
</tr>
<tr>
<td>Buckland</td>
<td>1,583</td>
<td>511</td>
<td>13%</td>
<td>5%</td>
<td>- 32%</td>
</tr>
<tr>
<td>Yackandandah</td>
<td>1,157</td>
<td>1,450</td>
<td>9%</td>
<td>14%</td>
<td>+ 20%</td>
</tr>
<tr>
<td>Indigo</td>
<td>--</td>
<td>3,952</td>
<td>---</td>
<td>37%</td>
<td>+ 100%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12,514</strong></td>
<td><strong>10,508</strong></td>
<td><strong>98</strong></td>
<td><strong>100</strong></td>
<td><strong>- 16%</strong></td>
</tr>
</tbody>
</table>

Constructed from Constitution, 23 Sep 1859, p. 2, Col. 2.

The Indigo [Chiltern] region was in ascendancy, as Beechworth’s gold production fell in a twelve month period from 76% to 43.7% of the total production. Though overall production fell 16%, the table cannot disguise Beechworth’s predicament. These discoveries altered the relationship between Beechworth and Chiltern. Some traders like W.C. Hunter of the Upper Indigo advertised they were moving to Chiltern, others like newsagent R.T. Vale opened a subsidiary in that town and a new Rifle Gallery ‘second to none in the Colony’ opened on Main Road.

The Beechworth papers suggested a male orientated community with women and children rarely mentioned. The ratios of European men to women and Chinese men to European men and related tensions emerge later. Despite the 1858 electoral reforms, female suffrage was at least, forty years off. Nevertheless, little appeared about women except when tragedy or court appearances attracted some lines.

Mary Ann Williams...a wretched, loathsome looking object, the picture of desease (sic) and filth...charged with drunkenness and disorderly conduct at Spring Creek, received 14 days with hard labour.

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45 _Constitution_, 16 Sep 1859, p. 3, Col. 5.
47 _Constitution_, 28 Jun 1859, p. 2, Col. 5.
Occasionally, a glimpse of an idealised Ovens woman appeared, for example *Punch’s ‘Lass of Yackandandah’.*

Let poets sing of English girls,
Their beauty and their candour;
Give me a sweeter nymph than all,-
The lass of Yackandandah.

She draws a cork with such an air,
No mortal can withstand her;
She turns a tap, and turns our heads,-
The lass of Yackandandah.  

Punch was accurate suggesting that many Ovens women worked as barmaids. There were numerous advertisements for female domestic workers at hotels or other venues.

**Wanted a General Female Servant.**
Apply at Finnigan’s Empire Dining Rooms, Main-street, New Ballarat.  

Many goldfields women encountered hardship and dangers. Catherine Beatley of Allan’s Flat died after a drinking session and argument with her husband.  

Hugh Smith allegedly murdered Margaret Phillips at Indigo.  

Charles Kellet, alias ‘Charley the Mailman’, attempted to murder his wife

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49 *Constitution*, 3 Sep 1859, p. 3, Col. 4.
51 *Constitution*, 3 Sep 1859, p. 2, Col. 5.
at Indigo Creek after a bout of drinking.⁵² A woman called MacRoberts, well known to the Woolshed police was murdered and dumped in a shaft some hours after arriving at the Indigo.⁵³ Maria Clarke, alias ‘Cranky Mary’ ordered by the Indigo Court to depart the goldfield, when caught stealing clothes valued at 7/6, received six months with hard labour in Beechworth prison.⁵⁴

During 1859 there was an intense European struggle over the Papal States in Italy. The on-going European events and nationalism in its various forms were inter-connected with religion, the Catholic revival and the quest for new missionary fields.⁵⁵ The Catholic Melbourne Mission received French monies from the French Propagation of the Faith.⁵⁶ A furthermost corner of the emerging world was the Australian Mission, with a far-flung extremity in Beechworth and Victoria in competition with each other for conversions, influence and the ascendancy.

Denominational distributions on the Ovens overall reflected those averages applicable for the whole of the Victorian colony

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⁵³ Constitution, 12 Nov 1858, p. 2, Col. 5.
⁵⁴ Constitution, 29 Dec 1858, p. 2, Col. 5. Cf. 22 Dec 1858, p. 2, Col. 4.
Table No. 1-8

Denominational break-up of main Christian beliefs
at selected Ovens-Murray localities in 1861

<table>
<thead>
<tr>
<th>District</th>
<th>Church of England Protestants</th>
<th>Presbyterian Church of Scotland</th>
<th>Wesleyan</th>
<th>Congregational Baptist Lutheran Unitarian</th>
<th>Catholics</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>Chiltern</td>
<td>423</td>
<td>42.3</td>
<td>190</td>
<td>19.0</td>
<td>67</td>
</tr>
<tr>
<td>Indigo Proper</td>
<td>670</td>
<td>43.3</td>
<td>239</td>
<td>15.5</td>
<td>117</td>
</tr>
<tr>
<td>Lower Black Dog Creek</td>
<td>406</td>
<td>56.3</td>
<td>102</td>
<td>14.2</td>
<td>--</td>
</tr>
<tr>
<td>Euroa</td>
<td>77</td>
<td>43.0</td>
<td>31</td>
<td>17.3</td>
<td>1</td>
</tr>
<tr>
<td>Benalla</td>
<td>304</td>
<td>60.8</td>
<td>70</td>
<td>14.0</td>
<td>20</td>
</tr>
<tr>
<td>Beechworth</td>
<td>684</td>
<td>38.8</td>
<td>302</td>
<td>17.1</td>
<td>272</td>
</tr>
<tr>
<td>1 &amp; 2 Mile</td>
<td>143</td>
<td>35.2</td>
<td>57</td>
<td>14.0</td>
<td>24</td>
</tr>
<tr>
<td>3 &amp; 6 Mile</td>
<td>37</td>
<td>45.1</td>
<td>13</td>
<td>15.9</td>
<td>9</td>
</tr>
<tr>
<td>Stanley</td>
<td>232</td>
<td>48.2</td>
<td>101</td>
<td>20.9</td>
<td>13</td>
</tr>
<tr>
<td>Lower Nine Mile</td>
<td>131</td>
<td>34.8</td>
<td>99</td>
<td>26.3</td>
<td>28</td>
</tr>
<tr>
<td>Silver Creek</td>
<td>142</td>
<td>46.9</td>
<td>43</td>
<td>14.2</td>
<td>15</td>
</tr>
<tr>
<td>Woolshed</td>
<td>144</td>
<td>37.6</td>
<td>51</td>
<td>13.3</td>
<td>21</td>
</tr>
<tr>
<td>Yackandandah</td>
<td>183</td>
<td>54.3</td>
<td>41</td>
<td>12.2</td>
<td>19</td>
</tr>
<tr>
<td>Wangaratta</td>
<td>536</td>
<td>52.2</td>
<td>173</td>
<td>16.8</td>
<td>22</td>
</tr>
<tr>
<td>Tarrawingee</td>
<td>176</td>
<td>43.2</td>
<td>60</td>
<td>14.7</td>
<td>15</td>
</tr>
<tr>
<td>Ovens locale</td>
<td>5150</td>
<td>42.6</td>
<td>1906</td>
<td>15.7</td>
<td>1043</td>
</tr>
<tr>
<td>Victoria</td>
<td>212068</td>
<td>43.2</td>
<td>87103</td>
<td>17.7</td>
<td>46511</td>
</tr>
</tbody>
</table>

However, some regional localities confirmed that greater denominational concentrations existed in various mining camps or hamlets. The Catholic population at Tarrawinge and Woolshed, two places which feature during the thesis, was above the Ovens average. Similarly, the Presbyterian Church of Scotland populations were higher at Stanley. Not surprisingly, these concentrated religious distributions translated into a higher percentage of Irish-born at the Woolshed and a higher Scots-born population at Stanley which were above the colony’s averages for the general population.


However, some regional localities confirmed that greater denominational concentrations existed in various mining camps or hamlets. The Catholic population at Tarrawinge and Woolshed, two places which feature during the thesis, was above the Ovens average. Similarly, the Presbyterian Church of Scotland populations were higher at Stanley. Not surprisingly, these concentrated religious distributions translated into a higher percentage of Irish-born at the Woolshed and a higher Scots-born population at Stanley which were above the colony’s averages for the general population.
Table No. 1-9

United Kingdom and Irish born segment of the colonial population in 1861

<table>
<thead>
<tr>
<th>Locality</th>
<th>English born No.</th>
<th>English born %</th>
<th>Irish born No.</th>
<th>Irish born %</th>
<th>Scots born No.</th>
<th>Scots born %</th>
<th>Welsh Born No.</th>
<th>Welsh Born %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chiltern Town</td>
<td>349</td>
<td>51.0</td>
<td>183</td>
<td>26.7</td>
<td>142</td>
<td>20.7</td>
<td>10</td>
<td>1.5</td>
</tr>
<tr>
<td>Indigo Proper</td>
<td>557</td>
<td>50.2</td>
<td>344</td>
<td>31.0</td>
<td>187</td>
<td>16.9</td>
<td>20</td>
<td>1.8</td>
</tr>
<tr>
<td>Lower Blackdog area</td>
<td>280</td>
<td>33.7</td>
<td>344</td>
<td>41.4</td>
<td>187</td>
<td>22.5</td>
<td>20</td>
<td>2.4</td>
</tr>
<tr>
<td>Euroa</td>
<td>39</td>
<td>47.5</td>
<td>30</td>
<td>36.7</td>
<td>13</td>
<td>15.6</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Benalla</td>
<td>136</td>
<td>42.6</td>
<td>133</td>
<td>41.7</td>
<td>48</td>
<td>15.0</td>
<td>2</td>
<td>0.6</td>
</tr>
<tr>
<td>Beechworth</td>
<td>630</td>
<td>49.7</td>
<td>306</td>
<td>24.1</td>
<td>242</td>
<td>19.1</td>
<td>25</td>
<td>1.9</td>
</tr>
<tr>
<td>Beechworth Mining District</td>
<td>6,120</td>
<td>50.4</td>
<td>3,720</td>
<td>30.6</td>
<td>2,054</td>
<td>16.9</td>
<td>237</td>
<td>1.9</td>
</tr>
<tr>
<td>1 &amp; 2 Mile</td>
<td>113</td>
<td>48.5</td>
<td>79</td>
<td>33.9</td>
<td>40</td>
<td>17.2</td>
<td>1</td>
<td>0.4</td>
</tr>
<tr>
<td>3 &amp; 6 Mile</td>
<td>34</td>
<td>58.6</td>
<td>12</td>
<td>20.7</td>
<td>12</td>
<td>20.7</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Lower Nine Mile</td>
<td>113</td>
<td>40.7</td>
<td>99</td>
<td>36.6</td>
<td>58</td>
<td>21.4</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Silver Creek</td>
<td>110</td>
<td>55.5</td>
<td>45</td>
<td>22.7</td>
<td>38</td>
<td>19.1</td>
<td>5</td>
<td>2.5</td>
</tr>
<tr>
<td>Woolshed</td>
<td>97</td>
<td>42.9</td>
<td>96</td>
<td>42.5</td>
<td>30</td>
<td>13.3</td>
<td>3</td>
<td>1.3</td>
</tr>
<tr>
<td>Stanley</td>
<td>163</td>
<td>50.1</td>
<td>72</td>
<td>22.1</td>
<td>86</td>
<td>26.5</td>
<td>4</td>
<td>1.2</td>
</tr>
<tr>
<td>Tarrawinge</td>
<td>101</td>
<td>39.0</td>
<td>108</td>
<td>41.7</td>
<td>46</td>
<td>17.8</td>
<td>4</td>
<td>1.5</td>
</tr>
<tr>
<td>Yackandandah</td>
<td>113</td>
<td>54.3</td>
<td>66</td>
<td>31.7</td>
<td>26</td>
<td>12.5</td>
<td>3</td>
<td>1.4</td>
</tr>
<tr>
<td>Wangaratta</td>
<td>298</td>
<td>48.5</td>
<td>197</td>
<td>32.0</td>
<td>106</td>
<td>17.2</td>
<td>15</td>
<td>2.4</td>
</tr>
<tr>
<td><strong>Ovens total</strong></td>
<td><strong>7,156</strong></td>
<td><strong>49.9</strong></td>
<td><strong>4,383</strong></td>
<td><strong>30.5</strong></td>
<td><strong>2,531</strong></td>
<td><strong>17.6</strong></td>
<td><strong>278</strong></td>
<td><strong>1.9</strong></td>
</tr>
<tr>
<td><strong>Victoria</strong></td>
<td><strong>168812</strong></td>
<td><strong>52.4</strong></td>
<td><strong>86965</strong></td>
<td><strong>27.0</strong></td>
<td><strong>60335</strong></td>
<td><strong>18.7</strong></td>
<td><strong>5994</strong></td>
<td><strong>1.9</strong></td>
</tr>
</tbody>
</table>


These religious and national differences had a bearing on how the electoral campaign of 1859 unfolded on the Ovens and Murray locale.

Beechworth was the government administration centre, comprising of a wide range of officials including a substantial police establishment of officers and constables, Justices of the Peace, surveyors, Chinese translators, European men who supervised the Chinese miners and camps, prison warders, stone masons building the new prison walls, magistrates and lawyers. The town had a wide range of traders, watchmakers, doctors, hoteliers, iron works, brewers, manufacturers, painters, brick makers, churchmen, builders, bakers, shoe makers, drapers, wine and spirit
merchants, teachers, newsagents, and other professionals for the hospital and shire council. Many were linked via their religious affiliations, or nationality. The town’s premier street was Ford Street. Many of the government elites lived along this street, as did the bankers, watchmakers, merchants, stationers, drapers, leading publicans, and manufacturers; they comprised the ‘the Ford-street clique’ of which some were united via their membership of the Masonic Lodge.

Another district grouping comprised the squatters, people with vast tracts of lands and who, by and large, arrived in the colony pre-gold discoveries. The squatters occupied their runs under government leases but on the Ovens the influx of diggers disrupted normal pastoral activities, especially for the Reid brothers in the vicinity of Beechworth and Yackandandah. In her book, *Men of Yesterday*, Margaret Kiddle described Presbyterianism as the religion of the squatters. In the North-east one squatter John Pearson Rowe, a man of means was both Catholic and English born and he was during 1859 an exception to the norm. The squatters believed by 1847 that the control they held over their land for pastoral activities was secure, until the discoveries of gold and the influx of miners altered the *status quo*. As a group, the squatters dominated the Legislative Council.

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60 Ibid, p. 171.
The population ratios of nationalities and religions provided several components, each grouping distinct and identifiable. The election was the bowl wherein the above ingredients mixed and competed for a say in the political agenda.
Chapter 2  
Victoria 1859: Time and Place

Vive la reforme

During the revolutionary period of 1848 . . . communistic ideas charmed the hearts of many of the poor devils who had so long been pining under the form of government that can only be styled the reverse of communism...

Constitution, 12 Nov 1858, p. 2, Col. 2.

While matters in the previous chapter were local and had a direct bearing on the Ovens region, universal issues also influenced the district and the colony. Two major influences existed at the time, a religious struggle for ascendancy and a political struggle revolving around class, nationalism and land reform. Though each struggle was separate, they were interlinked and an important background to the pending election. ‘Old World’ prejudices influenced a number of local events underscoring social divisions among the Europeans. Old world memories based on nationality carried fears that the non-British sentiment for republicanism was revolutionary. The elite feared any divergence from the political status quo embracing radical notions of democratic principles could replicate a French Revolution. Competing colonial groups possessed a collective memory of the events of the French Revolution which destroyed the ancien regime, leaving in its wake uncertainty coupled with latent fears of anything that might replicate the Terror.

Conservative colonials regarded republicanism, democracy and radicals as the precursor to revolution and a threat to personal property rights. Melbourne based, Reverend Mereweather perceived the early diggers’ agitation over gold licences as ‘the French Revolution without the guillotine.’¹ According to Commissioner Rede of the Ballarat goldfields, the miners’ agitation against the oppressive licence was a ‘mere cloak to

cover a democratic revolution’. Perhaps the events in Ballarat, in 1854, the miners’ agitation against the oppressive licence was a ‘mere cloak to cover a democratic revolution’. Perhaps the events in Ballarat, in 1854, the stockade and several participants aroused memories of the barricades in Paris during 1848, the 1848 Insurrection in Ireland and revolution in Italy. This might explain the Beechworth establishment’s reaction against Alfred O’Connor, who stood as the Ovens candidate for the 1859 election. O’Connor, late of Ballarat, was an 1857 Land Convention delegate for that district and an 1858 member of the Ballarat Mining Board, a direct legacy of the Eureka rebellion.

As Beechworth was peripheral to Melbourne so was it on the extremities of Empire, remote from the events and influences at the imperial centre in London and its competitors and dissenters in Paris, Rome, and Dublin. These European events were both recent and ongoing and those living on the Ovens were aware of European events. The papers kept the Ovens residents informed of events in England, Ireland and battles and conflicts in Europe. The administrative centre of the gold mining district, Beechworth was linked politically and economically to its centre, Melbourne and thus to its imperial centre, London.

The elite in Beechworth were mainly new arrivals from England and Scotland, some had served in the imperial outpost in India, a minority were Americans and Canadians, some were of the Anglo-Irish ascendency. New arrivals carried their perceptions and animosities about Old World issues. An example of a local prejudice occurred when Helen O’Brien and Ann Brady exchanged words; ‘b-y G-d d-d Protestant’ [bloody God damned Protestant] and ‘Paipst (sic) wh-e’ [papist whore]. Ann Brady was

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3 Ibid., p. 197.
fined £3 with 8/6 costs, plus a £25 surety on both women to keep the peace for 6 months and both locked-up until their sureties were paid.\textsuperscript{5}

Religion was a divisive factor largely ignored in writings about the Ovens. Williams suggested anyone reading the Standard might be forgiven for thinking the ‘Presbyterian Church was the only or at least dominant one at Chiltern’.\textsuperscript{6} Protestants and Catholics competed for conversions, not just among the Europeans but also the Chinese: this evidenced in Catholic Bishop Goold’s letter of 1856 explaining the condition on the goldfields.

The Protestants have already their Chinese teachers actively employed in inculcating their heresy.\textsuperscript{7}

Goold brought Irish Jesuits with experience in China to Victoria’s goldfields, plus French orders with chapters in Ireland.\textsuperscript{8} He wrote to the Propagation of the Faith in Paris:

I fear my appeal my (sic) not be successful if it is not supported by a liberal subsidy from the funds of the Work.\textsuperscript{9}

He added; the Protestants in Victoria ‘are wretchedly active in their missions to the Chinese’.\textsuperscript{10} Goold’s diary entries of his 1860 visit to the Ovens focused on religious activities to the ‘Catholic mission of Beechworth’,\textsuperscript{11} and the Wangaratta mission.\textsuperscript{12} His local advertisement revealed a heavy schedule of masses, confirmations, confessions, sermons and missionary work at Yackandandah, Belvoir and Chiltern. (Fig. 6)
Despite the missionary aspirations to convert the Chinese, only 181 professed Christianity at ‘Census 1861’; 21 were Church of England, one was Baptist and six were Catholic.\(^{13}\) Not only was a Catholic Revival underway, so was the Protestant Revival, propelling English missionaries throughout the new world following colonial expansions to the edges of the empire. Presbyterian, Wesleyan missionaries on the Ovens, displayed an ecumenicalism one for the other.\(^{14}\) On the other hand, an intolerance and hostility existed towards ‘papist’ Catholics, which was reciprocated. This piece of verse in the *Constitution* directed at candidate O’Connor suggested religious tensions existed.

Are you free from priestcraft chains,

Alfred O’Connor, O.\(^{15}\)

Wesleyan missions flourished in Beechworth; at a church meeting, one of the Chinese present urged the congregation to establish a district mission

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\(^{13}\) Census 1861, ‘Religions of the Peoples’, Table II, p. 4, in *VPP, Sessions* 1864. Vol. 2.

\(^{14}\) Harvey, *Background to Beechworth*, p. 38.

\(^{15}\) *Constitution*, 12 Aug 1859, p. 3, Col. 1.
for his countrymen. Not only were the Wesleyans active on religious
issues, they were socially aware. When the ‘Publicans Laws Amendment
Bill’ came before parliament, Beechworth’s Wesleyans gathered a petition
with 56 names stating they did not want liquor trading hours extended to
Sundays. Bookseller James Ingram, a Baptist, advertised religious
literature for the Protestant faithful, including Wesleyans, ‘Scotch Psalms’
(sic) and Church of England Hymn books, yet seemingly not for
Catholics. Though R.T.Vale was an Orangeman, he sustained
Catholics’ spiritual needs with prayer books. Wesleyans established a
new chapel at Chiltern and by mid-September 1859, it was debt free.
Chiltern’s Minister, Rev J.W.Crisp, explained to his congregation that its
children must be educated for they would be the future councillors,
magistrates and governors. A further speaker, Mr. Wilton, declared the
‘bible was the text book and guide of the [British] nation.
The little Chiltern church advertised Divine Service, ‘twice every Sabbath’ and two
‘Sabbath School’ classes on the same day. Within days, the Catholics
advertised mass and new school at Chiltern. At Stanley,
Congregationalists met in the Public Room to hear ‘a report on the
working of the mission in the district’. These events suggested active
missions in competition with the Catholic mission. Denominational
chapels advertised meetings of Wesleyans and Independents with sermons
published. Advertisements for Catholic masses in both papers stood out
from columns of close print.

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16 O&MA, 15 Jul 1859, p. 3, Col. 3.
18 ‘Statement of National Schools in Operation during 1861-62, Appendix 1, p. 44, in ‘Ninth and
19 O&MA, 13 Sep 1859, p. 3, Col. 6.
20 Thomson and Serle, A Biographical Register, p. 215.
21 O&MA, 21 Jul 1859, p. 1, Col. 5.
22 O&MA, 9 Apr 1859, p. 3, Col. 2.
23 O&MA, 8 Sep 1859, p. 2, Col. 7.
24 O&MA, 13 Sep 1859, p. 3, Col. 6.
25 O&MA, 16 Sep 1859, p. 3, Col. 4.
26 Constitution, 8 Mar 1859, p. 3, Col. 5.
27 O&MA, 27 Aug 1859, p. 3, Col. 3.
Protestant tea meetings and discussion groups might have contributed a conservative influence to their non-Irish flock. According to Saville, similar chapels in South Wales (U.K.) mining areas imparted ‘a distinctive tone and content to the social consciousness of its members’ during the 1850s. The tradition of insurrection did not taint the British mainland during the turbulence of 1848 as it did in Ireland and Europe and of those disturbances in England, the Irish component, said Saville has yet to be ‘clearly defined’. On the Ovens, it seemed a perception existed that Irish Catholics were predisposed towards insurrection and this surfaced during the 1859 election and arose partly from the competition between Protestant and Catholic missions.

According to Serle, prior to the arrival of the Catholic bishop Goold and the Anglican bishop Perry in 1848, the churches neglected their folds. Following their arrival, the churches attempted ‘missionary functions’. Serle referred to Goold’s arrival in 1848, forming a society to raise money for churches and schools, and seeking overseas religious to run schools.

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29 Ibid., p. 221.
Serle argued that in dealing with people like Premier O’Shanassy, Goold’s political leadership was weak and he was led. However, Goold’s role was not political; rather, it was St Patrick’s Society, which defined and fought for the Catholic social and political agenda. *Punch* understood St. Patrick’s Hall’s political role and attacked its leader, John O’Shanassy.32

**VOICE** that in Saint Patrick’s Hall,  
In days that now have fled,  
Proclaimed aloud the cause of all —  
Hath it for years been dead?  
Nay worse than dead for still it rings  
But changed alas it’s tone,  
Unbridled words abroad it flings,  
And Self regards alone.

*Punch*, 24 Feb 1859, p. 33

Rome bound bishops, like Goold raised in the Paris Missionary Society rite, to remain aloof from politics and focus on education, forming and training local clergy [St. Patrick’s seminary, East Melbourne] referring all important religious decisions to Rome. Consequently, Goold promoted the St Patrick’s Society, and its leader, O’Shanassy. St. Patrick’s Society

31 Ibid., p. 340.  
32 The Victorian parliament sat in St. Patrick’s Hall 1851-56. The original speaker’s chair donated by the St. Patrick’s Society sits in Queen’s Hall, Parliament House; sighted 26 May 2004.  
33 Punch’s O’Shanassy is the subliminal first word of the poem ‘T’HE’  
35 Moran, History of the Catholic Church, pp. 717 & 841.
appealed to the Ovens for assistance. Women arriving in Melbourne, after sea voyages, waited around the Melbourne markets seeking employment. Some went astray. James Doyle of the St. Patrick’s Society wrote to the Ovens community, requesting it participate in assisting new arrivals to get work in regional localities. Doyle’s letter suggested Beechworth was part of a mission and his association wanted to ensure the spiritual welfare of Irish men and women.

The St. Patrick’s Society...

To the Editor of the Ovens and Murray Advertiser

Melbourne, St. Patrick’s Hall.
August 22nd, 1859

Sir,- believing that you would be glad to aid in any work of practical benevolence, I beg. . . that you. . .may secure our society some cooperation. . . Our hope is that if we show a good example it may be imitated by our fellow colonists, coming from other lands...

James Doyle

There is no duty so imperative… of aiding the poor Irish immigrants flocking to our shores… most of them linger in Melbourne until their scanty funds are exhausted; and then they have no alternative but a career of sorrow and shame… young men. . . fair and innocent young girls. . . these are the materials which supply the gaol and brothel in Victoria...
What the Society proposes to do is, to invite six or seven gentlemen in each district to form a Committee…had this been done sooner many a poor heart would have been saved from crime and shame.36

Doyle’s plea did not resonate immediately, yet amid the Ovens sectarian debates and election, his letter urged the creation of a local mission, not for noble savages, but for an isolated Irish flock. Doyle’s letter was relevant to Beechworth as locals recruited women from Melbourne. The Coopers ran Beechworth’s Criterion Hotel and featured in several cases brought by former female employees. Margaret Simmons charged Joseph (George?) Cooper for outstanding wages of £15/11/-..37 Simmons recruited from Melbourne, arrived in Beechworth on a six-month contract. Mrs. Cooper fired Simmons for disobedience. The court ruled in Simmons’ favour with

36 O&MA, 26 Aug 1859, p. 3, Col. 5. NB. James Doyle was arrested in Ireland during 1848, not clear if this was the same James Doyle of the St. Patrick’s Society; Charles Gavan Duffy, Four Years of Irish History 1845-1849, Robertson, Melbourne, 1883, p. 756.
37 Microfilm in Melbourne cited Joseph; Beechworth paper cited George.
costs against the Coopers of £2/7/6, in default 14 days.\textsuperscript{38} Annie Savage sued Cooper for eight weeks’ wages, £3/15/6. Mrs. Cooper engaged Annie as a cook’s assistant; brought her up from Melbourne and expected her to dance and drink with drunken diggers. Annie refused and was turned-out. The court awarded Annie outstanding wages with 6/6 costs.\textsuperscript{39} Catherine Kelly a laundress, recruited in Melbourne, had to dance with diggers and she sued Cooper for £4 in unpaid wages following her dismissal when Cooper’s barman struck her for refusing to dance with Cooper. The court awarded outstanding wages and 7/6 costs.\textsuperscript{40} One can determine a pattern of exploitation towards some female employees, though Cooper’s actions were not isolated. Recruiting women from Melbourne touched on a deeper social issue and the St. Patrick’s Society established a Beechworth chapter in 1863.\textsuperscript{41}

As the election campaign commenced, Bishop Goold was \textit{ad limina} [to the threshold of the pope’s chair in Rome] from mid-June 1858 until December 1859, seeking educators and [French] Marist priests. He visited the Chinese College in Italy seeking missionaries and teachers for the Chinese on the goldfields.\textsuperscript{42} Goold discussed Victorian issues in Rome, with the Archbishop of Dublin concerning the National School system and the papal Order of St. Gregory for John O’Shanassy.\textsuperscript{43}

Early in 1860, colony wide religious divisions erupted and Pawsey has discussed these in \textit{The Popish Plot}. According to Pawsey, ‘anti Catholicism rested on a heady mixture of evangelical Protestantism and imperial pride. . .visions of a superior destiny. . .to make Victoria safe for

\textsuperscript{38} \textit{Constitution}, 2 Jun 1859, p. 2, Cols. 5-6.

\textsuperscript{39} \textit{Constitution}, 1 Nov 1859, p. 2, Col. 3.

\textsuperscript{40} Ibid.

\textsuperscript{41} Woods, \textit{Beechworth}, p. 123.


\textsuperscript{43} Ibid., entry 15 Jan 1859, p. 1.
the pure religion of the Bible’. Pawsey, précised the Victorian situation stating the ‘bible was the cornerstone of Britain’s greatness and Rome’s greatest foe,’ which reflected in part the sentiment of Wilton’s address to the Chiltern congregation.

When O’Shanassy received his papal knighthood, Protestants perceived him as the ‘turbulent, anti-British mobocrat’, ‘a species of Roman aggression’ and influence in Victoria, with ‘brother-chip’ Gavan Duffy, his associate. Papal citation reads:

Pius the Ninth, To John O’Shanassy of Tipperary, in recognition of services to the Church.

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44 Pawsey, Popish Plot, p. 7.
46 O&MA, 8 Sep 1859, p. 2, Col. 7.
Though this cartoon appeared in 1860 there was a time delay with news of the award and European events reaching Melbourne. During his lecture ‘God’s dealing with England’, Dean Macartney, the Anglican Dean of Melbourne, declared that gold discoveries in Australia, ‘under God’, helped Britain ‘sustain the drain upon her resources’, which again reflected the sentiment of Wilton’s talk at Chiltern. Pawsey’s focus began in 1860 yet the divisions between Catholic and Protestant were identifiable earlier. ‘An Ovens Voter’ described attacks against candidate Alfred O’Connor’s Catholicism as the ‘fermenting sectarian “element” and desecrating the name of religion by applying it as an abuse.’

As religious tensions existed between denominations during 1859, so did European nationalist events contribute to Victorian tensions. The nationalist struggles throughout Europe during 1859 had their genesis in the revolutions of 1848, only eleven years before and had connections to Victoria and Beechworth. *Punch* and the Ovens papers reported the events in Italy and Austria, during 1859 and linked them directly to 1848. The English historian, McCarthy described 1848 as ‘the year of unfilled revolutions’, which set the ‘revolutionary tide flowing’. Though 1848 was the failed ‘turning point’, its legacy flowed through Europe, with after-ripples appearing in Beechworth’s papers during September 1859, when the ‘English Mail’ arrived with world news. Beechworth’s papers banner headlined; ‘Austrians defeated’; ‘Disturbance in the Papal states’, which suggested the Ovens population followed European events. Other international issues, occurring during the Ovens election, included the

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49  *O&M*, 19 Sep 1859, p. 2, Cols. 3-6.
raising of the Irish Brigade to defend the pope against a British Protestant and Freemasons’ alliance to dismantle the Papal States.

Some Victorians had connections to 1848. Carboni of Eureka, was a ‘Young Italy’ rebel and ‘48er’.\textsuperscript{54} Parliamentarian and Eureka leader Peter Lalor’s brother, James, was arrested for his role in the Irish Insurrection of 1848.\textsuperscript{55} Lawyer Richard Davies Ireland, a Victorian parliamentarian, who defended the Eureka rebels,\textsuperscript{56} was an ‘Irish Confederation man of 1848’.\textsuperscript{57} Lands Minister, Gavan Duffy was an ex-‘48er’ and Young Irelander who with Arthur O’Connor, a \textit{General de Division} in Napoleon’s army,\textsuperscript{58} sourced 25,000 guns for Ireland.\textsuperscript{59} Duffy charged with treason over his 1848 activities,\textsuperscript{60} became a member of the English House of Commons in 1852,\textsuperscript{61} migrated to Victoria in 1855 and by 1859 he and O’Shanassy were leading government ministers. Tasmania’s ‘48er’ prisoner, Irish parliamentarian, associate of the \textit{Nation} and Duffy was Young Irelander, William Smith O’Brien.\textsuperscript{62} O’Shanassy, condemned as a ‘Tipperary Troglodyte’, had perceived connections to the Pope,\textsuperscript{63} and John Pascoe Fawkner, in 1855, suggested he was a Jesuit brother.\textsuperscript{64} Whilst these interconnections are important in understanding the religious and nationalist tensions in Victoria during 1859, they assumed a local relevance when Alfred O’Connor stood for the Ovens Assembly seat.


\textsuperscript{56} Ibid., p. 174.

\textsuperscript{57} Ibid., p. 255.


\textsuperscript{59} Duffy, 1845-1849, p. 696. NB. Hatter Hames, \textit{Arthur O’Connor}, makes no mention of Duffy.

\textsuperscript{60} Ibid., Chapter V, pp. 700-757.

\textsuperscript{61} Ibid., p. 767-768.

\textsuperscript{62} Ibid., pp. 201, 257, 710-711 & 757.

\textsuperscript{63} Pawsey, \textit{Popish Plot}, p. 76.

\textsuperscript{64} Serle, \textit{Golden Age}, p. 252.
Alfred Arthur O’Connor, the Ovens candidate, had perceived, perhaps more imagined, connections to the English events of 1848, via the Chartist, Feargus O’Connor. Alfred O’Connor also had perceived [imagined] connections via his revolutionary namesake Arthur O’Connor, the United Irishman.65 According to Pakenham, such [Irish] men were ‘intoxicated by the fumes of the French revolution and the heady doctrine of Thomas Paine’s Rights of Man’.66 Some Ovens miners knew about the Rights of Man as a Mr. Mooney lectured on the subject at Silver Creek and the Nine Mile.67 Feargus O’Connor, was central to the 1848 crisis in England yet according to McCarthy, the events in England possessed the potential for revolution yet Feargus’ plans for ‘the reign of Liberty’ failed.68 The legacy of 1848 carried different repercussions for Ireland and ‘Young Ireland’ with the young men of ‘high culture and remarkable talent’ associated with the movement’s paper, the Nation.69 Young Irelanders and the Nation wanted an ‘Hellenic or French type’ of nationalism, ‘absolutely unlike the Chartist movement in England’,70 which may better explain the Melbourne based and regional conservative fears of men like Duffy and the Ovens fear of Alfred O’Connor. The 1848 Irish radicals associated with the Nation transformed a literary and poetic organization into a rebellious organization,71 which exploited Irish land woes. Punch understood that Nation’s former poet, editor and insurrectionist was Victoria’s Land Minister, Duffy. It lampooned Duffy, as an Irish harpist, writing ‘several lyrics of great power and sweetness’ from ‘his emancipated pen’ about 1848, arousing Melbourne’s and goldfields’ based conservative fears of the pending election.72

67 O&MA, 21 Jun 1858, p. 3, Col. 6.
69 Ibid., p. 327.
70 Ibid., p. 328.
71 Ibid., p. 331.
72 Punch, 5 Jul 1859, p. 113.
Fig. 9. Duffy, as a ‘48er, harpist of Erin.  
*Punch*, 5 Jul 1859, p. 113.

Who fears to speak of Forty Eight?
Who blushes at the name?
One o’er the Southern seas has past,
Victoria boasts his name…

To the Melbourne based Protestant elite like Judge Barry, J.P.Fawkner, *Punch* and other conservatives, the seemingly [Irish] nationalistic aspirations of the Land Conventionists, coupled with Duffy’s and O’Schanassy’s efforts for land reform, required a restructure of the *status quo* and echoed the French cry, ‘Vive la Reforme’. Saville suggested the 1848 Paris Revolution had an ‘extraordinary impact and influence... between the radicals on both sides of the Irish Channel’. It might explain why the ‘interrelationships’, among the radicals contesting the 1859 Victorian election heightened the conservatives’ perception that the land reform was ‘actually or potentially dangerous to the stability of the established order’. *Punch* implied the latent fear of revolution was ever present, or imagined, even with Duffy.

Though a true man like you man.  
He’d never fight again.

Tocqueville saw the 1848 Revolution directed against society and not government. France instituted a universal franchise, exercised in the 1848

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73 Ibid.
74 Duveau, *1848*, p. 6.
75 Saville, *1848*, p. 2.
76 Ibid., p.2.
77 *Punch*, 5 Jul 1859,p. 113.
election,\textsuperscript{79} and following that civil war erupted.\textsuperscript{80} Further, the 1848 French experience aroused fears which Tocqueville said:

had three constant principles: the worship of material goods, the abolition of private property, and the suppression of individual liberty.\textsuperscript{81}

To conservatives on the Ovens and in Victoria, the likely historical memory was the proposition that an extended franchise followed by a democratic election was the precursor to revolution. The \textit{O&MA} sensed the urgency in the last days before the election:

\ldots the land belongs to the people; of all grades, and classes, and the land must be thrown open to that people \ldots or a Revolution must ensue which will cast overboard those grasping capitalists who are now fighting (to strongly for their own interests) to make the Colony one vast estate…\textsuperscript{82}

This perception was reinforced by Turner’s account of the first Victorian election during 1856. ‘Reformers’ witnessed ‘the tumultuous times of 1848, a red radicalism, touched with anarchy, sweeping over Europe... [and] imbibed’ the early manhood of many Victorians with ‘dreamy aspirations of the stirring Chartist movement’.\textsuperscript{83} If that was true for 1856, under a restricted franchise, then three years later the new \textit{Electoral Act} allowed a greater participation of electors and potential candidates demanding reform. The perception that an extended franchise was a precursor to revolution had currency in Victoria when \textit{Punch} in 1860, [satirising a mythical Land Convention meeting supposedly occurring in 1870] linked the Land Convention to the historical memory of the Terror.

On the motion of Citizen BARTON it was decreed that the type, presses and machinery of the public journals in the city, should be confiscated for the use of the sovereign people.\textsuperscript{84}

\textsuperscript{79} Ibid, p.413.
\textsuperscript{80} Ibid., p. 414.
\textsuperscript{81} Ibid., pp. 418-4 19.
\textsuperscript{82} \textit{O&MA}, 19 Sep 1859, p. 2, Col. 1.
\textsuperscript{84} ‘Future Events’, \textit{Punch}, 19 Apr 1860, p. 97.
Punch’s cartoons implied the republican notion was not an American model under a Jefferson, Adams or Washington, rather the French model, wherein a Napoleon might emerge not as ‘liberator’ but ‘conqueror’.85 One Ovens correspondent invoked the historical memory; ‘William Corbett’ wrote to the Constitution claiming candidate O’Connor would support ‘Louis Napoleon’.86 Punch linked the extended franchise, the two prominent Victorian Catholic political leaders and their program of reform precisely to the French Revolution (Fig. 10).

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86 Constitution, 6 Sep 1859, p. 3, Col. 3.
Fig. 10. Gavan Duffy (left) and Premier O’Shanassy linked to the French Terror.

Punch, 7 Jan 1859, p. 5.

Mahood explained this cartoon as the establishment’s interpretation that O’Shanassy’s 1858 extension of the franchise verged on the French
revolution and the Terror.87 Duffy’s shillelagh implies a reign of ‘shillelagh law’ and this term surfaced in the Ovens, enmeshing candidate O’Connor in its connotations. The flag bears the partly concealed word ‘Republic’ revealing only ‘UBLIC’ with a possible hidden message in ‘UB’; for in Gaelic ub is an expression or interjection of contempt or aversion.88 The skull and cross bones represented the Terror. The implications are French republicanism, not American; the distinction is critical for neither version of republicanism was the same. As Tocqueville suggested, there existed a ‘point of departure’ between the two forms of republicanism.89 According to Furet that difference was the ‘margin of doubt that lent the French Revolution its uncontrollable and unending aspect’, so that when compared to the American experience ‘one hesitates to apply the same word to the two events.’90 The American republican experience ‘concluded in the development and ratification of a constitution’ that was, in 1859, effectively working 72 years after its adoption. The French experiment, in contrast, despite numerous ‘constitutions and regimes. . . gave the world its first look at egalitarian despotism’,91 which delivered a dictator, Napoleon, as implied by Punch’s ‘Citizens John and Charles’. The United Irishman, Arthur O’Connor, saw ‘the Revolution as the necessary consequence of the evolution of society from an agrarian to a commercial state.’92 Schama suggest the violence associated with the French Revolution was not an ‘unpleasant “aspect”’ of that event; rather ‘violence was the motor of the Revolution’, a concept perhaps well understood by Victoria’s 1859 elite.93 Many of the Protestant colonial elite had emigrated from England or Ireland and carried a long

89 Jardin, Tocqueville, p. 207.
90 Furet, Illusion, p. 9.
91 Ibid., p. 9.
93 Schama, Citizens, p. 859.
historical memory formed during the Irish rebellion of 1798, which suggested that Irish democratic aspirations were at one with revolutionary France.\textsuperscript{94}

![Fig. 11. Erin Go Bray: The Allied Republics of France and Ireland
Sampson’s 1798 cartoon.\textsuperscript{95}]

Numerous hotels throughout Victoria boasted the name \textit{Erin Go Brach} or \textit{Harp of Erin}, which reinforced notions of Irish rebellion. The Victorian elite perceived the Irish colonists as revolutionary, evidenced by Eureka. Judge Barry, according to Amos, held the ‘mistaken belief in the similarity between colonial society and Irish society.’\textsuperscript{96} The Melbourne-based elite reflected their Irish counterparts, whom Pakenham described as a ‘small

\textsuperscript{96} Keith Amos, \textit{The Fenians in Australia: 1865-1880}, University of NSW, Kensington, 1988, pp. 35-36.
selfish corrupt oligarchy’ and the powers and rights they took unto themselves ‘exacerbated the grievances of the rest.’ Judge Barry possibly understood that under the French social condition, the rule of law was determined by a dictatorship of a ‘revolutionary elite’, above the law, since it made the laws or in Furet’s terms, ‘power without rules and all the more legitimate for being so’.

The Melbourne and rural elite feared the Land Convention might replicate the French republican experience, which implied ‘government by guillotine’ or the violent Terror. Punch fictionalised the future under such a government.

Citizen Gray reported that the enemies of the people guillotined in the course of the past week amounted to 263 1/3, the fraction representing a Chinaman, who had the audacity to walk down Collins-street in a clean shirt.

Despite the fears of revolution in Melbourne over land, there was an appreciation that legitimate unresolved grievances around land reform existed. Across the colony, the main election issue was how to break the grip of the squattocracy and settle a land-hungry population on sustainable holdings, in other words, how to create a new social order without revolution. O’Shanassy, though not a Conventionist, foreshadowed vague land reforms. Punch labelled it the ‘O’Sham-ye-see Land Policy’.

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100 Ibid., p. 82.
103 *Punch*, 10 Feb 1859, p. 24.
Mr. O'Shanassy’s “Plan.”

Some day — I cannot be precise —
   I never was exact —
We’ll do away with shepherd kings,
   With sheep and wool, in fact.

And for this plan your gratitude
   I certainly expect,
And in return my colleagues six,
   I hope you’ll re elect.\textsuperscript{104}

Throughout Victoria, land reform dominated the election prelude, despite O’Shanassy’s confusing plan, which possibly explained the inconsistent positions among land reform candidates as to how the squatters should relinquish their runs. Some squatters, with capital, acquired lands released for sale, by auction, adding to the tensions. Those aspiring to settle the land saw their opportunity reduced to a mirage or fragile bubble.

\begin{quote}
It is going, going, going,
Is the choicest of the land;
When you get your “free selection”
You must choose from scrub or sand.\textsuperscript{105}
\end{quote}

\textsuperscript{104} Ibid.
\textsuperscript{105} *Punch*, 2 Dec 1858, p. 148.
O'Shanassy’s proposal upset Victorian landed interests, declaring it a ‘political dodge’; while the land hungry believed it was inadequate, as did Gavan Duffy.\textsuperscript{106} \textit{Punch} explained how land reform would operate, in simple terms, with O’Shanassy in the pulpit, holding the auctioneer’s hammer, suggesting the land hungry would miss out. (Fig.13)
Fertile acres, by the thousand,
Are knocked down to Clarke and Co.,
And the yeoman farmer, landless,
From the auction-room must go. \(^{107}\)

Tensions erupted between O’Shanassy and Duffy, after parliament dissolved and before the election; the latter resigned in April.\(^{108}\) Coupled with the collapse of the Land Convention meeting in July 1859, *Punch* linked French republican history and parodied the forthcoming election, as David Jacques Louis ‘Napoleon’ en route to the battle of Marengo.

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\(^{107}\) *Punch*, 2 Dec 1858, p. 148.

Fig. 14. Charles Gavan Duffy, the man on horseback riding to Marengo.  
_Punch_, 14 Jul 1859, p. 197.

Fig. 15. Napoleon the man on horseback riding to Marengo.  
David Jacques Louis (1800), ‘Napoleon at St. Bernard’[^109]  

Continually linking the two Irish Catholics in the Ministry to notions of French revolution, tied Duffy to the 1848 Insurrection and promoted a perception that he was a Napoleonic “Man on Horseback”\textsuperscript{110}. The ironies in Punch’s allusion were that Napoleon almost lost at Marengo, he crossed St. Bernard’s Pass on a donkey,\textsuperscript{111} and Marengo was his favourite horse; all of which was possibly known in the colony. Beechworth had a Marengo Hotel destroyed by fire days before this cartoon appeared in Punch.\textsuperscript{112} The legacy of the French Revolution and elsewhere, according to Furet, was that property owners terrified by the spreading infection of revolutionary disorder and fermenting ideas of 1848 orientated themselves accordingly and then heaped scorn upon those possessing bourgeois ideals.\textsuperscript{113} Punch’s parodies scorning O’Shanassy and Duffy assume deeper meanings when considered in light of Furet’s assessment. Duffy had a firm land platform as his centrepiece for change.\textsuperscript{114} Serle suggested the Land Convention was the vehicle for land reform and though organized in Melbourne, its rural organizations amounted to little more than ‘a loose alliance with local reform societies’.\textsuperscript{115} This assessment becomes evident on the Ovens.

The Victorian land reform organization, the Land Convention, possessed a seemingly unstoppable political momentum, which collapsed in the prelude to the 1859 election amid factionalism and leadership problems.\textsuperscript{116} Until it faltered, the likely electoral outcome was that Conventionists would win the whole Assembly. Serle said some, like Wilson, the editor of the Argus, feared ‘[t]yranny and class legislation would be the certain

\textsuperscript{110} Johnson, Napoleon, p. 16.
\textsuperscript{111} David Hollins, Marengo 1800: Napoleon’s Day of Fate, Osprey, Oxford, 2000, p. 31.
\textsuperscript{112} O&MA, 11 Jul 1859, p. 3, Col. 2.
\textsuperscript{113} Furet, Illusion, p. 11.
\textsuperscript{114} Ward and Serle, ADB, Vol. 4, p. 110.
\textsuperscript{115} Serle, Golden Age, p. 287.
\textsuperscript{116} Ibid., p. 288.
outcome’. To Serle, the Victorian governing class saw themselves as a ‘colonial aristocratic’ comprising squatters, the ‘English and Anglo-Irish Anglican educated gentlemen’, civil servants, professionals and ‘completely untouched by democratic sentiment of the age’, for that was ‘almost synonymous with republicanism’, which was by definition ‘un-British’. Interwoven with the democratic sentiment was the new and reformed electoral system. However, the Land Convention meeting in Melbourne in July 1859 was a fiasco. No delegation arrived from the Ovens goldfields. A few lines recorded locally gave no insight why the Ovens region failed to attend. As the Convention imploded, the Constitutional Association inserted an advertisement in *Punch* decrying the O’Shanassy Ministry and raising doubts as to how the land settlement would occur:

> By what compromise will the Ministers, in whom the claimants of “exclusive pasturage” and the advocates of “free selection”... satisfy the two classes of their dupes?

In his parliamentary report of 18 November 1858, the Surveyor General, Charles W. Ligar, wrote that during the four to five months prior to his report ‘no considerable quantity of land was brought onto the market’. Ligar explained that the Crown Lands Office surveyed large blocks into parcels ranging from 200 to 500 acres; but such large allotments;

> prevent men of moderate means from competing for them, and thus shut up the country from a number of *bona fide* settlers.

Further, Ligar reported that those lands surveyed were in close vicinity to pre-existing squatters’ runs and great proprietors; and worried that if offered for sale following survey:

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117 Ibid., p. 275.
118 Ibid., p. 16.
120 Ibid., p. 288.
121 Constitution, 13 May 1859, p. 3, Col. 3.
122 Punch, 7 Jul 1859, p. 194.
they would have necessarily fallen into the hands of these capitalists, as had
been habitually found to be the case in the previous history of the Colony.124

Ligar suggested selling lots less than 200 acres near centres of
population.125 He advised surveying railway lines and selling land near the
railway lines to pay for rail construction. Ligar identified 54 centres where
land was in demand.

Table 2-1

<table>
<thead>
<tr>
<th>Priority No.</th>
<th>Locale</th>
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<tbody>
<tr>
<td>1</td>
<td>Beechworth</td>
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<tr>
<td>2</td>
<td>Tarrawinge (sic)</td>
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<tr>
<td>3</td>
<td>Heathcote</td>
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<tr>
<td>6</td>
<td>Longwood</td>
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<td>7</td>
<td>Euroa</td>
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<td>8</td>
<td>Violet Town</td>
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<td>9</td>
<td>Mansfield</td>
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<td>31</td>
<td>Ballarat</td>
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</tbody>
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Ligar’s report pre-dated discoveries on the lower Indigo and the rush from
Beechworth, nevertheless the two priority areas for land settlement in
Victoria were Beechworth and Tarrawinge, with other North-eastern
localities high on the list (in bold). Surveyor Alexander Skene reported
some first-class land existed in the Beechworth district, though most was
fit only for second-class pastoral activities.126 In effect, broad acreage
grazing was the best utilization. Perhaps some of the Ovens land hungry
understood that parts of the Ovens were unsuitable for closer farming.
Some may have simply opposed the squatters’ power. Others, like
O’Connor despised the squatters’ monopoly, perhaps understanding that in

124 Ibid.
125 Ibid.
126 A. J. Skene in evidence ‘Report From the Select Committee Upon Unalienated Crown Land’,
England, the elites’ monopoly of land was the most damning feature of that political economy.\textsuperscript{127} Candidate O’Connor’s reference to the Irish O’Connors, suggests he was aware of his radical namesakes’ views on land reform in England and Ireland. Nevertheless, the squatters, under the leadership of ‘Big’ Clarke, were not about to relinquish their land. Clarke, a squatter living outside Melbourne, wielded political influence in the Legislative Council.

Fig. 16. ‘Big’ Clarke - the squatter in possession.

\textit{Punch}, 2 Dec 1858, p. 149.

Only propertied men comprised the Legislative Council; at least two from the North-east were elected on a show of hands by their squatter friends.\textsuperscript{128}

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\textsuperscript{127} Livesey, The State of Ireland, p. 21.
\textsuperscript{128} Don Chambers, \textit{Violet Town or Honeysuckle in Australia Felix 1836-1908}, Melbourne University Press, Canton, 1985, p.112
\end{flushright}
According to Cannon, a system which allowed only unpaid parliamentarians required their commitment to the ‘general aims and outlook of the propertied class.’\textsuperscript{129} Cannon argued that they not only protected their own interests, but ‘used the machinery of state to continue the process of self-aggrandizement.’\textsuperscript{130} According to Serle, the nature of the Council allowed a program of squatter obstructionism to thwart a democratic progression of the colony, for ‘the grotesque constitution nullified the democratic potential, reduced the parliamentary process almost to futility, and added immensely to class bitterness.’\textsuperscript{131} The Council candidate for the Murray District, Dr. J.P. Rowe, proposed a platform of mild contradiction of the above and perhaps appearing as a traitor to his class, which might explain some of the antagonism he encountered.

Throughout Victoria, the discovery of gold and the huge increase in population challenged the pre-existing power of the squatters over land. McNaughtan suggested the squatters perceived any move to unlock the lands as ‘declarations of war for the possession of Crown lands’.\textsuperscript{132} On the Ovens, according to C. Woods, the land reform battle-lines appeared as early as 1855-6.\textsuperscript{133} Despite the battle-lines, open conflict was not waged in 1859. Conflict erupted post-1860 following the \textit{Land Acts}, when selectors occupied squatters’ runs. The 1859 election might be, to continue C. Woods’ analogy, a series of contacts by champions on both sides, along a skirmish line using ammunitions of religion and nationality.

\textsuperscript{130} Ibid. p. 29.  
Prior to the 1859 election, the Ovens land reformers appeared disunited. No local organization articulated a coherent reform policy. In January 1859, the *O&MA’s* article, ‘The Convention and the Unemployed’ urged miners ‘to register...organise-unity is strength’ and ‘redeem themselves from the state of thraldom to which they are subjected by the squatters and land jobbers’.¹³⁴ The article stated that with ‘one exception only the people are standing bye’ (sic) and doing nothing to achieve land reform.¹³⁵ The ‘one exception only’ was that seemingly lone miner’s voice, John Scarlett; an irrepressible convener of meetings on all subjects. Certainly, Scarlett was vocal on miner’s water rights and his special hobby-horse, the evils of squatters and squatting.

Declining mining production, during 1859, associated with the drought, constrained many miners from making wages. Additionally, the ebb of population toward Chiltern and beyond compounded the difficulties of organising and maintaining a political machine beyond Beechworth town. In fact, none seemed to exist. Scarlett’s land settlement solution oscillated; he opposed land sales by auction as it raised ‘its intrinsic value’ and he claimed that the squatters having driven ‘the Aborigines further back into the interior’, ‘must now give way to the influx of population and go further

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¹³⁴ *O&MA*, 12 Jan 1859, p. 2, Col. 6.
¹³⁵ Ibid.
back likewise’.  

His opposition to land auctions was reasonable as the process debared men of moderate means from obtaining suitable land. Worse, Scarlett failed to articulate a coherent policy around which the regional like-minded might have coalesced; therefore, he often appeared as a wildcard radical voice from the Stanley wilderness.

This chapter demonstrated that the Ovens, was a remote community on the verge of empire and civilization, far removed from Melbourne. There existed a fear of the recent historical events in Europe. Attempts to alter the status quo, with notions of democracy, an extended franchise and a democratic election, aroused conservative fears of a pending violent revolution. Intermingled with notions of European fears were preconceived ideas of nationalism, religion and missionary revival, all of which merged in this outpost of a far-flung colony of the Empire. As the Ovens goldfields prepared for an election in which the major declared issue was land reform a subdued background tension, namely the Chinese issue, suddenly erupted as perhaps “the” question’ of the campaign, and almost overshadowed the land debates. Therefore, Chinese issues constitute the following chapter.

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136 O&MA, 6 Sep 1859, p. 2, Col. 3.
Chapter 3

The Chinese emeute:

A leading O&M article stated that the ‘Chinese Puzzle’, that is to say the Chinese presence on the Ovens goldfields, was the:

most vexata questio of the present moment (save and except of course, the Land Question) is what had better be done with those we have.1

This chapter demonstrates that an incident outside Beechworth at the end of May 1859 fuelled local perceptions that a Chinese emeute or popular uprising against the Europeans was imminent. Tensions mounted following a riot on the Bendigo goldfields in early May and a subsequent Chinese murder of a European, in June at Bendigo. The combination of these several events heightened feelings, so much so, that the O&M claimed it was almost “the” question’ for the Ovens electorate.2

The Chinese issue was an ongoing debate throughout the Ovens prior to the election of 1859. With the 1858 discovery of gold on the Indigo the Constitution reported that during one week, 150 Chinese crossed the Murray River at Albury into Victoria and that some attempted to avoid the £1 entry tax, but most ‘uncoiled their pigtails’ and paid.3 Some Europeans advocated a limited role for Chinese; others welcomed their presence and accepted their business. However, many miners wanted the Chinese expelled. The Chinese presence on the Ovens was contentious and had erupted into bloodshed and destruction of Chinese camps and property during the Buckland Riots of 1857, in that area known today as Porepunkah. After the Buckland Riots, the Victorian colonial government enacted a series of anti-Chinese laws regulating movement, living areas and mining laws and imposed a residence tax on all immigrants. The Chinese resented the Chinese Residence Tax (Section 10) proscriptive

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1 O&M, 29 Jun 1859, p. 3, Cols. 1-3.
2 Ibid.
3 Constitution, 23 Nov 1858, p. 3, Col. 4.
charge of £4 per ‘immigrant’. The *Chinese Emigration Act (1859)*, prohibition (Section 13) denied Chinese holding ‘The Miner Right’ from voting in a Mining Board election. The *Act* provided penalties up to £10 for Chinese failing to pay the residence tax (Section 15), while Section 16 provided that immigrants must pay the fee within two months of entering the Colony. Section 17 prohibited any immigrant from instituting proceedings in the Mining Court, or any other Court, or before a goldfields Warden ‘to recover possession of any land occupied by virtue of a miner’s right’. In short, the *Act* decreed that the Chinese, though taxed, were non-citizens.

The events on the Ovens, which saw the Chinese outcast from the European society, did not occur in isolation. Substantial Victorian writings exist on the Chinese presence on the goldfields. At Ballarat, by 1857, they numbered 7,500, or 22.3% of the male population, making them the largest ethnic group other than the British and a perceived economic force and social threat, according to Bate. He suggested the Chinese ‘formed a huge lump [in the crucible] which gradually eroded but was never in flux’. To Bate, the Chinese separateness from the community and large numbers on the goldfields fuelled anti-Chinese activities. The Chinese frugality and industrious nature, their immediate rivalry to the Europeans’ quest for gold and their insensitive mining usage of water reserved for domestic purposes ‘made them hated’ in the Ballarat region. Further, on that goldfield with an overall shortage of women, coupled with the perception that the Chinese interlopers were marrying Scotswomen there was an implied sexual threat against the Europeans. Serle in a comprehensive chapter

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5 Bate, *Lucky City*, p. 150.
6 Ibid.
7 Ibid.
8 Ibid.
entitled the ‘Chinese Minority’ suggested the problems arose because of the number of Chinese on the goldfields.\textsuperscript{9}

C. Woods, in her ‘M.A. thesis’ and in \textit{Beechworth} discussed the Chinese presence, 1856 to 1860s and discussed the Buckland Riots and the tensions subsequent to that event, including the uprising at Spring Creek in 1859.\textsuperscript{10} This section does not seek to re-plough the same ground as C. Woods; rather it attempts to interpret the Spring Creek event, in light of the pending election. Other writings on the Ovens Chinese exist,\textsuperscript{11} covering events, biographies of pioneers, families or a range of newspapers reports surrounding Chinese.

Another significant work by Kathryn Cronin, \textit{Colonial Casualties}, gave a comprehensive account of the early days and employment of indentured Chinese labour before the gold rushes. She focused on Victoria (post-1851), with insights into the clashes around the Ovens, making a distinction between the Chinese indentured labourers of the pre-gold era and those who followed. According to Cronin, the Chinese miners on the Ovens were competitors with the Europeans vying for claims, water, resources and the yellow speck.\textsuperscript{12} She argued that Europeans justified their actions against the Chinese with ‘reference to racial theories and slogans…transmitted from the United States and Europe’\textsuperscript{13}. \textit{Punch} supported Cronin’s argument that European settlers understood anti-

\textsuperscript{9} Serle, \textit{Golden Age}, pp. 320-335.
\textsuperscript{10} Woods, \textit{Beechworth}, pp. 57-70.
\textsuperscript{13} Ibid.,p.2.
Chinese interpretations, drawn from a wider world. Following a proposal to plant willow trees, between the Princes Bridge and Botanical Gardens, in Melbourne, *Punch* advocated that ‘three colossal wooden Chinamen, in dressing gowns… and some artificial pumpkins’ around the gum trees would improve the proposal. *Punch’s* artist was ready to commence production of ‘an original willow pattern plate’ of this scene along the Yarra.

According to Pagani, the British perception of China changed with the Opium War 1839-42, precipitating an unresolved contradiction in Britain and promoted a ‘sense of cultural and economic superiority over the Chinese’. When trade resumed between Britain and China, the Chinese exported inferior quality articles including stylized table crockery of the ‘Willow Pattern’, which reinforced anti-Chinese notions in Britain. Willow pattern crockery was a symbol of inferiority in Victoria and expressed in *Punch*. Following a swindle involving the squatter ‘Big’

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14 *Punch*, 13 Jan 1859, p. 200.
17 Ibid., p. 30.
18 Ibid. p. 33.
Clarke and gold ‘discovery’ at Deep Creek during 1859, Punch’s artist explained the fraud on a chipped willow pattern soup plate.\textsuperscript{19}

\textbf{Fig. 19. The Soup Plate.}\textsuperscript{20}

Fears of a Chinese uprising in Victoria preyed on the minds of parliamentarians as early as 1855, when the Government inquired into the

\textsuperscript{19} Punch, 9 Feb 1860, p. 21.
\textsuperscript{20} Ibid.
nature and extent of the Chinese immigrants on the goldfields. The Commission questioned a Chinese witness, Howqua as follows:

5995. Do you think 500,000 are likely to come here within the next twelve months? Plenty of Chinaman go home, and plenty come out.

6000. Do the Chinese keep up a communication amongst themselves, so as to be ready to assemble at one time when wanted? — Yes.

6001. You could assemble them all within a month, could you not? — Yes.

These questions convey an underlying fear that an assembled Chinese mob congregating in large numbers at a pre-determined locality could overwhelm the local European population. Four years later, that perception was not evident on the Ovens, judging by a Constitution article in early May 1859. The article suggested the Chinese were ‘beginning to evince a better disposition towards the residence fee’. Those few who experienced a little ‘prison discipline’ paid the residence fee on release, while others ‘intimidated’ by the strict enforcement voluntarily paid; the £4 annual fee was not exorbitant, as it comprised £3 pound for the resident portion and £1 for the miner rights and all the privileges conferred by that right. Missed in the article was that Chinese privileges conferred by the residence and miner’s rights did not equate to European rights. Of greater comfort to the Constitution was that all was quiet on the Ovens. Not all locals seemingly accepted this complacency. ‘B.E.’ inquired:

I want to know...
How Chinese earn their daily bread
Or rice, as I suppose the term should be...
I want to know if they all pay their tax...
I want to see these questions answered, for
I soon ‘want to know’ a little bit more.

22 Ibid., Howqua, 15 Jan 1855 Questions 5933-6013, pp. 335-8.
23 Constitution, 7 May 1859, p. 3, Col. 3.
24 Ibid.
25 Ibid.
26 Ibid.
27 Constitution, 5 May 1859, p. 3, Col. 3.
Within a week of the Constitution's assurances the O&MA reported on ‘The First Chinese Insurrection’ with wild scenes of troopers pitted against 700 Chinese near White Hills, Bendigo, where police conducting a resident ticket check, arrested and handcuffed thirteen.28 Chinese ‘stump orators’ addressed the meeting, produced ‘resolutions’, with a planned boycott on European businesses, all of which was described as a ‘species of malice’.29 If the Bendigo demonstration was peaceable then the Chinese were entitled to act ‘without interruption’, but if they adopt ‘overt resistance’ or ‘rush or assault the police, they must be taught a severe lesson.’30 The Constitution reappraised the residence fee and recanted its stance of the previous week:

Whatever the justice or injustice of the amount of the tax, it must be collected…If…the sum of £2 will suffice, the tax ought to be reduced…31

Following the riot the residence tax initially upheld as an acceptable and essential imposition against the ‘others’ was too high at £4, though acceptable if lowered to £2 annually. By way of contrast the O&MA in a rambling and at times contradictory article supported a £2 tax on the basis that ‘we considered the tax too heavy, and the punishment… severe’; nevertheless there should be ‘an increased taxation inflicted… sufficient to meet the increased expense’ of having Chinese in the country.32 The paper recognised that police methods hunting ‘the poor wretches’ from ‘hole to hole’ and shooting at them ‘in their claim in order to bring them before the Bench to bear an iniquitous fine’ was unjust.33 The O&MA cited a recent case where a Chinese defendant was denied a jury comprised of half British and half Chinese on the grounds that he might have come from Singapore, therefore was a British subject and not entitled to a half jury of

29 Constitution, 14 May 1859, p. 2, Col. 4.
30 Ibid.
31 Ibid.
33 Ibid.
Chinese. Alex Keefer obtained a half-Chinese, half-European panel of jurors in a recent case.\textsuperscript{34}

The \textit{O&MA} declared that the Chinese were ‘the greatest liars in the world’ and that it would support ‘[a]ny tax’ to ‘prevent the further influx of Chinese’ but those already in the colony ought not to have the ‘imposition of unfair taxes nor any other act not in accordance with the dignity of a great nation’.\textsuperscript{35} In the same paper, a small article stated a Chinese delegation met with Premier O’Shanassy requesting a reduction of the Residence Fee, but were ‘mildly but firmly’ told ‘he would enforce the law.’\textsuperscript{36} \textit{Punch} described this delegation and meeting in a piece titled ‘The New Chinese Gentleman’.

He was the first that saw the Chief,  
When to Melbourne down he came;  
Was first to tell great John,  
It was a horrid shame,  
To tax his brother so;\textsuperscript{37}

The \textit{Constitution}’s Melbourne-based correspondent reported O’Shanassy’s meeting with the Chinese delegation. O’Shanassy said the \textit{Act} was ‘intended to be a repressive one’ designed to halt the flood of Chinese; he suggested they paid the tax and that proclamations issued by secret societies did not help their cause.\textsuperscript{38} The latter appears to be a reference to the Spring Creek event. The \textit{Constitution} welcomed O’Shanassy’s position; it ‘evinces a determination to enforce the law rigidly but impartially.’\textsuperscript{39} The paper reasoned that the ‘act has become law’ and ‘it behoves every good subject to aid its enforcement, in the hope’ of later obtaining an ‘amendment’.\textsuperscript{40} The paper argued that the Chinese, to use a phrase coined by ‘DANIEL O’CONNELL’ had ‘practically driven a coach

\textsuperscript{34} \textit{Constitution}, 1 Sep 1859, p. 2, Col. 5.  
\textsuperscript{35} \textit{O&MA}, 2 Jun 1859, p. 3, Cols. 1-3.  
\textsuperscript{36} Ibid., Col. 3.  
\textsuperscript{37} \textit{Punch}, 9 Jun 1859, p. 156.  
\textsuperscript{38} \textit{Constitution}, 1 Jun 1859, p. 2, Col. 5.  
\textsuperscript{39} \textit{Constitution}, 2 Jun 1859, p. 2, Cols. 2-3.  
\textsuperscript{40} Ibid.
and six through a colonial statute passed for their government." The O’Connell reference, laced with connotations of Irish dissent implied that ‘law and order’ was paramount because the alternative was an increased likelihood of revolution. Another inference was that O’Shanassy was an O’Connellite, whereas Gavan Duffy and O’Connell fell-out during 1848 and at the time of the Chinese delegation, O’Shanassy and Duffy were in dispute land reform. Until the law was amended, said the paper, O’Shanassy must ‘issue instructions for the administration of the law with stringency, but at the same time, with entire uniformity.’ A proposition that accepted this tax regime as acceptable when applied against those considered ‘anything but desirable colonists’ could easily be extended to other undesirables as when a correspondent ‘III of Bendigo’ suggested that the Chinese tax be extended to another undesirable class, the Irish.

To some in Beechworth the Chinese reaction was not a reaction against an unjust regime, rather it was shamming poverty:

\[A\]11 Chinese in the colony. . . are. . . required to pay, their quota to this newly opened source of revenue. . .their opposition to the tax will not be manifest as in its enforcement in the ‘mining districts’, where they pretend to be poverty stricken, and invariably quite unable to pay this fresh imposition…

Again, a contradiction in the same O&MA article said ‘many’ Ovens Chinese paid the tax ‘at the risk of starvation.’ The suggestion that the Chinese shammed poverty was unaccepted in some quarters; in its Report on the ‘Chinese Encampments’, the Board of Health wrote:

\[A\]11 Chinese in the colony. . . are. . . required to pay, their quota to this newly opened source of revenue. . .their opposition to the tax will not be manifest as in its enforcement in the ‘mining districts’, where they pretend to be poverty stricken, and invariably quite unable to pay this fresh imposition…”

Amongst the Chinese . . . mining operations have been less remunerative, a large number of Chinese experiencing considerable difficulty in earning their scanty pittance. This causes them to be constantly moving from one place to another hoping for better success…

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41 Ibid.
42 Ibid.
44 Pawsey, Popish Plot, p. 81.
45 O&MA, 2 Jun 1859, p. 3, Cols. 1-3.
46 Ibid.
The local papers fuelled the perceived threat of insurrection. The *Constitution* argued because of ‘their peculiar habits’ it was essential the Chinese live apart from the European community; it was inappropriate to have 40—50,000 men so removed from the Europeans, ‘that we never know their ideas’ and can not detect ‘any kind of movement or plan’. 48 Consoling the Europeans was an assurance that the Bendigo Chinese possessed ‘more pluck’ than the locals, who disappeared down their mining shafts like rabbits whenever a policeman approached and that ‘rigid measures will not be necessary’, on the Ovens. 49

A fortnight after the Bendigo riot, a ‘demonstration’ as the *O&MA* described it, or as the alarmist *Constitution* termed it, an ‘emeute’ involving 300 to 500 erupted at the Chinese Camp on Spring Creek, outside Beechworth. The outbreak occurred when headmen circulated Chinese placards warning their countrymen not to pay the new residence tax and threatening those who did. 50 Sergeant Kelly, unable to control the ‘seditionous’ demonstration, arrested ‘a ringleader’, as reinforcements rushed from Beechworth to curtail any ‘molestation of the police’.

Twenty-four Chinese later appeared in court and received fines for failure to pay the tax; one charged over the disturbance received three months imprisonment with hard labour. 51 An elderly Chinese had urged a ‘knot’ of his countrymen to go to prison rather than submit to the tax. 52 Twenty or more Europeans armed with ‘sticks’ stood at the edge of the camp, ready to assist police. The uprising was ‘more a hooting match than a demonstration’. 53 Nevertheless, the European civilians’ preparedness to

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48 *Constitution*, 14 May 1859, p. 2, Col. 3.
49 Ibid.
52 Ibid.
53 *Constitution*, 23 May 1859, p. 2, Col. 5.
suppress the Chinese added a new dimension to disturbance and might explain the use of the term *emeute*. Whilst the Europeans were openly armed with ‘sticks’, it was common practice on the Ovens to carry firearms,\(^{54}\) and the choices were single-shot pistols, pepperboxes and six-shooter Colts, all concealable pieces.\(^{55}\) The ‘sticks’ were probably shillelaghs or waddies fashioned in advance and kept by the Irish for such a call-out. On Spring Creek some 20% of the Europeans were Irish and in Victoria, the Irish were never far from their shillelaghs according to *Punch*. (Fig. 20.)

![Fig. 20. Punch’s version of Paddys armed with sticks.](image)

*Punch*, 8 Sep 1859, p. 52.

That the Europeans assembled quickly and before police reinforcement arrived, suggested vigilante groups existed for an emergency. The *Constitution* stated the elderly man, rejoiced in ‘the euphonious cognomen of PIG MON’, ‘a professional agitator’ arrived on the Ovens ‘to preach passive resistance’.\(^{56}\) Pig Mon possessed a document from the Sze Yip Club cautioning the Chinese to boycott the Residence Ticket and a document offering £200 reward for killing the headman in the Chinese camp.\(^{57}\) Kelly arrested Pig Mon for sedition.\(^{58}\) The *Constitution* said it was not a practice to harass the Chinese on Sundays, ‘the Lord’s Day’.\(^{59}\) The

\(^{54}\) Harvey, *Background to Beechworth*, p. 8.
\(^{56}\) *Constitution*, 24 May 1859, p. 2, Cols. 4-5.
\(^{57}\) Ibid.
\(^{58}\) Ibid., Col. 6.
\(^{59}\) Ibid., Cols. 4-6.
charges against Pig Mon resulted in a fine of 20/- and on payment, Pig Mon departed the Ovens.

‘A Looker On’ witnessed the disturbance and declared the Chinese Protector [William Drummond, a paid European government official] kicked and abused those under his protection and suggested the tax should be renamed the ‘Chinese Oppression Tax’. His interpretation presented a different opinion that the Chinese were ill-treated by the Protector and the police. The Victorian police appeared like the Royal Irish Constabulary force and bore arms in the same manner.

They have belts and pouches, ball cartridges in the pouches, short guns called carbines, and bayonets, and pistols, and swords.

The action of the Protector and police suggested an anti-democratic mindset with the dominant group dictating to the others. As the miners in the days before Eureka carried licences, so the Chinese carried their papers or faced arrest. Chasing Chinese from hole to hole suggested harsh policing around their camps and that those abuses which contributed to Eureka, continued on the Ovens against the Chinese. That many Ovens Chinese appeared before the courts captured in ‘digger hunts’ was widely accepted. Though McWaters mentioned the Spring Creek riot, she suggested the tax was a hardship on Chinese businesses, that petty crime increased as Chinese attempted to pay the tax and that police frequently raided the Chinese camp. However, Punch previously suggested an unjust enforcement regime existed on the Ovens. (Fig. 21.)

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61 O&MA, 30 May 1859, p. 2, Cols. 5-6.
64 O&MA, 2 Jun 1859, p. 3, Cols. 1-2.
65 McWaters, Little Canton, pp. 21-24.
Up here all of us, and especially our jurymen, are looking forward with great pleasure to the prospect of a good Chinese hunting season. Under the proposed new laws the sport will gain much extra éclat, by being carried on with official sanction and patronage, and not as hitherto, merely by sufferance. I will send you an anticipatory sketch by a local artist.

(Extract from private letter from Beechworth)

Fig. 21. *Revival of the Fine Old Australian Sport of License-Hunting.*
*Punch*, 20 Aug 1857, p. 28.

Chinese charged over the Spring Creek *emeute* received fines on conviction.67 A. Tong, charged for throwing a bone received £3 or one month.68 Within days, he reappeared on an indecent exposure charge: case dismissed.69 While the paper wrote of 300-500 involved in the *emeute*, the ‘Census for 1861’ gave the number of Chinese living on Spring Creek as 36, which raises the possibility that tensions and dissatisfaction at the camp caused by drought and lack of gold saw many move on.70 The figure of 300-500 involved in the disturbance might not have been an exaggeration,

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66 Due to poor quality, a small portion is reproduced.
67 *O&MA*, 24 May 1859, p. 3, Col. 3.
68 Ibid.
69 *O&MA*, 3 Jun 1859, p. 3, Col. 4.
as the figures for September 1859 showed 1,347 Chinese in the camp,\(^{71}\)
and suggested that a significant number participated.

The discrepancy in the terminology describing the incident on Spring
Creek as ‘*emeute*’, in one paper and ‘disturbance’, in the other might
suggest that the event was an opportunity to divert attention from ‘the land
question’ to an immediate issue of an uprising. The *emeute* shook
complacency in Beechworth, though initially the *Constitution* believed no
further trouble was anticipated.

    We are not among those who apprehend any danger from the Chinese
element in our population. Their national character is too well known to
permit even the supposition that they are likely to proceed from passive to
active resistance.\(^{72}\)

The disturbances at White Hills and Beechworth drew comment from
*Punch*, which perceived the troubles as a taxation issue. (Fig. 22.)

    Come listen to a fine new song...
    Of a Chinese gentleman...
    And who for leave to mine did pay
    A very moderate rate,
    And that he protected might be,
    By the peelers of the state...\(^{73}\)

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\(^{71}\) *O&MA*, 5 Sep 1859, p. 2, Col. 6.

\(^{72}\) *Constitution*, 2 Jun 1859, p. 2, Cols. 4-5.

\(^{73}\) *Punch*, 9 Jun 1859, p. 156.
Fig. 22. ‘We want (sic) pay the tax.’

Punch, 2 Jun 1859, p. 149.

Although no tax he paid;
And when they asked him for “the tin,”
A curious sound he made,-
And shook his tail as if to them,
He’d like to make a raid!74

Reports of police doing nightly observation of the Chinese camp mentioned ‘suspicious preparations’ making ‘ladders, having hooks…and ropes with crooks attached’, which suggested another revolt brewing.75 A subtle irony emerged: while the police watched the Chinese and the Constitution demanded stringent enforcement of the Act, in an adjoining

74 Ibid.
75 O&MA, 6 Jun 1859, p. 3, Cols. 1-2.
newspaper column a reported hold-up on the Beechworth mail, reprinted from the *Herald* accused the police of incompetence allowing this ‘desperate atrocity’ to occur ‘under its very eyes’. Missed in the article was the link between misusing police resources to monitor an unpopular group at the expense of addressing the real issue of crime. Using the fear of an impending uprising as a pretext the *O&MA* declared the ‘Chinese Tax’ an injustice, ‘invented by the present unscrupulous [O’Shanassy] government’ in an effort to obtain ‘extravagant extractions on a poor, miserable imbecile, helpless but hard working race’ to boost the revenue of the colony’s failing economy. On the contrary, argued the *Constitution*, the blame for ‘negligent construction’ of the Chinese Tax rested with the former Haines government, not O’Shanassy.

At the Indigo, a convened meeting at Mr. William’s store considered a proposal to remove Chinese from that goldfield and the following resolution from Mr. [William?] Masterson, possibly late of the Woolshed, declared:

>T]hat the chinese (sic). . . are a sober, industrious and well people, and have given entire satisfaction to those who, in this locality, have hired them; and that in the estimation of this meeting their immediate removal from here, where some of them have laid out considerable sums of money in the purchase of claims, would be not only unjust to themselves, but would be highly inconvenient to the miners who have entered into agreements with them.

Considering the atmosphere prevailing around Beechworth and its immediate satellites, it was a surprise this resolution passed, and was submitted to the Warden. One could speculate if such a proposition

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76 *Constitution*, 2 Jun 1859, p. 2, Col. 7.
78 *Constitution*, 2 Jun 1859, p. 2, Cols. 4-5.
80 *O&MA*, 4 Aug 1859, p. 3, Col. 4.
81 Ibid.
would survive a Beechworth meeting in the midst of the election, but then Chiltern was different to Beechworth.

A later disturbance at the Chinese camp on the Woolshed described as a ‘Mongolian War’ with reports of Chinese deaths and injuries unfolded as a slight altercation in which ‘the Chinaman had the row all to themselves’.\(^{82}\) The *Constitution* ignored the ‘war’.

Support for the Chinese extended beyond the Indigo during the election. ‘FAIRPLAY’ complained of a prison warder on three separate occasions ‘brutally ill using the Chinamen under his care’, by pistol whipping and kicking his charges.\(^{83}\) ‘William Kirkland’ also highlighted this incident,\(^{84}\) which drew a prompt response from the Governor of Beechworth gaol, Castieau, to investigate.\(^{85}\) The *Constitution* published a ‘letter’ from the Chinese interpreter ‘William T’sze Hing’, who explained that although the treatment of prisoners was “wei le koot” [welly good] a clumsy Chinaman upset a water-cart and a warder took swift action to avert the accident.\(^{86}\) This letter appeared to be a fabrication, to conceal the facts or give Chinese approval to the brutality. The *O&MA* termed the letter a ‘very lame attempt to ridicule “Fairplay”’.\(^{87}\) Kirkland, a prominent stonemason working on the new prison, stated he saw a warder ‘seize by the collar with one hand, and with the other which held a pistol strike [a] Chinaman in the face’. Was this treatment, asked Kirkland, ‘welly good’ for the ‘illused Chinaman’?

[A] Chinaman is at least an animal. This point being conceded…there is a British law inflicting punishment for cruelty to animals…\(^{88}\)

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\(^{82}\) *O&MA*, 10 Sep 1859, p. 2, Col. 2.

\(^{83}\) *O&MA*, 12 Aug 1859, p. 3, Col. 5.

\(^{84}\) *Constitution*, 11 Aug 1859, p. 3, Col. 1, plus another letter *O&MA*, 17 Aug 1859.

\(^{85}\) *Constitution*, 12 Aug 1859, p. 3, Col. 3.

\(^{86}\) *Constitution*, 13 Aug 1859, p. 3, Col. 3.

\(^{87}\) *O&MA*, 19 Aug 1859, p. 3, Col. 1.

Kirkland debunked T’sze Hing’s ‘letter’, urging the paper to represent ‘the voice of the weak and oppressed’. If the ‘weak and diminutive Chinaman’ did upset the water cart, did it warrant the punishment, asked Kirkland? His letter endorsed by 18 witnesses, including stonemason Henry Russell, said the warder beat the Chinese. The stonemasons were outsider contractors not necessarily part of the Beechworth community. Further, stonemasons comprised the premier union and tradesmen in the colony, having recently won their ‘eight hour day’ campaign and were men of standing. Kirkland organized the ‘Eight-hour day’ anniversary dinner at the Empire Hotel in April. The *O&MA* demanded an inquiry. Nothing apparently happened. Kirkland later appeared in court for allowing his horse to wander. Henry Russell had earlier appeared in court over an unjust encounter with police. The exchange of letters suggested not everyone in Beechworth saw the Chinese as a nuisance, and a group with no worth.

At least one local recognized the Chinese’s commercial worth. Beechworth trader, Gray and Co. had for, ‘the first time since the Asiatic element entered upon these diggings, acknowledged the uses and advantages of Chinese as customers.’ Gray displayed ‘two placards in Chinese characters’ advertising he sold ‘sundry “Chinese fixings”’. The *Constitution* suggested that ‘the next step… will be the issue of a Chinese Newspaper’. The reference to a Chinese newspaper possibly referred to the Ballarat publisher, Robert Bell, (the official interpreter) who ran a

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89 Ibid.
90 *O&MA*, 16 Apr 1859, p. 2, Col. 6.
92 *Constitution*, 12 Oct 1859, p. 2, Col. 3.
93 *O&MA*, 24 May 1859, p. 3, Cols. 1-2, 3-4, & 5.
95 Ibid., (11 Aug)
96 Bate, *Lucky City*, p. 151.
newspaper called the *Chinese Advertiser*. Despite their ability to contribute to the economic growth in Beechworth, the immediate local perception was that the Chinese were a source of additional taxation revenue to ensure the continual monitoring of their activities.

In early May 1859, while all was quiet on the Ovens, the *Constitution* speculated that of the 5,000 - 6,000 Chinese on the Ovens goldfields, only 50 paid the fee, but the suggestion was unsubstantiated. The article did not canvass a potential electoral issue; rather, it indicated that the ‘Chinese Puzzle’ was a pre-existing and unresolved backdrop to the pending election. The 6,000-figure accords with C.Woods’ estimate for 1859; but the taxation revenue was about £9,000 and in her ‘MA.thesis’ she suggested over 2,700 paid the tax. Serle wrote that [Captain] Frederick Standish, the Chinese Protector, gave evidence that on the Bendigo fields there was a system of licensing hunting for protection tickets based on the previous system used against the European diggers. The Chinese Protector Drummond, whom C.Woods described as a ‘disciplinarian’, conducted what a local correspondent in June 1859 termed a ‘crusade’ ‘for the purpose of directing the collection of the Resident Tax’. Whether Drummond’s ‘crusade’ reflected his predecessor Matthew Price’s actions, with Chinese ‘Digger Hunting Raids’ to forcibly segregate Chinese and European camps, as occurred in 1857, was undetermined from paper articles. However, the *Constitution*’s allusion to the local Chinese diggings as a rabbit warren, where its inhabitants dived into holes whenever a policeman approached implied that a harsh and overbearing regime

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97 Ibid., p. 136-137.  
98 *Constitution*, 5 May 1859, p. 2, Cols. 4-5.  
102 *O&MA*, 3 Jun 1859, p. 3, Col. 3.
operated.\textsuperscript{103} Allegations of corruption surrounded the Chinese Protector’s administration of the resident tax; if a Chinese immigrant did not produce the essential resident note, another type of:

‘note will square the business, “John” knowing no better advances the paper and it is \textit{not} paid into the Public Treasury, further the rumor goes the collusion between the Chinese Protector on this matter.’\textsuperscript{104}

Despite innuendo, no evidence of corruption or charges laid against police or those administering the collection of the Chinese tax emerged from the papers during the latter half of 1859. However, if such a regime existed then the level of hostility against the European law-enforcers would add to a cumulative sense of injustice. Often enforcement against the Chinese was unjust as gleaned from the papers’ court reports. Some Chinese held the new ‘residence licence’ under the 1859 \textit{Act}, while others held the still current ‘Protection Ticket’ issued in accordance with the 1854 \textit{Act}. Many police ignored the distinction. Constable Stafford arrested five Chinese for failing to have the ‘Residence Licence’; they produced their current ‘Protection Ticket’, in court and all charges dismissed.\textsuperscript{105} Some Chinese acted as Court interpreters, but spoke such poor English their translations were suspect, raising local demands that interpreters be bilingual Europeans.\textsuperscript{106} There were problems at the Indigo when, Ah Leet, the second interpreter gave false translations and was suspended.\textsuperscript{107} In such a legal system, perhaps many submitted in silence and ignorance.

\[\text{T}]
\text{his is straining the law with a vengeance and for no reasonable purpose. . .and we question much whether even the extremely large powers conferred . . . by this Act can be tortured in authorising such a system. The Chinese are not ticket of leave men; they have committed no crime. . .\textsuperscript{108}

Some Chinese appeared before the courts for failing to move into the camps and if missing, warrants were issued. Ah Chong, Mock Tong and A

\begin{tabular}{l}
\textsuperscript{103} \textit{Constitution}, 14 May 1859, p. 2, Col. 3. \\
\textsuperscript{104} \textit{O&MA}, 30 Aug 1859, p. 2, Cols. 1-2. \\
\textsuperscript{105} \textit{O&MA}, 21 Jun 1859, p. 3, Col. 5. \\
\textsuperscript{106} \textit{O&MA}, 29 Jun 1859, p. 3, Cols. 1-3. \\
\textsuperscript{107} \textit{Constitution}, 14 Sep 1859, p. 2, Col. 5. \\
\textsuperscript{108} \textit{Constitution}, 8 Mar 1859, p. 2, Cols. 3-5. \\
\end{tabular}
Cow, charged with residing outside the defined Chinese Camp Boundary, came before Beechworth Court and each received 10/- fines with 7/6 costs, in default two days imprisonment.\textsuperscript{109} Issuing warrants for absconders suggested a system of ‘close monitoring’, an entrenched system of spies informing on the Chinese and an official police register of those living at a location, existed.\textsuperscript{110} As C.Woods demonstrated, in the aftermath of the Buckland riots, Mathew Price instructed Drummond, his successor that:

\begin{quote}
[T]he rule that the Chinese live in separate camps should be strictly observed and the Chinese camp should be ‘as far as possible from the habitation of the Europeans’ . . . [and that] one constable would reside near each main Chinese camp so as ‘to be amongst the Chinese at all hours, by day and night’ . . .\textsuperscript{111}
\end{quote}

According to Price, the task of overseeing the Chinese required ‘energy, perseverance and unremitting vigilance’.\textsuperscript{112} Had such a repressive system existed against European miners, an uprising or \textit{emeute} like Eureka would have occurred.\textsuperscript{113} Some of the poor treatment Europeans experienced suggested dissatisfaction with law enforcement methods on the Ovens. Therefore, it was no surprise that the Chinese resisted harsh treatment. Chinese grievances turned to hostility when a leader like Pig Mon emerged. Yet beneath the local Chinese tensions was the reality expressed by Schama and applicable in Victoria, that in the post-French revolution world, two irreconcilable differences were in conflict that of the emergence of the potent state as expressed by its police force and the notion of a community of free citizens.\textsuperscript{114} As that irreconcilable difference emerged during Eureka, so was it visible in Beechworth particularly against the Chinese.\textsuperscript{115}

\begin{footnotesize}
\textsuperscript{109}  O&MA, 24 Aug 1859, p. 3, Col. 2.
\textsuperscript{110}  Woods, \textit{Beechworth}, pp. 61-62.
\textsuperscript{111}  Ibid., p. 63 : N.B system began Aug 1857, strengthened Mar 1859.
\textsuperscript{112}  Ibid.
\textsuperscript{113}  Eureka also occurred on a Sunday.
\textsuperscript{114}  Schama, \textit{Citizens}, p. 15.
\textsuperscript{115}  O&MA, 24 May 1859, p. 3, Cols. 1-2 & 5, police despotism against stonemason H. Russell.
\end{footnotesize}
Following the Spring Creek disturbance, the *Constitution* speculated that part of the ‘Asiatic barbarians’ problem was the residence fee, as some were indentured to masters who refused to pay the fee for employees. It suggested that on conviction most Chinese paid rather than accept imprisonment.\(^{116}\) This article differs with C.Woods’ claim that the imposition of ‘three days imprisonment was no great hardship’,\(^{117}\) yet it highlighted how little the Ovens European community understood the customs and habits of the Chinese. The Chinese comprised two distinct classes; the employers and employees, and the only insight the European society gained of the Chinese was via ‘compulsory and frequent appearances’ in court.\(^{118}\) Some Chinese court appearances were theatrical: self-inflicted wounds, exaggerated injuries, ‘shamming sickness’ designed to achieve an outcome.\(^{119}\) This behaviour stimulated anti-Chinese feelings and became a clarion cry for more restrictive legislation.\(^{120}\)

The timing of the Chinese disturbance appeared coincidental to the Ovens election, more related to unresolved grievances surrounding the new tax and cumulative bad treatment. The *O&MA* overlooked possible injustices and criticised the candidates for failing to address the underlying fear of ‘an armed uprising amongst the Chinese’, and made its point by inflating the numbers living at the nearby camp by almost five times.

> We will suppose for instance 10,000 Mongolians residing at the Camp at Spring Creek, what force could be collected here to resist a sudden attack from such a swarm? We answer none!\(^{121}\)

Although Chinese in 1859 numbered some 26,000 in Victoria,\(^{122}\) the *O&MA* imagined 10,000 forming-up within two miles of Beechworth

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\(^{119}\) Ibid.

\(^{120}\) Ibid.

\(^{121}\) *O&MA*, 1 Sep 1859, p. 2, Cols. 1-2.

town.\(^{123}\) It predicted ‘the day must come, when with the rich prize of the Gold Fields of Victoria before their eyes’, swarms of Chinese will rush down the streets of Beechworth and other localities and ‘murder all the Europeans’.\(^{124}\) This minority ‘though meek as lambs when obliged to succumb’, posed a significant threat when in the majority, ‘the cunning and barbarity of the savage peeps forth’; and they would ‘exterminate and destroy with the most horrible cruelties, all those against whom they may feel a grudge.’\(^{125}\) The article aimed to instil fear and loathing against the Chinese with images of the yellow hordes engulfing the Europeans.

> Amongst all the various candidates… we have not yet heard of one who has alluded to one phrase of this subject…\(^{126}\)

The *O&MA* declared an ‘emergency’ existed on the Ovens, arguing that the tax was the only means of bringing Chinese before the courts and filling the prisons, which required additional police numbers to monitor the group.\(^{127}\) No correspondents suggested further *emeutes* were imminent. Yet the paper persisted that candidates take a harder anti-Chinese stance:

> [W]e hope to see the electors closely scrutinizing all candidates as to their opinions on the Chinese question… every candidate should be called to pledge himself… to prevent the arrival of any more of these Mongolian Hordes.\(^{128}\)

Despite the fear, none of the four Assembly candidates used this issue to gain advantage for their campaigns. The Upper House candidates ignored the issue. Even Scarlett avoided the issue, despite doggerel that he was pro-Chinese:

> An Oriental orator  
> That loafs on the Nine Mile.\(^{129}\)

According to Serle, during the Buckland riots of 1857, Europeans on the Buckland and Ovens who attacked the Chinese were regarded as heroes,

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\(^{123}\) *O&MA*, 1 Sep 1859, p. 2, Cols. 1-2.

\(^{124}\) Ibid.

\(^{125}\) Ibid.

\(^{126}\) Ibid.


\(^{128}\) *O&MA*, 1 Sep 1859, p. 3, Cols. 1-2.

\(^{129}\) *Constitution*, 1 Sep 1859, p. 2, Col. 7.
while two storekeepers accused of ‘sticking with the Chinese’ were beaten’. Though nothing suggested Scarlett was physically abused, he drew criticism and doggerel attacks for his outspoken views of two years before. The piece below suggested that John Scarlett was so pro-Chinese that an astute trap (policeman) thought he was one and demanded his [Chinese] Protection ticket.

A marvellous sharp ‘trap’ got nicely outwitted,
He asked for to see John’s Protection ticket;
John answered ‘Blue Bob’ with a wink and a leer,
‘My friend I don’t hail from the Celestial sphere.’

Issues relating to the ‘Chinese Puzzle’ as distinct from the emeute or uprising, appeared in the political debates across the Ovens. ‘J.B.W.’ advanced several solutions via the Constitution. He suggested that ‘with good governance’ the Chinese will ‘assist materially to the advancement of the colony’. However, he argued, that though Englishmen in the colony feared being over-run, the laws ‘made for taxing and protecting’ the Chinese were a ‘disgrace to a British colony.’ ‘J.B.W.’ proposed the Chinese learn English and be employed ‘at such wages that would be remunerative to them, and advantageous to their employers’. ‘J.B.W.’ wanted government sponsored Chinese education programs in English with a non-tax incentive for those learning the language. Under J.B.W’s vision, the Chinese would settle down with wives and family, rather than returning to China, once they had acquired their pile. The Chinese could learn about:

the civilization, religion and liberty of England. If we are a superior race most assuredly it is our duty to permit other inferior races to learn of us; and who can tell what good may flow...
‘J.B.W.’s’ vision was for a permanent cheap source of second class non-citizen labour. Cheap labour was the squatters’ and merchants’ ambit claim similar to those who opposed the abolition of transportation. Cheap coolie labour, according to Kathryn Cronin, was important in the colony in the pre-gold era, and employers argued for workers to perform jobs shunned by Europeans, namely the ‘tiddle-winking work’.135 ‘J.B.W.’ reflected the pre-gold rush mindset of using a servile, compliant and cheap labour force to reduce the wage rate. What ‘J.B.W.’ articulated was perhaps akin to the re-organization of Chinese labour into areas of little or no skill including manufacturing, farm labouring, washing and domestic services as described in California, by Saxton.136 Serle identified that the nub of land difficulties in the 1856-7 era and its occupation was, among other factors in the eyes of legislators, ‘the high price of labour’ for those wanting to bring parcels of land forward for sale.137 ‘J.B.W.’ did not write another letter under that nom de plume. Certainly, he was interested in the election campaign and suggested the politicians were listening, though he disagreed with candidate Arthur O’Connor who felt that the Chinese presence on the gold fields was such that no more should migrate. The question of slavery or permanent underclass of people in the colony, was touched upon by Arthur O’Connor at Beechworth, where he stated that one of the three reasons why he opposed further Chinese migration was that those already in the colony were ‘slaves to the headmen and the capitalists among them’.138

This chapter suggested the Ovens in early 1859 carried recollections of the Buckland riots only two years prior. Initially, while the Chinese Puzzle existed, the local Europeans feared that one day the Chinese might

135 Cronin, Colonial Casualties, p. 15.
136 Saxton, Indispensable Enemy, pp. 2-7.
assemble in great numbers and overpower them. All this, however, was secondary to the main Ovens electoral issue of Land. Following the Bendigo disturbances there was no expectation that the Chinese troubles could disrupt the Ovens, as the Chinese locals not only were diminishing in numbers, they lacked the ‘pluck’ of their central goldfield counterparts. The Sunday *emeute* changed that perception and the Chinese became ‘the issue’ according to the *O&MA*. However, little evidence by way of letters or other actions from the broader community suggested the Chinese question was the issue of the election. Though there was an expectation of uncovering a greater range of anti-Chinese letters and actions surrounding “the” issue, the reverse was true as indicated in J.B.W’s letter. The Beechworth fears of a Chinese ‘*emeute*’ following the Spring Creek ‘disturbance’ failed to panic the Indigo or other areas. The fears of a Chinese *emeute* were Beechworth-centric, confined mainly to the offices of the *O&MA* and the *Constitution*. Candidates did not use the emergency to advance their own election aspirations and divert attention from the real issue of land.

The next chapter examines the election campaign of 1859 in detail. The background and debates mentioned in the above chapters on religion, nationality and the Chinese presence on the Ovens set the backdrop to the election, with the dominant social grouping in Beechworth forming alliances and using the political process to exclude those perceived as outsiders from achieving parliamentary representation.
Chapter 4
The Election

TO BE OR NOT TO BE, THAT IS THE QUESTION? Whether ‘twere better to elect Keefer or Wood, and discard those from the rank of the people. ‘Tis hard to determine.

O&MA, 19 Sep 1859, p. 2, Col. 1.

The Age described the O’Shanassay Ministry of 1857-59, which comprised only two Catholics, John O’Shanassy and Gavin Duffy as ‘the time when the Pope ruled in Victoria’,¹ a perception which may permit new insights of the struggle for political power on the Ovens during the last days of that government.

Victoria operated a bicameral system of two parliamentary Houses, the Assembly and the Council, with two different ballots conducted within the one general election of 1859. Scott’s ‘History of the Victorian Ballot’ demonstrated that the Victorian ballot was a new evolving system developed in the colony and later exported.² The ballot was a keystone of the English Chartist movement and this democratic ideal arrived in Victoria with the influx of miners from England and Europe disillusioned with the failed revolutions of 1848; yet it carried ‘un-English’ connotations of republicanism.³ Serle said a coherent and strong opinion existed among conservatives, the landed classes, the mercantile and professionals that democracy was abhorrent.⁴ The extended ballot represented a revolutionary deviation from the status quo.

As the struggle for government occurs in the Legislative Assembly, this chapter focuses initially on the Ovens contest for the two Assembly seats.

¹ ‘Victoria and the Pope’, Age, 19 Jul 1860, in Pawsey, Popish Plot, p. 106.
³ Ibid., No.1, pp. 6-8.
⁴ Serle, Rush to Be Rich, p. 3.
It examines the issues, the candidates’ platforms and the alliances formed to ensure a conservative victory. Secondly, the chapter examines the short sharp contest for the Upper House seat. By examining and discussing the campaign and issues as reported, the candidates, their supporters and perceived interrelationships, a fresh insight to the nature of power, political and social divisions on the Oven emerges. Further, it is possible to examine the extent to which such divisions were linked to nationality and religion. Though the papers are the primary source, several secondary sources identified individuals’ community and religious groupings.

According to Serle, many conservatives arrayed against O’Shanassy, believed the election outcome would ‘destroy their world’. The conservative group united behind its leader William Nicholson, who according to Serle ‘sometimes gave the impression’ that his ‘only politics were to obtain and keep office’. This group, said Serle, loosed a ‘spate of propaganda… remarkable both for sustained virulence and absence of positive policy’. Opposing the conservatives was the radical movement comprising protectionists under the banner of the Tariff League, groupings of artisans under the Labor League and the Conventionists who demanded land reform and parliamentary reform. The radical groupings despite efforts to establish a united front failed to form a platform on tariff protection.

At the Ovens Assembly election the moderate candidates J.D.Wood (1956) and Keefer (1843) defeated the perceived radical outsider, miner Alfred O’Connor (1289), while local miner John Scarlett received only 638 votes. Because of a ‘first past the post’ system the miners’ vote split between

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6 Ibid., p. 290.
7 Ibid.
8 Ibid.
9 Ibid.
Scarlett and O’Connor denying the Ovens miners any direct representation in parliament.

Table 4-1

<table>
<thead>
<tr>
<th>Location</th>
<th>Wood</th>
<th>Keefer</th>
<th>O’Connor</th>
<th>Scarlett</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Beechworth</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Murton Gym</td>
<td>454</td>
<td>458</td>
<td>88</td>
<td>74</td>
</tr>
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<td>Three Mile</td>
<td>82</td>
<td>82</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>Reid’s Creek</td>
<td>54</td>
<td>74</td>
<td>29</td>
<td>28</td>
</tr>
<tr>
<td><strong>Belvoir</strong> (without Wodonga)</td>
<td>14</td>
<td>16</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td><strong>Stanley</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barber’s Hotel</td>
<td>219</td>
<td>104</td>
<td>63</td>
<td>152</td>
</tr>
<tr>
<td>Hurdle Flat</td>
<td>55</td>
<td>43</td>
<td>36</td>
<td>41</td>
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<tr>
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<td>40</td>
<td>36</td>
<td>1</td>
<td>3</td>
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<tr>
<td><strong>Woolshed</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hallworth’s Hotel</td>
<td>65</td>
<td>103</td>
<td>96</td>
<td>7</td>
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<td><strong>Yackandandah</strong></td>
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<td>79</td>
<td>22</td>
<td>1</td>
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<tr>
<td><strong>Indigo</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1956</td>
<td>1843</td>
<td>1289</td>
<td>638</td>
</tr>
<tr>
<td>Majority</td>
<td>667</td>
<td>554</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

*O&MA*, 26 Sep 1859, p. 2, Col. 2.

In O’Connor’s Indigo stronghold, a considerable block of votes seemingly leaked from those former Stanley and Nine Mile miners who rushed to the new field and knew Scarlett. Both Keefer and J.D.Wood also polled well in the new locale and this might also represent that element of former miners and shop keepers who relocated from the Beechworth area, as distinct from those new comers from the central goldfields. Scarlett captured a sizeable vote at Stanley.

Furet contended that because of the French experience, [European] nineteenth century politics were determined by constant compromises between competing social groups, all of whom were haunted by the trauma

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10 *O&MA*, 26 Sep 1859, p. 2,Cols. 2-5.
and fall of the *ancien régime*. On the Ovens compromises between competing groups will unfold, to deny a perceived Irish radical reformer Alfred O’Connor *entrée* into the political process.

The smaller ballot for the Legislative Council was:

<table>
<thead>
<tr>
<th>Location</th>
<th>Reid</th>
<th>Rowe</th>
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<tr>
<td>Wangaratta district</td>
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<td>30</td>
</tr>
<tr>
<td>Yackandandah</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Wahgunyah</td>
<td>69</td>
<td>3</td>
</tr>
<tr>
<td>Benalla</td>
<td>54</td>
<td>38</td>
</tr>
<tr>
<td>Euroa</td>
<td>6</td>
<td>32</td>
</tr>
<tr>
<td>Longwood</td>
<td>3</td>
<td>42</td>
</tr>
<tr>
<td>Mansfield</td>
<td>36</td>
<td>69</td>
</tr>
<tr>
<td>Snowy Creek</td>
<td>42</td>
<td>13</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>303</strong></td>
<td><strong>214</strong></td>
</tr>
</tbody>
</table>

Complied from *Constitution*, 7 Sep 1859, p. 3 Col. 1 & 23 Sep 1859, p. 2, Col. 5, & *O&MA*, 10 Sep 1859, p. 2, Col. 3.

With Reid returned, editorial comment vaporised, in the rush to the next issue on the regional agenda, the municipal council election.

Following amendments to the *Electoral Act* (1858), many disenfranchised European men enrolled to exercise their newly acquired right to vote in 1859. The recent reforms incorporated several Chartist innovations: a widened manhood suffrage than the restricted ballot for the First Parliament of 1856; abolition of qualification restrictions for the Legislative Assembly, but not the Legislative Council; and secret ballot provisions, which meant casting one’s vote in secret, instead of *viva voce* or public show of hands, which prevailed, before the election of 1855.

The extended franchise permitted the previously unrepresented to seek political office and of this McNaughtan wrote many perceived this as ‘the apparent abdication of an able ruling class’ brought about by the influence

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of the immigrant diggers inspired by the ‘chartist and continental revolutionaries of ‘48’.\textsuperscript{14}

This thesis suggests that many in the colony, irrespective of their arrival pre- or post-gold rush, carried an indelible historical memory of the French Revolution and 1848. The 1848 European revolutions carried notions of nationalism, as distinct from the universalism of the earlier French Revolution.\textsuperscript{15} Redmond Barry, of the Irish elite, landlord class and Protestant ascendancy, trial judge of the rebels of the Eureka Stockade and later Ned Kelly, wrote:

\begin{quote}
This I look upon as the most critical period of our history…there is immediate danger of the Government drifting by concession after concession into the hands of. . .the Convention.\textsuperscript{16}
\end{quote}

Judge Barry feared that the Land Convention agenda was not only urging land reform, but carried support among non-establishment new comers, many of whom were enrolling. Barry’s position reflected Serle’s assessment that it was a governing class view to govern without paying heed to public opinion.\textsuperscript{17} The legacy of 1848 was; ‘the infallibility of the masses, the good sense of the people and the peace and justice of universal suffrage’,\textsuperscript{18} revolutionary concepts to the elite. The legacy of 1848 and the last of the London Chartist demonstrations, were still ‘fresh in mind’ for Victorian conservatives. According to Serle such conservatives ‘were always prone to exaggerated fears’ and at least one, J.P.Fawkner, advocated coercion and the retention of imperial troops to keep down the ‘Irish Convention.\textsuperscript{19} Even the word ‘Convention’ carried notions of the lawless power of the French Revolution and the acquiescence to the use of

\begin{itemize}
\item\textsuperscript{14} McNaughtan, ‘Colonial Liberalism’, p. 102.
\item\textsuperscript{15} Furet, \textit{Illusion}, p. 21.
\item\textsuperscript{17} Serle, \textit{Golden Age}, p. 16.
\item\textsuperscript{19} Serle, \textit{Golden Age}, p. 279.
\end{itemize}
such power.\textsuperscript{20} The alliance to preserve the status quo, according to Serle comprised the English and Anglo-Irish Anglican educated ascendancy and all the squatters ‘irrespective of their background,’ ‘were intent on conserving their gains.’\textsuperscript{21} Westgarth described the establishment not so much as ‘conservative’, rather ‘exclusives’ ‘endeavouring to rear up institutions opposed to the people and the age.’\textsuperscript{22}

The conservatives’ misgivings about the perceived radical electoral reforms and likely outcomes were fuelled by the actions and declarations of some radicals. In the lead up to the 1859 election, five members of the [radical] Victorian Land Convention, petitioned the Governor suggesting ‘serious disturbances and probable bloodshed at the coming elections’ if the Electoral Act deficiencies were not rectified.\textsuperscript{23} Richard Smyth chaired a public meeting at Mooney’s Hotel, Beechworth in April 1858 over the ‘Reform Bill’ claiming the proposal would give Beechworth municipality one MLA for its 4,000 voters and two members for the remaining 16,000 Ovens voters. The meeting described this as ‘a manifest injustice’ which would create ‘separate interests and inevitable jealousies on the Ovens’. The meeting wanted the Ovens to remain as one constituency returning its three members.\textsuperscript{24} Later, John Scarlett and George Kennedy convened a meeting in the Stanley Public Room urging the Legislative Council to pass this legislation, when it stalled due to obstruction in that House.\textsuperscript{25} The outcome was that the Ovens instead of having an entitlement to three Legislative Assembly members had only two.
Serle’s comprehensive appraisal of the 1859 election showed that of the 160,000 enrolled electors, nearly half voted. He argued that conservative elements, before the election, concluded that ‘one vote one value’ would allow Conventionists and diggers to swamp parliament. Both the Conventionists and Conservatives organized campaigns enrolling voters. The conservatives excluded Catholics and miners, while one Protestant organization developed ‘some ingenious suggestions’ to rig the ballot. According to Serle, sectarian issues in the last days of the first parliament were a ‘sorry picture of colonial politics at their worst’ with the election delayed by allegations of electoral rolls stacking, by Catholics and Conventionists. Conservatives ‘pretended to believe’ allegations that Catholics and Conventionists manipulated the electoral rolls. One Parliamentary petition claimed names not in alphabetical order, appearing twice ‘and some even five times’ on the rolls, the dead not purged and incorrect spelling of names. Punch also commented on the suspect integrity and stuffing of the electoral rolls. (Fig. 23.)

26 Serle, Golden Age, p. 292.
27 Ibid., p. 274.
28 Ibid., p. 285.
29 Ibid., p. 285.
The Constitution pondered ‘[w]ho is to represent the Ovens. . . ?’ suggesting electors not return a man like ‘Mr. LALOR, who was elected by the diggers of Ballarat — it would be hard to say who he now represents… it does appear the second [Ovens] seat were going a-begging’.\(^{31}\) By early August, the *Constitution* wondered if a candidate would emerge; several likely people declined and J.D.Wood, the paper realised, could not occupy the two seats.

Oh! member we are waiting; we’re waiting long to hear
The notes of your addresses float softly to our ears.\(^{32}\)

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\(^{31}\) *Constitution*, 30 Jun 1859, p. 2, Cols. 3-5.

\(^{32}\) *Constitution*, 9 Aug 1859, p. 3, Col. 1.
By way of contrast the *O&MA* encouraged the miners to produce a candidate, as that paper’s ideas were ‘so much in accordance with the diggers’ urging them to return a member ‘well acquainted with the gold fields’:

> Let the diggers now bestir themselves to throw off that apathetic indifference to their own welfare, under which they have too long slumbered.33

A meeting of some thirty people at the Three Mile formed an appropriate committee to invite a local to stand; nothing further was heard either of this group or its members.34 The *O&MA* described them as, ‘Three Mile cronies who made a great noise then like an ostrich, buried its head in the sand of their gardens, to escape the ridicule’ of their action.35

In 1859 parliamentarians were unpaid. This posed a major impediment for candidates in remote areas, who required monetary pledges, or independent means to sustain them when attending sittings. Consequently, some Melbourne-based politicians represented distant electorates and the sitting Ovens member, J.D.Wood was such a person. StonePuncher Brady proposed a subscription of £1000 to elect a local candidate to go to Melbourne. In his letter dated ‘32nd August’, StonePuncher offered a ‘pig, and only one pig’, he would sell it ‘to head up the subscription list’ and nominated J.A.Wallace.36

John Dennistoun Wood, a former non-elected Solicitor General to the O'Shanassy Ministry in 1857, and ‘opportunist liberal’, had journeyed from Melbourne for a pre-election meeting on 26 March 1859, at

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34 *O&MA*, 15 Aug 1859, p. 3, Col. 5.
Beechworth’s Athenaeum. The *O&MA* foreshadowed, before J.D. Wood addressed his constituents, that land was an issue in the forthcoming Ovens election and cautioned that unless J.D. Wood’s opinions on land reform were of the ‘most liberal character, he need not expect to be returned for the Ovens’. The paper linked J.D. Wood to those supporting the *status quo* and who believed the extended franchise was odious:

> Manhood suffrage will demonstrate to those who have stood... antagonistic to the people and their rights, that their day has come. . .to wrench from the hands of a squatting monopoly the lands of the Colony.

At this meeting J.D. Wood declared ‘if the people of the Ovens will stick with me I will stick with them’. During the *Land Bill*, Second Reading Speech, J.D. Wood supported then voted against it, because the amendments ‘gave preference to *bona fide* cultivators, and...put an end to the preferential occupancy of the squatters’. J.D. Wood said the country did not want land reform, and ‘popular feeling was against it’; however, he supported a clause permitting the ‘carrying of [water] races through sold land- (Cheers)’. At that meeting, John Scarlett seconded and spoke to a motion of confidence in J.D. Wood. That Scarlett travelled from Stanley for this meeting implies he was politically active, perhaps more interested in water rights than land reform. Seconding J.D. Wood, for destroying the electoral reform program in 1858, and for advocating land reform in pro-squatters terms, stamped Scarlett either as Wood’s supporter or naive. At this meeting a Mr. Connor [O’Connor?] opposed the motion urging the meeting not pledge an approval to J.D. Wood’s land platform. The meeting agreed. Connor’s [O’Connor’s] tactic suggested he was skilled in meeting procedures.

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38 *O&MA*, 26 Mar 1859, p. 2, Col. 5.
39 Ibid.
40 Ibid.
42 *O&MA*, 29 Mar 1859, p. 3, Col. 4.
43 Ibid.
Serle described J.D.Wood as ‘a clever, honest, spiteful, native-born Tasmanian from the University of Edinburgh’, a smart city lawyer able to “wangle” favours’ for the Ovens, but he opposed O’Shanassy’s Ministry.\textsuperscript{44} \textit{Punch} in ‘Bah, Bah Blacksheep’ said, ‘W is for Wood, a “sound little lawyer”‘ who presented a parliamentary petition against the Lunatic Asylum with no signatures attached;\textsuperscript{45} and that he wanted an extra policeman to preserve proper deportment on the Indigo goldfield.\textsuperscript{46}

The \textit{O&MA} said J.D.Wood’s opinions on the Land Question ‘are not sufficiently liberal to meet our views’ and though his squatter platform was in ‘some respect just’, those wanting to settle on the land at moderate prices should be able to do so.\textsuperscript{47} Here was the nub of the debate, for a handful of men were already in possession of the land before the gold rushes of 1852 and the land hungry newcomers from Europe. The \textit{O&MA} argued that where the land could be better utilised for food production rather than grazing, then that land should be open.\textsuperscript{48} J.D.Wood agreed that ‘our present Land system is capable of improvement’ with the qualification that no reform ‘even in a moderate degree’ would satisfy ‘the expectations’ of the many who wanted land. In justifying this interpretation, J.D.Wood explained that as no [overseas] external markets existed for those agricultural products, not yet produced, there was no need to settle would-be farmers on pastoral lands.\textsuperscript{49}

\textit{[U]ntil the land is want for agricultural purposes, a class of pastoral tenants should be suffered to have exclusive occupation of it, except in the neighbourhood of gold fields and large towns…}\textsuperscript{50}

\textsuperscript{44} Serle, \textit{Golden Age}, pp. 255 & 280.
\textsuperscript{45} \textit{Punch}, 4 Nov 1 858, p. 120.
\textsuperscript{46} \textit{Punch}, 21 Oct 1858, p. 103.
\textsuperscript{48} Ibid.
\textsuperscript{49} \textit{Constitution}, 5 Sep 1859, p. 3, Cols. 4-5.
\textsuperscript{50} \textit{O&MA}, 26 Sep 1 859, p. 2, Col. 4.
J.D.Wood gathered ‘a very influential committee, composed of gentlemen from all parts (sic) of the district…to assist in securing his return.' This conservative committee identified the potential threat emanating from the Indigo, Alfred O’Connor. J.D.Wood carried ‘the war into the enemy’s country. . . and entered the stronghold’ of the perceived, though as yet unsighted Chiltern radical.

Should you be so very kind
Alfred O’Connor, O.
To come and show your face
For, och, sure it won’t disgrace
Great O’Shanassy and his race
Alfred O’Connor, O.

Identifying O’Connor as the enemy, even though he was a new comer, suggests the conservatives knew of O’Connor’s activities in Ballarat, at the 1857 Land Convention and deduced he was the Convention’s candidate for the Ovens. Coupled with this appreciation of O’Connor was that the new mining techniques around Chiltern were similar to Ballarat and that miners arriving on the new diggings were possibly contaminated with the radicalism infecting Ballarat. Radicalism meant land reform and those ‘demands’ ‘seem to have originated around Ballarat’, according to Bate.

J.D.Wood’s use of the term ‘stronghold’ suggested that the conservatives viewed Chiltern as radical. Therefore, it appeared J.D.Wood’s committee determined to isolate and destroy O’Connor. That this appreciation occurred was evidenced, when the O&MA suggested that with two local candidates with more liberal land policies than J.D.Wood, it doubted he would be re-elected. Within the week of that suggestion, J.D.Wood arrived in Beechworth having advanced his planned itinerary and was met by ‘70 to 80’ of the ‘most influential citizens’.

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51 Constitution, 3 Sep 1859, p. 3, Col. 2.
53 Constitution, 12 Aug 1859, p. 3, Col. 1.
54 Bate, Lucky City, p. 91.
56 O&MA, 5 Sep 1859, p. 2, Col. 2.
the same ‘Mr. Connor’ who moved at the March address that the meeting not endorse J.D.Wood’s land position, it might explain why J.D.Wood advanced his campaign.\textsuperscript{57} Evidence that O’Connor was identified as a tough opponent, appeared in this Constitution advertisement.

\begin{figure}[h]
\centering
\includegraphics[width=0.8\textwidth]{fig24}
\caption{J.D. Wood’s address to the electors.}
\end{figure}

The above comprised thirty or forty pages.\textsuperscript{59} StonePuncher Brady précised it in one word ‘incomprehensible’.\textsuperscript{60} Alfred O’Connor saw it as proof that J.D.Wood supported squatters’ exclusive occupation of the land. O’Connor hurled J.D.Wood’s words back at him at meetings and at the declaration of the poll reading from his Address to the Electors:

\begin{quote}
I believe that a land tax is of far more importance than free selection or deferred payments, or any other nostrum.\textsuperscript{61}
\end{quote}

Opening up the land required roads, argued J.D.Wood, but selection would decrease production meaning roads would not be made and the farmer could not transport his produce to the markets [that did not exist]. He opposed the uniform upset price of £1 per acre and suggested if the land

\textsuperscript{57} O\&MA, 29 Mar 1859, p. 3, Col. 4.
\textsuperscript{58} Constitution, 17, 18, 30, 31 Aug & 1, 2, 5, 6, 14, 17 Sep 1859, p. 1, Col. 4.
\textsuperscript{59} O\&MA, 20 Aug 1859, p. 3, Cols. 1-2.
\textsuperscript{60} O\&MA, 8 Sep 1859, p. 2, Col. 6.
\textsuperscript{61} O\&MA, 26 Sep 1859, p. 2, Col. 4.
was good; sell it at £2 per acre, as some might gain an advantage at the lower price. In short, J.D.Wood argued for a protracted land solution, as against Alfred O’Connor who envisioned an easier settlement. J.D.Wood’s many advertisements supported declarations at the electoral meetings; a modified South Australian system of land reform. He believed a ‘liberal Land system’ implied, the squatter ‘donor’ make the sacrifice and the more liberal the land reform the greater the squatter’s ‘present’. He argued that giving the land to the agriculturalist would precipitate falling revenue, fewer roads and bridges and other public works and possible higher duties on tea and sugar. He supported abolition of state aid to religion, an unsectarian education system, and was open to reform of the Gold Fields Act. The Constitution sang his praises to the air of ‘Laird o’ Cockpen’:

When Johnny comes on it is with a thud,
Like a blacksmith forge-hammer comes our Johnny Wood...

He cares not a rap for the Conventional brood,
For they’re mere crackling fools, says our Johnny Wood.

Though J.D.Wood’s advertisements ignored the Chinese Question he stated at a meeting that he supported ‘a heavy tax on landing’ but opposed ‘any harassing or oppressive measures’.

‘A Digger’ advised the Constitution ‘per favour of the O&MA ‘ that ‘the diggers are determined to back their local nags’ and that ‘the fast going Melbourne Horse Mr. J. D. Wood had better return to his stables in Melbourne and put himself in training for the Squatter’s purse.’ J.D.Wood was not well received on the Woolshed. His land reform answers received ‘great dissatisfaction’, while a motion that he ‘was a fit and proper person’ was amended to: he ‘was not a fit and proper person’

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62 Constitution, 5 Sep 1859, p. 3, Cols. 4-5.
63 O&MA, 20 Sep 1859, p. 1, Cols. 6-7.
64 Constitution, 17 Sep 1859, p. 3, Cols. 3-4.
65 Constitution, 2 Sep 1859, p. 3, Col. 2.
66 Constitution, 15 Sep 1859, p. 2, Col. 5.
67 O&MA, 14 Sep 1859, p. 2, Col. 5.
based on his ‘squatting propensities’ and carried with ‘great enthusiasm’, with only three supporting the original motion. His meeting dissolved amid three cheers for O’Connor. There was a double irony in the dissatisfaction and low voter support for J.D.Wood, because the Woolshed district was the initial driving force for land reform on the Ovens, during 1857, yet in 1859 the delegate to the Land Convention, John Strickland, opposed Alfred O’Connor in favour of J.D.Wood. Strickland and Richard Smyth who attended the 1857 Land Convention, and who knew Alfred ‘repeatedly’ asked him to stand, later a ‘friend’ offered O’Connor £250 from the ‘Beechworth clique’ to withdraw his candidacy. Strickland, swung behind the ‘clique’ and J.D.Wood; while Smyth enlisted as O’Connor’s committeeman. The reason for Strickland’s switch was possibly due to divisions along social and religious lines rather than policy differences surrounding land reform. Strickland was a power-broker influential during the 1855 general electoral victory of Daniel Cameron, a candidate of the Woolshed ‘bosses’, who defeated Lyons, the ‘small diggers’ candidate.

J.D.Wood’s connection to the squatters was the butt of letters and doggerel, but O’Connor got ‘[g]reat laughter’ when he claimed J.D.Wood displayed more zeal advocating the squatters’ cause because he had not only fallen in love with the squatters, but ‘some of their sisters and daughters’.

John Scarlett from the Nine. Mile Creek described by Carole Woods as a radical, one of the ‘Nine Mile warriors’ who demanded land reform and

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68 Ibid., Col. 4.
69 Woods, Beechworth, p. 108.
70 O&MA, 23 Aug 1859, p. 3, Col. 6.
71 Constitution, 22 Sep 1859, p. 2, Col. 3.
72 Serle, Golden Age, p. 257.
73 O&MA, 23 Aug 1859, p. 3, Col. 4.
expected an easy resolution, contested the election.\textsuperscript{74} However, an inference that Scarlett was conservative appeared in verse, stating that he:

Wears kid gloves on Sunday like a fine Beechworth swell…\textsuperscript{75}

According to Serle, the former members of the Haines government were described as ‘kid glove swells’.\textsuperscript{76}

In July 1857 delegates from the Woolshed (Strickland), Beechworth (Richard Smyth) and Nine Mile attended the Land Convention in Melbourne, before shifts in population blunted the impact of the Ovens goldminers, with the exception of the Nine Mile with its increasing population and new discoveries.\textsuperscript{77} This comment about Ovens enthusiasm for land reform dissolving should be contrasted with Bate’s assessment about Ballarat’s ‘reinvigorated’ radicalism after the Land Convention.\textsuperscript{78}

The \textit{Constitution} condemned Scarlett as a self-appointed expert on dry mining, water rights, squatting and selection. When a dry land digger or puncher, Scarlett, alleged the \textit{Constitution}, contested the water rights of all wet miners until obtaining access to water, then switched allegiance espousing a philosophy not only of ‘permanent rights but of an enlargement of permanent water privileges’.\textsuperscript{79} He was pilloried as having:

\begin{quote}
…joined the water squatters.  
And left you in the lurch.\textsuperscript{80}
\end{quote}

Scarlett’s antics drew constant verse about his Scottish heritage and his supposed aristocratic lineage. One piece suggested he liked to ‘play the sycophant’.\textsuperscript{81} The \textit{Constitution} wrote of Scarlett when he declared his candidacy:

\textsuperscript{74} Woods, \textit{Beechworth}, p. 108.  
\textsuperscript{75} \textit{O&MA}, 22 Sep 1859, P. 3, Col. 5.  
\textsuperscript{76} Serle, \textit{Golden Age}, p. 253.  
\textsuperscript{77} Ibid.  
\textsuperscript{78} Bate, \textit{Lucky City}, p. 134.  
\textsuperscript{79} \textit{Constitution}, 22 Feb 1859, p. 2, Cols. 3-4.  
\textsuperscript{80} \textit{Constitution}, 1 Sep 1859, p. 2, Col. 7.  
\textsuperscript{81} Ibid.
Come, rouse up, ye jolly diggers,
And view a comic sight,
Lord John is going to Parliament,
To put the sluicers right.
He’s going to the Assembly straigh [sic]
Loaden with rotten ware;
The whole of the Nine Mile Water right
To mend and ‘cobble’ there.  

Labelled ‘Judas Scarlett’ for selling out the dry miners for a water right, the paper argued he might sell out the water right holders for a good claim. The Constitution’s Judas illusion was pertinent. Perhaps the ill-feeling between Scarlett and the editor, Henderson, dated back to when the former opposed Henderson’s pet project, the town water scheme. ‘An Ovens Voter’ wrote that Scarlett was ‘so befounded with tinsel and spangles that it made one wink…a peripatetic tin man’. Scarlett’s gallivanting and performances were not all ‘tinsel and spangles’, there was method in this madness, particularly when the Constitution suddenly praised him as a ‘hard working, striving man’ who ‘in sensible language unfolds his views of the injuries we suffer’. The O&MA perceived Scarlett’s candidature differently and, accused him of turning:

  glibly round to our contemporary and his former enemy [the editor of the Constitution] and fraternising with him and announces he succeeded in gammoning some party or other to raise the £300 for him to expend in Melbourne. The force of humbug can no farther go!

The implication of Scarlett’s fraternising and gammoning money for his campaign and receiving favourable Constitution editorials, suggested a political scam was afoot. The word ‘gammoning’ was perhaps a veiled reference to the Ford Street chemist, George Gammon underwriting his expenses.

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82 Ibid.
83 Constitution, 22 Feb 1859, p. 2,Cols. 3-4.
84 Standard, 24 Sep 1859, p. 2,Col. 1.
85 O&MA, 19 Sep 1859, p. 2,Cols. 3-6.
86 Constitution, 5 Sep 1859, p. 2,Col. 2.
87 O&MA, 27 Aug 1858, p. 3,Col. 3.
88 Shennan, Pioneers, entry 310, p. 32.
Scarlett’s pork barrelling advocated an extension of the Miner’s Right, permitting access to commonages around all towns and the goldfields; free pasturage; mining on private land, with compensation paid by the public purse; better roads to the Nine Mile; reduced publican licences, opposition to sly-grog and free trade. Electors and representatives, he declared, would shout ‘Hallelujah and Victory’ at the outcome of the election. And one thousand champagne young Stanley will shout, “Hallelujah’s of victory” the children will spout.

Scarlett’s Chinese platform contradicted his defence of them during 1857, when he declared proposals to expel them contravened a ‘fundamental principle of British liberty’. Scarlett saw the Chinese as ‘a great inconvenience and social evil, [and would] oppose the introduction of further numbers and assist in getting rid of these who were here as soon as possible’. At Chiltern, five days later he contradicted that position declaring the Chinese already ‘among us’ could remain as they ‘would die out in the course of nature’. Following his Chiltern meeting and his ‘peripatetic ‘wanderings the following notice appeared.

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89 Constitution, 5 Sep 1859, p. 2, Cols. 2-5.
90 O&MA, 9 Sep 1859, p. 2, Col. 4.
91 O&MA, 22 Sep 1859, p. 3, Col. 5.
92 Woods, Beechworth, p. 62.
93 Constitution, 5 Sep 1859, p. 2, Cols. 2-5.
94 O&MA, 10 Sep 1859, p. 3, Col. 1.
NOTICE.
STRAYED from the Nine Mile, about a fortnight since, in a fit of political hallucination, a fine half-bred Mongolian Puppy, answering to the name of

SCAURLET.
He is quite harmless, and though fond of barking, will never bite.
Information of the whereabouts of the deluded creature thankfully received by Donkey-oaticus Wheelomround of the ‘Cottage Teddekiiah Porredgehead, puddler, or Nehemiah Rottensoles Patched-on, Boot and Blather Shop, Stanley.95

Fig. 25. Lost dog advertisement for John Scarlett.

This *ad hominem* attack suggested that any deviation from the accepted local line against Chinese was remembered and revisited. As to who inserted the advertisement, the editor, local wags or O’Connor’s grouping was never explained. Scarlett ignored the advertisement. The difficulty surrounding Scarlett was to determine if he was radical or conservative, an amalgam of both, or simply a ‘loose cannon’ who liked to see his name in print and hear his own voice.

Roderick Farewell, announce his candidature with platforms on Land, Mining, Education and National identity.96 As for Chinese on the goldfields he said:

no Chinese gold mining is my motto; a quarter-pennyweight a tub will pay a white man well in a few years; why let others draw your gold from the bank?97

Farewell planned to avoid political meetings. His reason became clear, when ‘Farewell’ was identified as a local, ‘Mr. R. T. Vale’.98 Vale, with a knowledge of Latin, (*vale* [L]: farewell) was a Beechworth bookseller. Why he utilised the *nom de plume* and feigned candidature was

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95 *O&MA*, 19 Sep 1859, p. 3, Col. 1. & 20 Sep 1859, p. 3, Col. 5.
97 Ibid.
unrecorded, though there was a possibility he would stand as R.T.Vale.\textsuperscript{99} Later, ‘R.T.Vale’ declared that J.D.Wood and Keefer would oppose O’Shanassy’s government and on that commitment he withdrew.\textsuperscript{100}

As the O’Shanassy government lost several seats in Melbourne electorates, prior to the Ovens election, the \textit{O&MA} suggests those defeated candidates would appear locally seeking a place in ‘Consolation Stakes’ giving regional electors an opportunity to ‘pick and choose from the refuse of other electorates’.\textsuperscript{101} Despite the claim no-one defeated elsewhere appeared. A rumour that Henderson of the \textit{Constitution}, would stand came to nothing; possibly a mischief by the \textit{O&MA} against its competitor.\textsuperscript{102}

A lawyer, John Creuze Hingerston Ogier, advertised his candidacy,\textsuperscript{103} made one appearance and was hissed for his support for the Chinese. When moved he was a fit and proper person, the motion failed, without one person in support.\textsuperscript{104}

Alexander Keefer a lawyer and member of the Masonic Lodge of St. John,\textsuperscript{105} contested the election.\textsuperscript{106} \textit{Punch} described Keefer as,

\begin{quote}
K is for Keefer, of Beechworth the seer.\textsuperscript{107}
\end{quote}

By now the \textit{O&MA} declared that Beechworth was ‘awakening from its political torpor’ and instead of saying ‘Candidates Wanted’ the situation was, ‘Hold enough’.\textsuperscript{108}

\begin{tabular}{ll}
\textsuperscript{99} & \textit{O&MA}, 27 Aug 1859, p. 3, Col. 4. \\
\textsuperscript{100} & \textit{Constitution}, 12 Sep 1859, p. 3, Col. 2. \\
\textsuperscript{101} & \textit{O&MA}, 27 Aug 1859, p. 3, Col. 3. \\
\textsuperscript{102} & \textit{O&MA}, 1 Aug 1859, p. 3, Col. 3. \\
\textsuperscript{103} & \textit{O&MA}, 5 Sep 1859, p. 2, Col. 5. \\
\textsuperscript{104} & Clarke, \textit{Grandma}, p. 50. \\
\textsuperscript{105} & \textit{O&MA}, 24 Aug 1859, p. 2, Col. 2. \\
\textsuperscript{106} & \textit{Punch}, 4 Nov 1858, p. 120. \\
\textsuperscript{107} & \textit{O&MA}, 29 Aug 1859, p. 3, Col. 1. \\
\end{tabular}
Serle classified Keefer as a Convention sympathizer,\textsuperscript{109} and his public notices supported that assessment: ‘Free Selection after Survey, and Deferred payments upon agricultural lands…right of mining upon all alienated auriferous land, giving the owner compensation.’\textsuperscript{110} Jack Lambert moved a motion that the miners ought to keep Keefer in Beechworth to defend their cases so as they could elect a miner.\textsuperscript{111} Lambert, a ‘gum-tree lawyer’\textsuperscript{112} had a history of disagreements with Keefer:

\begin{quote}
Wanted at the Indigo, a Lawyer who will attend to his duties, and not leave his clients businesses and will not go to hold a private consultation with Warden Gaunt. 
Apply to Jack Lambert.\textsuperscript{113}
\end{quote}

At an Indigo meeting, Keefer said the squatters must give way and that they were entitled to compensation for improvements such as buildings and fences; he espoused selection after survey, a 10/- per acre upset price on land sales, land offered in 200 acre parcels, with each alternate block given free to those who would live on and work the allotment, all of which he saw as a means of attracting further immigration to the colony.\textsuperscript{114} A few days later, at Yackandandah, he suggested the upset price might be in the order of 5/- to £2 per acre depending on the ‘situation and quality’ of the land.\textsuperscript{115} Keefer advocated a tax on lands held for speculation and unproductive; a common school system ‘stripped of every trace of denominationalism’ and state aid to religion in certain districts with qualifications; and supported, in part, the radical principle of payment of

\textsuperscript{109} Serle, \textit{Golden Age}, p. 292.
\textsuperscript{110} \textit{O&MA}, 20 Sep 1859, p. 1, Col. 6.
\textsuperscript{112} \textit{Constitution}, 1 Sep 1859, p. 3, Col. 1.
\textsuperscript{113} \textit{Constitution}, 15, 18, 22 Aug 1859, p. 3, Col. 3.
\textsuperscript{114} \textit{O&MA}, 1 Sep 1859, p. 2, Cols. 4-5.
\textsuperscript{115} \textit{O&MA}, 8 Sep 1859, p. 2, Col. 5.
country members to ensure local members were returned. His political platform on the Chinese was vague even arguing that England having fought a war with the Chinese to ‘compel that nation to admit English merchants’ then ‘John’ had every ‘right to return that visit’ to the colony; so he would tax them extra to defray the costs ‘they incurred upon the colony’.

on the vex’d Chinese question he gave his cue,
And with them he scarcely knew what to do;
They might emigrate here with their tails down their backs,
But being a nuisance, they must pay a big tax.

Keefer’s campaign performances were summarized:

And tho’ a barrister appointed,
With spouting oil he’s not anointed.

Whilst Keefer espoused land reform, he was a Beechworth identity with perceived connections to the Beechworth ‘clique’. Asked if he was a candidate ‘at the insistence of a clique headed by the Constitution’, Keefer declared he ‘was fortunately in a position to be independent of any clique.’ Henderson a member of the Lodge of St. John endorsed Keefer’s candidature. One could conclude that Keefer was of the Beechworth elite, and despite his more liberal land reform views and his one time occupation as a miner, he was more acceptable than the radical candidate from Chiltern. ‘James Bright’ wrote that Keefer was the Constitution’s candidate brought forward because that paper opposed Alfred O’Connor.

Alfred Arthur O’Connor was a new comer to the district, working a deep lead at the Lower Indigo, in that area now known as Chiltern. D.S. Watson

116 Constitution, 29 Aug 1859, p. 3, Col. 5.
117 O&MA, 8 Sep 1859, p. 2, Col. 5.
118 Constitution, 1 Sep 1859, p. 2, Col. 7. & p. 3, Col. 1.
119 O&MA, 8 Sep 1859, p. 2, Col. 6.
121 Clarke, Grandma, p. 50.
122 O&MA, 1 Sep 1859, p. 2, Col. 6.
123 Constitution, 23 Sep 1859, p. 3, Col. 1.
in ‘The 1861 Election in Victoria’ identified O’Connor as a lawyer, yet his opposition failed to highlight this possible qualification. Why O’Connor stood, if he was part of a co-ordinated miners’ or Conventionist’s movement to win a block of seats was undetermined from the papers. However, post-the-election, an article by-lined from the Age said that the O’Shanassayites intended to oppose J.D.Wood by bringing forward Alfred O’Connor. Nevertheless, O’Connor appeared in isolation, even though he was the 1857 Land Convention delegate for Ballarat and served on that district’s Mining Board. He denounced Chinese immigration as an ‘injury to the country’, though he ‘would not disturb the Chinamen already in the colony’.

O’Connor believed the existing high price of land stifled agriculture and caused farm failures. He agreed with the Convention’s policy of an upset price ranging from 5/- to 1 0/- per acre; he articulated the more lenient 5/- upset, endorsed in Beechworth following the 1857 Land Convention. He attacked J.D.Wood’s argument that the squatters deserved better treatment on land settlement, as they arrived in the colony with only beef, damper, and pickles. Beef and pickles, said O’Connor, were a ‘stronger claim than their moral right’ argument to retain the land. While J.D.Wood opposed cheap land prices, O’Connor saw it as a means of bringing about a greater migration from Europe and America, even if the land was opened before survey. This position was not radical and according to Serle, was one of the ‘most important dynamics’ in defining nineteenth century migration

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126 Constitution, 1 Nov 1859, p. 2, Col. 3.
127 Bate, *Lucky City*, pp. 91 & 134.
128 Constitution, 3 Sep 1859, p. 2, Col. 5.
129 O&MA, 23 Aug 1859, p. 3, Col. 7.
130 Constitution, 29 Aug 1859, p. 2, Cols. 5.
131 Ibid., & p.3,Col. 1.
from England to Australia. O’Connor’s proposal to settle before survey accorded with the Land Convention determination. However, O’Connor, the radical, articulated a platform wherein, if elected, he ‘would advise that the squatters should be exterminated’ and ‘driven off their runs’ back to their original ‘640 acre pre-emptive right’, with no other claims. O’Connor’s speech was a vision of men and women opening the land; reflecting that land hunger, which defined the age. Though his language was extreme, O’Connor articulated the Land Convention policy, though the removal of the squatters was as Serle said, ‘foolishly extreme and impracticable’. That a Catholic Irishman called Alfred Arthur O’Connor uttered such sentiments was electoral suicide. Within days, the Constitution linked him to Feargus O’Connor and the failed English Revolution of 1848. Beechworth well understood the English Chartist, Feargus O’Connor’s antics; they were common knowledge in Victoria, describing a frenzy and fury of speech:

Let Alfred O’Connor spout, madden and rave,
Like Fergus (sic) his namesake go down to the grave

Further, linking the radical international connection to the Ovens candidate, the Constitution termed Alfred O’Connor’s supporters a ‘well organized body of Connerites’, a derogatory reference to Feargus and his radical supporters in England termed, ‘O’Connorites’. The United Irishman, Arthur Conner changed his name to O’Connor. Later the Constitution christened Alfred O’Connor - Alfred Conner.

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132 Serle, Golden Age, p. 268.
133 Constitution, 29 Aug 1859, p. 2, Cols. 5-7, & p. 3, Col. 1.
134 Serle, Golden Age, pp. 268-269.
135 Ibid., p. 272.
137 Constitution, 2 Sep 1859, p. 3, Col. 2.
138 Constitution, 23 Sep 1859, p. 3, Col. 3.
139 Mark Hovell, The Chartist Movement, University of Manchester, London, 1925, pp. 254 & 264. (First published 1918)
140 Hatter Hames, Arthur O’Connor, pp. 11, 16-18.
**Punch,** of course, seized on these revolutionary land reform notions with suggestions that the squatters’ extermination would occur should a Convention government ever rule by shillelagh law and [later] played its fictional card.

Citizen Cathie reported the war of extermination so successfully carried on against the squatters had nearly resulted in the extirpation of that hateful class. It was supposed that between eighteen and twenty were lurking-hunted fugitives in the Mallee Scrub... 142

One elector, ‘A Ballarat Man’ from Bowmans’ Forest, [near the Buckland Gap] deemed O’Connor a ‘firebrand’, a local version of ‘Jack Lambert’ representing ‘the most rowdy, captious, and unmanageable class’.143 The writer perceived O’Connor’s candidacy was a ‘dodge for the purpose of getting up a great party among his countrymen.144 The inference was that O’Connor was allied to, or part of, the Irish radicals headed by O’Shanassy. Questioned if he had ‘any connection’ with O’Shanassy’s ministry,145 O’Connor denied the claim and stated local Indigo miners funded his printing expenses, implying he was independent.146 However, the *Constitution* said radical Irish ‘shillelagh law’ prevailed at Kilmore in John O’Shanassy’s seat,147 and suggested that O’Connor ‘if not the apostle, was at least the quiescent acceptor of shillelagh order’.148

Following Farewell’s and Ogier’s withdrawal, four candidates remained; the radical O’Connor; the wild-card Scots miner, Scarlett; a conservative J.D.Wood; and a lawyer with sympathies for those seeking land reform with connections to the Beechworth elite and the *Constitution*, A.Keefer. The choices were easy; the traders and conservatives could vote for their

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144  Ibid.
147  *Constitution*, 2 Sep 1859, p. 2, Cols. 3-5.
men and the miners for theirs. The O&MA encapsulated the debate with the unresolved question of the age:

\[\text{[S]hall we have free selection or pastoral monopoly?}^{149}\]

However, this choice was not as simple as it appeared; it would be a difficult contest. One wag advertised his services to post candidates’ electoral material throughout the district.

---

To the Candidates for the Murray, Murray boroughs, and the Ovens.

PROCLAMATION.

THE BEECHWORTH BILL STICKER

Is open to paste any quantity of Candidates with the utmost despatch - he has purchased 1000 tons of flour in order to be ready for the election, and if parties want their bills properly posted they must apply to the Beechworth Bill Sticker, GEORGE MAYHEW, Commercial Hotel.

God save the Queen^{150}

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Fig. 26. A Proclamation from the Beechworth 'Bill Sticker'.

Though Mayhew advertised that he was the ‘Bill Sticker’ for the Murray Boroughs Assembly seat, which encompassed Wodonga, Wangaratta, Benalla, Euroa and Seymour, that electorate returned its single member unopposed and does not feature in the contest for the Beechworth Assembly seats.^{151} However, that Borough comprised part of the Murray District Upper House contest. Whilst Mayhew caused local amusement,

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^{150} O&MA, 27, 29, 30, 31 Aug 1859, p. 1, Col. 1.

another advertisement raised the sectarian issue, which reverberated throughout the campaign.

Surprisingly, the Beechworth Masonic Lodge of St. John endorsed Keefer as its preferred candidate for the Assembly seat and Reid for the Upper House. At least 45 people in the area belonged to the Lodge. This action was unusual as Masons were not to ‘take part in political. . . discussion’.

![Beechworth Lodge of St. John](image)

Fig. 27. Advertisement by the Lodge of St. John.

The advertisement had locals asking who inserted it in the *O&MA* and the next day an editorial condemned the Masons as ‘the Ford-street *clique*’:

[Y]our order was not established to call meetings in holes and corners, in auction rooms or private tap rooms…neither was it established for the purpose of bringing in a “Brother” as the mouthpiece of a little paltry clique of Masons, who would desire to make themselves the Almighty dictators of

---

152 *O&MA*, 30 Aug 1859, p. 3, Col. 3.
a district...who...prostitute their privileges to carry out their own petty private feelings or grudges.\textsuperscript{156}

Initially, J.D.Wood’s electoral committee published 79 names of his re-election supporters.\textsuperscript{157} Several were identifiable as Beechworth traders, with 20 or 25\% members of the Lodge of St John and several members of the hospital board.

\textsuperscript{157} \textit{Constitution}, 6 Sep 1859, p. 3, Col. 4.
Table 4-3

<table>
<thead>
<tr>
<th>Name</th>
<th>Occupation</th>
<th>Lodge of St. John</th>
<th>Hospital Board</th>
<th>Religion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas Rice(^{158})</td>
<td>?</td>
<td>√</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>Revd(?) / R. Chattock(^{159})</td>
<td>Hotelier</td>
<td>√</td>
<td></td>
<td>?</td>
</tr>
<tr>
<td>Frederick Brown(^{160})</td>
<td>Beechworth auctioneer</td>
<td>√</td>
<td>√</td>
<td>Anglican</td>
</tr>
<tr>
<td>Ednott Burbank(^{61})</td>
<td>Beechworth accountant</td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thomas Dalziel(^{62})</td>
<td>Town Surveyor</td>
<td>√</td>
<td></td>
<td>Presbyterian</td>
</tr>
<tr>
<td>William Turner(^{63})</td>
<td>Beechworth jeweller</td>
<td>√</td>
<td></td>
<td>Presbyterian</td>
</tr>
<tr>
<td>John Turner(^{64})</td>
<td>Beechworth grocer</td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.N. Gitchell(^{65})</td>
<td>Ford St Sawmiller / miner</td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R. Gruber(^{66})</td>
<td>Upholsterer / builder</td>
<td>√</td>
<td></td>
<td>Anglican</td>
</tr>
<tr>
<td>H. Little(^{67})</td>
<td>Beechworth draper</td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Ingram(^{68})</td>
<td>Camp Street bookseller</td>
<td>√</td>
<td>√</td>
<td>Baptist</td>
</tr>
<tr>
<td>W. Zincke(^{69})</td>
<td>Beechworth lawyer</td>
<td>√</td>
<td></td>
<td>C of E(^{170})</td>
</tr>
<tr>
<td>Ed Clarke(^{71})</td>
<td>Camp Street barrister</td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. K. Brown(^{72})</td>
<td>Councillor</td>
<td></td>
<td></td>
<td>Presbyterian</td>
</tr>
<tr>
<td>J.S. Clark(^{73})</td>
<td>Councillor</td>
<td>1/3 shareholder O&amp;MA</td>
<td>√</td>
<td>Presbyterian</td>
</tr>
<tr>
<td>Donald Fiddes(^{74})</td>
<td>Ford St Cabinet maker</td>
<td>√</td>
<td></td>
<td>Presbyterian</td>
</tr>
<tr>
<td>G. Bill(^{75})</td>
<td>Son</td>
<td></td>
<td></td>
<td>C of E</td>
</tr>
<tr>
<td>Richard Mellish(^{76})</td>
<td>High Street merchant</td>
<td>√</td>
<td>√</td>
<td>Presbyterian</td>
</tr>
<tr>
<td>William Witt</td>
<td>Beechworth pharmacist</td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Telford (J. P.)(^{77})</td>
<td>Ford Street merchant</td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H. Nixon</td>
<td>Beechworth draper</td>
<td>?</td>
<td>√</td>
<td>Presbyterian</td>
</tr>
<tr>
<td>W. Wilson</td>
<td>Member Mining Board</td>
<td>?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Rodgers</td>
<td>Beechworth foundry</td>
<td>?</td>
<td>√</td>
<td>Presbyterian</td>
</tr>
<tr>
<td>P. Le Couteur</td>
<td>Beechworth carpenter(^{78})</td>
<td>?</td>
<td></td>
<td>Congregational</td>
</tr>
<tr>
<td>W.H. Darvall(^{79})</td>
<td>Beechworth town clerk</td>
<td>√</td>
<td></td>
<td>Anglican</td>
</tr>
</tbody>
</table>

\(^{158}\) Clarke, *Grandma*, p. 152.
\(^{162}\) O&MA, 11 Oct 1859, p. 2,Cols. 6-7.
\(^{164}\) Clarke, *Grandma*, p. 40.
\(^{165}\) Ibid., p. 14.
\(^{166}\) Ibid., pp. 17,24 & 49.
\(^{167}\) Ibid., p. 23.
\(^{169}\) Clarke, *Grandma*, p. 52.
\(^{171}\) *Constitution*, 16 Sep 1859, p. 3, Col 3.
\(^{172}\) ‘Ovens Directory’, p. 59.
\(^{174}\) J.S. Clark later purchased the Star Hotel; *Woods, Beechworth*, pp. 82, 120.
\(^{175}\) Clarke, *Grandma*, p. 54.
\(^{176}\) Shennan, *Pioneers*, entry 261, pp. 67-68.
\(^{178}\) *Constitution*, 16 Sep 1859, p. 2, Col. 4.
\(^{179}\) Shennan, *Pioneers*, entry 283, pp. 72-73.
\(^{180}\) Ibid., entry 384, pp. 94-95.
Zincke rose to fame during his defences of the Kellys. Clarke referred to Chaddock as ‘Revd’, though this was not mentioned elsewhere; however at Reid’s Creek a hotel called ‘Chaddock’s Freemason’s Arms’ was operated by Richard Chaddock and that hotel was a polling booth. A week before the election J.D.Wood published 15 supporters from Stanley and Nine Mile Districts. Some were traders:

Table. 4-4

<table>
<thead>
<tr>
<th>Name</th>
<th>Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>G. Harrison</td>
<td>Butcher</td>
</tr>
<tr>
<td>W. Thompson</td>
<td>Mining Board Member</td>
</tr>
<tr>
<td>J. Mathieson</td>
<td>Storekeeper</td>
</tr>
<tr>
<td>--Crawford (possibly James?)</td>
<td>Hotelier</td>
</tr>
</tbody>
</table>

J.D. Wood also published another 21 supporters, but not their district, and 12 unknown names from the Woolshed.

Keefer’s electoral Committee published 54 supporters. 15 or 28% were on J.D. Wood’s committee and of them 10 were Lodge members.

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180 Clarke, Grandma, p. 52.
183 Constitution, 19 Sep 1859, p. 3. Col. 3.
184 Constitution, 20 Sep 1859, p. 3, Col. 2.
185 Constitution, 1 Sep 1859, p. 3, Col. 4.
<table>
<thead>
<tr>
<th>Name</th>
<th>Keefer’s Committee</th>
<th>J.D. Wood’s Committee</th>
<th>Religion</th>
<th>Lodge of St. John</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas Dalziel</td>
<td>√</td>
<td>√</td>
<td>Presbyterian</td>
<td>√</td>
</tr>
<tr>
<td>H. Littlewood</td>
<td>√</td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>William Witt</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Ingram</td>
<td>√</td>
<td>√</td>
<td>Baptist</td>
<td></td>
</tr>
<tr>
<td>R. Gruber</td>
<td>√</td>
<td></td>
<td>Anglican</td>
<td>√</td>
</tr>
<tr>
<td>H. Nixon</td>
<td>√</td>
<td></td>
<td>Presbyterian</td>
<td>?</td>
</tr>
<tr>
<td>J.S. Clark</td>
<td>√</td>
<td>√</td>
<td>Presbyterian</td>
<td>√</td>
</tr>
<tr>
<td>W.H. Darvall</td>
<td>√</td>
<td>√</td>
<td>Anglican</td>
<td>√</td>
</tr>
<tr>
<td>Richard Mellish</td>
<td>√</td>
<td>√</td>
<td>Presbyterian</td>
<td>√</td>
</tr>
<tr>
<td>W. Zincke</td>
<td>√</td>
<td>√</td>
<td>C of E</td>
<td></td>
</tr>
<tr>
<td>J. R. Grimes</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Turner</td>
<td>√</td>
<td>√</td>
<td>Presbyterian</td>
<td>√</td>
</tr>
<tr>
<td>G.W. Withers</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Ro[d]gers</td>
<td>√</td>
<td></td>
<td>Presbyterian</td>
<td>?</td>
</tr>
<tr>
<td>W. E. Meers</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

‘Ratepayer’ commented on Darvall’s political activities as Town Clerk and his deputy’s, whilst employed as ‘Municipal servants’ citing the ordinance that government employees involved in politics faced immediate dismissal. Stung by the criticism, Darvall replied.

Several of Keefer’s Committee, not supporting J.D.Wood’s ticket, were Beechworth identities and Lodge members.

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187 Constitution, 1 Sep 1859, p. 3, Col. 3, had ‘JR.’ while Constitution, 5 Sep 1859, p. 3, Col. 4, had T.R.’
188 O&MA, 13 Sep 1859, p. 2, Col. 6.
189 O&MA, 14 Sep 1859, p. 2, Cols. 4-5.
### Table. 4-6

**Keefer’s Electoral Commiteemen**

<table>
<thead>
<tr>
<th>Name</th>
<th>Occupation</th>
<th>Lodge Of St. John</th>
<th>Religion</th>
<th>Hospital Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. H. Lissak (Councillor)</td>
<td>Beechworth Wine &amp; Spirit</td>
<td>√</td>
<td>Jewish</td>
<td></td>
</tr>
<tr>
<td>(Lodge master)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. C. Dempster</td>
<td>Camp Street surgeon</td>
<td>√</td>
<td>C of E</td>
<td>√</td>
</tr>
<tr>
<td>W. T. Soulby</td>
<td>Hotelier (London Tavern)</td>
<td>√</td>
<td>Anglican</td>
<td></td>
</tr>
<tr>
<td>R. H. Murton</td>
<td>Hotelier</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dr. Crawford</td>
<td>Beechworth doctor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. H. Gray</td>
<td>Beechworth auctioneer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R. Craig (Councillor)</td>
<td>Ford St ironmonger</td>
<td></td>
<td></td>
<td>Presbyterian</td>
</tr>
<tr>
<td>John Manson</td>
<td>Draper Store (Woolshed?)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G. Gammon</td>
<td>Ford St Chemist</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Goodman</td>
<td>See below with Rowe/Reid</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Luke Reilly</td>
<td>Beechworth Bazaar</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H. Littlewood</td>
<td>Beechworth draper</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

John Manson was also the registrar of electors for the Omeo division of the Murray District. Beechworth wine merchant, Adolphus H. Lissak, was a founding member of the Lodge, and member of the Beechworth Council. Though Clarke suggested that under Lissak’s leadership the Lodge ‘spread its benign influence throughout the Ovens Goldfields’, the *O&MA* said:

> Truly, the ancient fraternity (or clique of them) have resolved, not only upon crushing Rowe and O’Connor, but have gone one step too far, in entertaining the idea of crushing Us.

The above, irrespective of their connections to the Lodge, were a Beechworth-centric grouping. ‘A Voter’ perceived them as ‘representatives of the Constitutional Association’ a conservative group established in opposition to the Convention. In other words, either an

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193 *‘Ovens Directory’*, p. 57.

194 *Constitution*, 21 May 1859, p. 2, Col. 5.

195 *Clarke, Grandma*, pp. 12 & 14-16.

196 Ibid., p. 10.


informal mutual support group operated in Beechworth, or a formal joint J.D.Wood-Keefer ticket existed. Strengthening this bloc’s political power was that they were concentrated in Beechworth town, whereas O’Connor’s potential supporters were scattered across transient and distant communities. Scarlett was in a stronger position, unlike O’Connor, for Scarlett, was better known and many Lower Indigo miners had relocated from the Nine Mile and knew him.

Scarlett inserted numerous small advertisements for his meetings, though no list of supporters; perhaps he lacked funds to sustain a program of lengthy (column inches) advertisements. However, he suggested his supporters were ‘too well drilled’ to vote for anyone other than him and this may explain why he failed to advertise names.200

O’Connor formed committees and published names and mining district, with representatives in Beechworth, Nine Mile, Reid’s Creek and Woolshed, Yackandandah, Six and Two Mile, and the Indigo, with one large advertisement containing 90 names,201 and later, an additional 41 supporters from New Ballarat.202 Some O’Connor supporters were identifiable:

201 *Constitution*, 17 Sep 1859, p. 3, Col. 5.
202 *O&MA*, 20 Sep 1859, p. 3, Col. 2.
George Kennedy had called a joint meeting with John Scarlett, at Stanley, when the Reform Bill was in danger. Kennedy attended the 1857 Land Convention as the Nine Mile delegate, he and Richard Smyth stuck with O’Connor, while Strickland went with J.D. Wood. Those O’Connor supporters identified were not of the elite, rather they were miners and battlers. There were Murphys, Ryans and Reillys supporting O’Connor and colourful fellows including that ‘veteran of the stump’ Jack Lambert from the Indigo, and Stonepuncher Brady, the pavior, possibly a dry digger or ‘puncher’, though he did not appear on O’Connor’s committee. The term pavior suggested StonePuncher had road making experience, perhaps under Her Majesty’s supervision. StonePuncher seemingly christened the Beechworth clique, as the ‘Sparrow Tails’ and ‘Sparrow-tailed mob’.

---

Table. 4-7

<table>
<thead>
<tr>
<th>Locality</th>
<th>Name</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Ballarat</td>
<td>Patrick Neylon(^{203})</td>
<td>AAO’C’s mining partner</td>
</tr>
<tr>
<td></td>
<td>John Connex</td>
<td>Discovered gold at Chiltern</td>
</tr>
<tr>
<td>Woolshed</td>
<td>John Sherritt</td>
<td>Father of Aaron of Kelly fame</td>
</tr>
<tr>
<td>Indigo</td>
<td>E.H. Morgan</td>
<td>Hotelier who supplied first party to extract gold with Connex</td>
</tr>
<tr>
<td></td>
<td>Jack Lambert</td>
<td>A well known miner/agitator</td>
</tr>
<tr>
<td>Beechworth</td>
<td>John Phelan</td>
<td>A vexatious Catholic and Ford Street livery stable owner(^{204})</td>
</tr>
<tr>
<td></td>
<td>Richard Smyth</td>
<td>1857 Land Convention delegate</td>
</tr>
<tr>
<td></td>
<td>Denis O’Brien</td>
<td>Sluicer(^{205})</td>
</tr>
<tr>
<td></td>
<td>Chris Tidyman</td>
<td>Catholic(^{206}) Storekeeper/Publican Spring Creek(^{207})</td>
</tr>
<tr>
<td>Nine Mile</td>
<td>George Kennedy</td>
<td>Member Mining Board(^{208}) 1857 Land Convention delegate</td>
</tr>
<tr>
<td></td>
<td>William McLean</td>
<td>Member Mining Board</td>
</tr>
<tr>
<td>Three Mile</td>
<td>Patrick Ring</td>
<td>Blacksmith(^{209})</td>
</tr>
</tbody>
</table>

\(^{203}\) *O&MA*, 20 Sep 1859, p. 3, Col. 2.
\(^{204}\) *O&MA*, 18 Jun 1859, p. 1, Col. 5 Phelan became the infamous ‘Dog Officer’.
\(^{206}\) Shennan, *Pioneers*, entry 379, p. 93.
\(^{208}\) *Constitution*, 11 Feb 1859, p. 3, Col. 3.
\(^{209}\) ‘Ovens Directory’, p. 61.
\(^{210}\) *O&MA*, 8 May 1858, p. 2, Col. 5.
\(^{213}\) *Constitution*, 29 Aug 1859, p. 3, Col. 1.
\(^{214}\) *O&MA*, 9 Sep 1859, p. 2, Cols. 2-6.
When O’Connor drew condemnation from the Beechworth establishment, he, unlike Scarlett, retaliated, condemning the *Constitution* as ‘that organ of the squatters. . .and. . .the Constitutional Association’,\(^{215}\) and the clique as the ‘sovereign municipality of insolvent Beechworth’,\(^{216}\) and ‘sparrow tailed gentry’.\(^{217}\) O’Connor suggested ‘Jemmy Ducks’ [the editor of the *Constitution*] arrived in Victoria as a stowaway.\(^{218}\) One O’Connor committeeman from Beechworth was Luke Reilly who also appeared on Keefer’s committee. Despite O’Connor’s widespread and scattered support group, the Ovens miners lacked visible organizational structures evidenced in Ballarat where radicalism was ‘reinvigorated’ in 1857 and where the issues of land reform were clearer and the frustrations of the Upper House conservatism identified during the election of 1859.\(^{219}\)

O’Connor detected a ‘different political atmosphere’ in Beechworth to other mining localities suggesting that ‘little nests or cliques’ existed in the town:

> [T]hat allowed grass to grow in the streets, considered that the propagation of some little sectarian ideas was of more importance than the enunciation of sound principles . . . (Hisses)\(^{220}\)

The reference implies that those living in Beechworth town had different social goals to the rest of the mining district and this comment struck a raw nerve among the residents. The *Constitution* republished an article from the *Ballarat Star* claiming that O’Connor was a ‘dangerous. . .unscrupulous opponent’ and that he along with some candidates in several mining areas, were an ‘element of rowdyism. . . men who are manifestly incompetent’ compared to elected members seeking re-election and ‘pledged to just

\(^{215}\) *O&MA*, 23 Aug 1859, p. 3, Col. 6.
\(^{216}\) *Constitution*, 19 Sep 1859, p. 3,Col. 4.
\(^{217}\) Ibid., p. 2, Col. 2.
\(^{218}\) *Constitution*, 26 Sep 1859, p. 2, Col. 4.
\(^{219}\) Bate, *Lucky City*, p. 134.
\(^{220}\) *Constitution*, 29 Aug 1859, p. 2, Cols. 5-7, & p. 3, Col. 1.
reform’. In turn, the *Star* re-published a *Constitution* article against O’Connor. Reprinted articles in this vein indicated a level of political astuteness and vindictiveness against candidates. O’Connor’s published statements said that the ‘grand secret of the opposition’ to him was that he was ‘*a democrat and a digger*’. However, he never attacked the Lodge of St. John.

Allegedly, Lissak the founder of the Lodge, stopped all his advertisements in the *O&MA*, while the ‘clique’ halted the regular government advertisements in the same paper. Despite the allegation, this claim was exaggerated as Lissak inserted hospital notices. An unsigned public notice suggested the Lodge influenced its newly inducted member, the Returning Officer, George Kerferd in locating polling booths.

**Ovens Election.**

**WANTED** to know if the Masonic Brethren prevailed on the Returning Officer to appoint the Polling Places according to their wishes, and as a sop in the pan offered to admit him as a member of their order?

Who inserted the notice was never divulged, yet one could assume Warren, of the *O&MA* may have been involved. George Kerferd (J.P.) was a Beechworth brewer and business partner of N.Gitchell.  

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221 *Star*, 12 Sep 1859, p. 2, Cols. 2-3.
222 Ibid., Col. 5.
223 *Constitution*, 19 Sep 1859, p. 3, Col. 4.
226 *O&MA*, 8 Sep 1859, p. 3, Col. 1.
227 *O&MA*, 20 Sep 1859, p. 3, Col. 4, & 21 Sep 1859, p. 3, Col. 6.
228 *Constitution*, 14 Sep 1 859, p. 3, Col. 3.
According to the *Constitution*, the Upper Lead Division of the Indigo was oversupplied with booths among the abandoned mines.\(^{229}\) The issue of polling places generated sharp divisions following the appointment of the Returning Officers. ‘A VOTER’ noticed an anomaly relating to deputy returning officers, the poll clerks and the ‘appointment of the Polling Places at the *depot* of the Clique in Camp Street’, which he said were designed to deprive O’Connor of victory because, he would not join the ‘miserable Aristocracy of Beechworth’.\(^{230}\)

Resiting booths from abandoned mining communities had support.\(^ {231}\) Polling Places were determined by the Governor in Council gazetted in the ‘Polling Places for Beechworth’ on 22 February 1859.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Beechworth …</td>
<td>Spring Creek …</td>
<td>Spring Creek.</td>
</tr>
<tr>
<td></td>
<td>Snake Valley …</td>
<td>Snake Valley and Lower Nine Mile.</td>
</tr>
<tr>
<td></td>
<td>Three-mile Creek …</td>
<td>Three-mile Creek and Quartz Reef.</td>
</tr>
<tr>
<td></td>
<td>Buckland …</td>
<td>Buckland and Porepunkah.</td>
</tr>
<tr>
<td></td>
<td>Woolshed …</td>
<td>Woolshed and Indigo.</td>
</tr>
<tr>
<td></td>
<td>Yackandandah</td>
<td>Yackandandah.</td>
</tr>
<tr>
<td></td>
<td>Omeo</td>
<td>Omeo.</td>
</tr>
</tbody>
</table>

Fig. 29. Location of Polling Places.


A Returning Officer, under the *Gold Fields Act*, could ‘select’ the building wherein the poll occurred, but voting had to be ‘at the several places named in the last column’.\(^ {232}\) ‘A Voter’ again questioned the ‘inconsistency and irregularity’, stating that polling booths had to be located ‘at Beechworth’ or ‘at Stanley’,\(^ {233}\) yet booths were ‘outside’ town

\(^{229}\) *Constitution*, 16 Sep 1859, p. 2, Cols. 3-4.
\(^{230}\) *O&MA*, 21 Sep 1859, p. 2, Col. 6.
\(^{231}\) *O&MA*, 21 Sep 1859, p. 2, Col. 3.
\(^{232}\) ‘Polling Places for the Beechworth Mining District’.
\(^{233}\) *O&MA*, 21 Sep 1859, p. 2, Cols. 6-7.
boundaries. This action disenfranchised the Indigo and the *O&MA* urged candidates to rectify the arrangements.\(^{234}\) The *Constitution* claimed a committee formed on the Lower Indigo wrote to the government about the lack of polling booths at New Ballarat and were advised by the Chief Secretary the issue could be not redressed as the writs for the election were already issued.\(^{235}\)

‘A Lower Three Mile Digger’ questioned why the booth at Bagley’s Hotel was two miles from where most residents lived.\(^{236}\) Similarly, ‘An Elector’ identified booths sited at Reid’s Creek and Three Mile villages outside Beechworth town, being classified as Beechworth booths, yet a reverse logic denied booths on the Indigo.\(^{237}\) Within days additional booths were nominated, though not at Chiltern,\(^{238}\) leaving those residents two miles to the nearest booth at the old Indigo lead.\(^{239}\) The *Constitution* stated that six booths were within half a mile of each other, yet so removed from the population that many Lower Indigo voters would be forced to travel between five and seven miles on ‘Shank’s mare’.\(^{240}\) Many on the Chiltern fields were disenfranchised as their electoral district was Beechworth. There were no provisions for what today is called ‘absentee voters’; consequently, electors returned to and voted ‘in the district’. Those Chiltern miners required to cast a vote in Beechworth faced a two day round trip.\(^{241}\)

By comparing the Returning Officer’s notices,\(^{242}\) with Clarke’s *Grandma*,\(^{243}\) several returning officers were identified as members of the

\(^{234}\) *O&MA*, 17 Sep 1859, p. 2, Col. 2.

\(^{235}\) *Constitution*, 10 Sep 1859, p. 3. Col. 3. (No evidence who organized this, or if it occurred.)

\(^{236}\) *O&MA*, 19 Sep 1859, p. 2, Col. 7.

\(^{237}\) *O&MA*, 17 Sep 1859, p. 2, Col. 5.

\(^{238}\) *O&MA*, 21 Sep 1859, p. 2, Col. 3.

\(^{239}\) *Standard*, 2 Nov 1859, p. 2, Col. 3.

\(^{240}\) *Constitution*, 16 Sep 1859, p. 2, Col. 4.

\(^{241}\) *Standard*, 17 Sep 1859, p. 2, Col. 3.

\(^{242}\) *O&MA*, 20 Sep 1859, p. 3, Col. 1.

\(^{243}\) Clarke, *Grandma*, p. 75.
Lodge. Kipling, the senior poll clerk, advertised for the Returning Officers to attend the Empire Hotel to receive their instruction, which prompted ‘Inquisitive Elector’ to state that Kipling, was Candidate Keefer’s employee.

Comments concerning Lodge members’ activities as returning officers and siting of booths may appear pedantic, yet it was another indication of the extent and depth of sectarian tensions. As Serle suggested at the end of O’Shanassay Ministry, only 3 returning officers of the 50 electoral returning officers were Catholics. Allegations Punch made against O’Shanassay and Duffy during 1858-59, of swamping official positions with Catholic supporters were unsustainable in the North-east.

The examination of the Ovens poll clerks and returning officers in the Assembly election revealed that of 17 men out of 36 identified, none were Catholics, five were Beechworth councillors, 11 were members of the Lodge of St. John, and 12 were committeemen for either J.D. Wood or Keefer or both and one was a candidate’s employee. Thus on the Ovens the allegations about the siting of booths and the influence of the electoral officers could be legitimately made against the Ford Street Clique. As to who printed the ballot papers was unclear. The Constitution specialised in printing ‘posters, hand-bills, business cards, cheque books, way bills, bill heads’ and other needs, as did the O&MA.

244 Constitution, 17 Sep 1859, p. 3, Col. 4.
245 O&MA, 19 Sep 1859, p. 2, Col. 7.
246 Serle, Golden Age, p. 312.
248 Constitution, 16 Sep 1859, p. 3, Col. 4.
249 Constitution, 14 Sep 1859, p. 1, Col. 1.
250 O&MA, 27 Aug 1859, p. 1, Cols. 4-5.
# Table. 4-8

## Returning Officers and Poll Clerks

<table>
<thead>
<tr>
<th>Name</th>
<th>Keefer’s Committee</th>
<th>J.D.Wood’s Committee</th>
<th>Religion</th>
<th>Lodge of St. John</th>
<th>Beechworth Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>R. Mellish</td>
<td>√</td>
<td>√</td>
<td>Presbyterian</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>W. Tellford</td>
<td></td>
<td>√</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Witt</td>
<td>√</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Littlewood</td>
<td></td>
<td>∈</td>
<td>Presbyterian</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>J.S. Clark</td>
<td>√</td>
<td>√</td>
<td>Presbyterian</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>A.U. Kipling</td>
<td>(employee)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M. Monk</td>
<td></td>
<td></td>
<td>Presbyterian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R. Craig</td>
<td></td>
<td></td>
<td>Presbyterian</td>
<td>?</td>
<td></td>
</tr>
<tr>
<td>F. Brown</td>
<td></td>
<td></td>
<td>Anglican</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hugh Nixon</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>?</td>
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<tr>
<td>G. Withers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>?</td>
</tr>
<tr>
<td>E.H. Dunn</td>
<td></td>
<td></td>
<td>Congregationalist</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>G. Kerford</td>
<td></td>
<td></td>
<td>Anglican</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H. Phelan</td>
<td></td>
<td></td>
<td>Anglican teacher</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>H.S. Rundle</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>?</td>
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<tr>
<td>James Shacknell</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>G. Gammon</td>
<td></td>
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<td>?</td>
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</tbody>
</table>

of interest, William Masterson, who appeared to be the person involved in the pro-Chinese resolution passed in Chiltern, was a deputy returning officer for the Indigo.²⁵⁵

The ballot paper draw was:

Keefer  
Scarlett  
Wood  
O’Connor²⁵⁶

Troubled that the non-democratic conservative forces and squatters were defeating the O’Shanassy government across the colony, the *O&MA* argued the working man was not wrong ‘in desiring to obtain the same privileges’ as the colonial squatters and elitists like, ‘Big Clarke *et id genus omne*’ and asked:

Shall we elect Scarlett and O’Connor…or…the two lawyers? Shall… we hand ourselves over, willing victims for the slaughter, to the plutocratic

²⁵¹ Advert in, Clarke *Grandma*, p. 72.  
²⁵³ Clarke, *Grandma*, p. 73.  
²⁵⁴ *Constitution*, 1 Sep 1859, p. 3, Col. 4. (no initials)  
²⁵⁵ *Constitution*, 16 Sep 1859, p. 3, Col. 4.  
²⁵⁶ *O&MA*, 9 Sep 1859, p. 2, Cols. 2-6.
seignors, because we have not exactly the democratic candidates that we wish?257

‘Seignors’ was a French word or in its modern form seigneurs (noblemen) who were part of the plutocratic and privileged tax-collection apparatus during the reign of Louis XVI’s ancien regime; blood suckers, sangsues ‘fattening themselves off the substance of the people’. 258 The O&MA’s ‘seignors’ reference linked J.D.Wood with the squatters’ power and that to the final days of France’s ancien regime and the dissatisfaction which precipitated the French Revolution. Continuing the reference the O&MA called for ‘a new Reform broom’ or an ‘Australian Hercules’ to sweep away ‘the Augean Stable of Colonial Corruption’, arguing in class terms, that the colony’s rich and capitalists denied the poor an opportunity to improve, and keeping the ‘labouring man’ in ‘serfdom’ and ‘feudal thraldom’. 259 Foreshadowing that unless land reform occurred ‘a Revolution must ensue’, the article failed to endorse O’Connor, or condemn J.D. Wood outright. While the O&MA’s piece cautioned of the consequences of ignoring the call for reform, the Constitution was in no doubt about the political agenda and on the day before the ballot slammed the mining candidates, Scarlett and O’Connor while supporting J.D.Wood:

CONNER and SCARLETT are the digger’s candidates . . . Mr. J. D. WOOD will not be a representative devoted to class legislation. . . we believe that the name struck off the majority of the ballot papers will be that of ‘ALFRED ARTHUR O’CONNOR’. 260

As four candidates competed for two positions; two names had to be struck off the ballot, not just O’Connor.

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257 O&MA, 19 Sep 1859, p. 2, Col. 1.
Prior to the Ovens ballot, results published from other electorates indicated the O’Shanassy Ministry had collapsed. With polling underway on 22 September, crowds congregated in Beechworth waiting the results amid ‘numberless barneys with occasional squabbles threatening to terminate in physical force demonstrations’, while some resorted to ‘sundry bottles’.

The J.D. Wood-Keefer victory prompted the Constitution to declare the result as a ‘triumph of truth and reason, honesty and common sense over humbug, insincerity and nonsense.

Except by the deluded supporters of Mr. O’CONNOR the contest will not be regarded as a conflict between class interests, but as a struggle in which an artful demagogue, devoid of all principle, has striven to ride into Parliament on a class cry raised by himself for his own base purposes, but in which he has been decisively and hopelessly defeated.

Whilst the Constitution decried O’Connor for contesting the election on class interests grounds, it was that paper that kept raising class divisions, not the candidate and, in a veiled attack against the O&MA, the Constitution assured the electorate that J.D. Wood was not returned due to

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261 Constitution, 16 Sep 1859, p. 2, Col. 3.
262 Constitution, 23 Sep 1859, p. 2, Col. 4.
263 Ibid., Cols. 2-3.
264 Ibid.
the ‘shop keepers of Beechworth.’ O’Connor was disappointed the miners did not elect one of their own, but of J.D.Wood, he said the electorate had the squatters’ ‘best and noblest advocate’ and of the Constitution he declared:

> a more lying news never yet existed than the viie (sic) Constitution - (A voice: How about the Ballarat star? A laugh.) - and the Ballarat Star (Renewed laughter)²⁶⁶

The Constitution claimed many wished Scarlett polled better and dismissed suggestions that he split O’Connor’s vote as an ‘absurd charge’.²⁶⁷ An O&MA editorial, ‘A Scarlett Runner’ condemned ‘the great immaculate stump orator of Stanley’ describing him as ‘a public weather cock…useless to himself or others’, whose scrutineers were paid by others, whose ‘vanity engendered by ignorance’ permitted him to become ‘the abject tool of’ and a ‘slave of the ruling clique’, he was J.D. Wood’s puppet ‘pump and plain…put forward to divide the votes…for Mr. O’Connor’²⁶⁸

A verse in the Standard proclaimed the winner, ‘the WOOD-en horse’ and ‘Scarlett was in the ruck’, that is to say Scarlett knocked the victory down to J.D. Wood.²⁶⁹ These articles suggested that the conservative clique and J.D. Wood ensured O’Connor’s defeat, and that Scarlett was involved. Scarlett denied such allegations and denied receiving money from another party.²⁷⁰ Though the reader might suspect collusion, it was not until the evening of J.D. Wood’s and Keefer’s celebratory dinner that such suspicions were confirmed.

A “PUBLIC DINNER”, celebrating the election victory, advertised tickets (exclusive of wines) at 17/6 and listed the ticket committeemen which

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²⁶⁵ Constitution, 26 Sep 1859, p. 2, p. 5.
²⁶⁶ Ibid., Cols. 5-7.
²⁶⁸ O&MA, 26 Sep 1859, p. 2, Co1. 1.
included the Returning Officer, G.B. Kerferd.\textsuperscript{271} This ‘Grand Complimentary Banquet’, ‘one of the best and most influential gatherings ever witnessed in Beechworth’, celebrating the J.D. Wood-Keefer victory, gave an insight into Beechworth’s political machine.\textsuperscript{272} Not only were J.D. Wood and Keefer running mates, but the special guest was, John Scarlett, who ‘very cordially accepted the unanimous invitation of the committee arranging the festival.’\textsuperscript{273} Absent, of course, was O’Connor, though one wonders if he received an unanimous invitation. Some eighty guests included Judge Cope, F. Brown the Returning Officer for Beechworth District,\textsuperscript{274} Kerferd the Returning Officer, J.S. Clark, H. Nixon, Henderson (\textit{Constitution}), the Chinese Interpreter [Tsze Hing], and many mentioned above as committeemen and members of the Lodge, attended.\textsuperscript{275} J.D. Wood invoked the French revolutionary connection claiming France ‘not knowing how to use the liberty they had acquired was now almost enslaved; the power of liberty was now in our hands…’\textsuperscript{276} He toasted the miners, claiming that the future of the Ovens was mining, at the Indigo, New Ballarat, El Dorado and Bowman’s Forest and that the interests of Beechworth and the miners were identical. J.D. Wood cautioned that ‘should he do anything wrong [in parliament] it would be an error of the head and not of the heart. (Loud and prolonged cheers).’\textsuperscript{277} Scarlett toasted J.D. Wood on behalf of the mining community and the crowd sang to this vanquished candidate, “he’s a right good fellow”. Then J.K. Brown, the Ford Street draper, proposed a drink to Scarlett’s health;\textsuperscript{278} an ironic choice using Brown, considering the doggerel lampooning Scarlett for his trademark cravat.\textsuperscript{279}

\begin{thebibliography}{99}
\bibitem{O&MA} \textit{O&MA}, 26 Sep 1859, p. 3, Col. 7.
\bibitem{O&MA} \textit{O&MA}, 27 Sep 1859, p. 2, Cols. 3-6.
\bibitem{Constitution} \textit{Constitution}, 27 Sep 1859, p. 2, Cols. 5-7.
\bibitem{Constitution} \textit{Constitution}, 2 Sep 1859, p. 2, Col. 6.
\bibitem{Constitution} \textit{Constitution}, 27 Sep 1859, p. 3, Cols. 5-7.
\bibitem{O&MA} \textit{O&MA}, 27 Sep 1859, p. 3, Cols. 3-6.
\bibitem{Constitution} \textit{Constitution}, 27 Sep 1859, p. 3, Cols. 5-7.
\bibitem{Constitution} \textit{Constitution}, 1 Sep 1859, p. 2, Col. 7.
\end{thebibliography}
Scarlett toasted the Returning Officer, G.B. Kerferd for the ‘utmost integrity and impartiality.’ Kerferd responded.281

J.D. Wood suggested that O’Connor should put up with his first defeat, because he would not be elected next time.282 His speech was ironic, for not only had J.D. Wood betrayed the miners and the land hungry, he destroyed the Electoral Reform Bill in 1858, denying the goldfields a balanced representation based on population and thwarting the proposed fourteen additional Assembly seats.283 Serle perceived the defeat of the Bill was a ‘counter-attack’ against democratic reform, wherein ‘the pass was saved’.284 J.D. Wood’s role in the ‘great betrayal’ was that he moved the defeating amendments.285 According to Serle, delays in meaningful electoral reform meant that goldfields had half a vote by comparison with Melbourne metropolitan regions and other areas of the colony. This gerrymander translated to one member per 1,730 voters in Melbourne and Geelong, one member per 1,528 voters on the farming and pastoral rolls and 1 member per 2,885 voters on the mining district rolls.286 Using Serle’s argument, the Ovens district should have returned three members to the Assembly and on the results the loser was Scarlett.

The Constitution and Lodge of St. John influenced the election. The editor Henderson was Master of the Lodge by December 1859.287 That many members on the Committees of J.D. Wood and Keefer were Lodge

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280 Constitution, 9 Feb 1859, p. 3. Col. 3.
284 Serle, Golden Age, p. 378.
285 Ibid., p. 281.
286 Ibid., p. 292.
members, as were many returning officers and poll clerks suggested the exclusives operated a political machine in Beechworth. J.D. Wood’s connections were condemned as a ‘mere cat’s paw…of the squatting, masonic, political monkey’ and J.D. Wood’s motto should be ‘Vox et preteria nihil’. Clarke’s suggestion that the Lodge under Lissak’s leadership had a ‘benign influence throughout the Ovens’ is unsustainable, particularly as the attacks against O’Connor were sectarian designed to preserve a favourable status quo for the benefit of the Beechworth clique.

In short, the elite of Beechworth, united via the Masonic Lodge into a formidable coalition to exclude the miners from achieving even one representative. The election was fought and won on the basis of class, religion, nationality and fears of destabilising the status quo. The miners failed to appreciate their own social divisions and missed the clues that Scarlett delivered an outcome against his group interests. Whilst one might argue that Scarlett may have succeeded, it was obvious that because of his prior pro-Chinese sentiments he was unelectable, yet he was complicit in a compromise to deny a perceived Irish radical reformer Alfred O’Connor’s entrée into the political process.

O’Connor’s inability to mount and articulate a broad-front Convention campaign confirms Serle’s assessment that the Convention operated only by loose regional alliances, and that the “first-bite” at democracy barely threatened the seats of power and privilege…partly because the left was disunited and failed to find strong leaders. That the official voice of the Convention was silent and failed to mobilise miners during the election,
was a disaster for the miners and land hungry. Serle added that Convention candidates only campaigned for half of the available seats, yet no evidence gleaned from the two papers or meetings stamped the former 1857 Convention delegate, O’Connor, as the Convention’s ‘official’ or ‘endorsed’ Ovens candidate. The apparent uncoordinated miners’ activities in the North-east, plus their failure to produce, and support a united leadership reinforce Serle’s appreciation of the election.

The post-election political situation in Beechworth saw power and influence remain in the hands of the clique. Despite J.D. Wood’s and Keefer’s election, the O&MA recognised, belatedly, that the result delivered ‘a short-lived triumph’ to the monied men and the squatters who were supported by their ‘conservative friends the Freemasons.’ Of J.D. Wood, the O&MA branded him a squatters’ man, belonging ‘to the genus Barrister’, aligned with the squatters and merchants and who wanted Victoria’s future to be:

a country for two classes only, the enormously rich aristocratic party, and men held in such bondage to them as to render them almost slaves . . . Mr. Wood is the Squatters Advocate.

Why the O&MA waited until after the election to expose J.D. Wood and why it campaigned against O’Connor having urged the miners to produce a candidate was a contradiction. One can assume O’Connor’s nationality and connections or his religion were as much ‘the’ issue as land or the Chinese. The Assembly election, on the Ovens, was won and lost on the basis of class, nationality and religion. O’Connor’s and Scarlett’s personal issues will be discussed in the next chapter.

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292 Ibid., p. 287.
293 Ibid., p. 292.
295 Ibid.
As the general election was for two Houses of Parliament the following section addresses the Upper House contest.

**The Upper House Election**

The Murray District of the Legislative Council covered a huge area of 13,428 square miles, as shown in *Stephens Map* (Appendix E) with 517 men voting for one representative.\(^{297}\) The franchise was limited due to a proscriptive property qualification of £2,000,\(^{298}\) with an overrider that only men over 30 years of age could sit in the Council and that candidates must have property worth £5,000.\(^ {299}\)

The Victorian Legislative Council, today, perceives itself as the ‘Second House’ or ‘House of Review’ wherein its principal task is to ensure a ‘second opinion’ to the Legislative Assembly; a check and balance enhancing the nature of parliamentary democracy.\(^{300}\) This role was never intended by the constitutional framers prior to Eureka. Rather, the Upper House’s role negated the excesses of manhood suffrage, republicanism, Chartism and democracy as expressed in the Legislative Assembly, thus protecting the propertied agenda.\(^ {301}\) Davidson cited Pakington’s agreement to establishing colonial upper houses ‘to protect the [colonies] against rash and hasty legislation by the interposition of a second chamber’.\(^ {302}\) The ‘exclusive’ grouping in the colony re-organized their efforts and objectives to ‘rear up institutions opposed to the people and the age’,\(^ {303}\) and part of that objective was the creation of the Upper House. Serle said the Council ‘reduced the parliamentary process almost to futility, and added immensely

\(^{297}\) *Stephens New Map*, 1865.

\(^{298}\) *Constitution*, 2 Sep 1859, p. 3, Col. 6.

\(^{299}\) Serle, *Golden Age*, pp. 148-149.


\(^{301}\) Serle, *Golden Age*, pp. 146-150.


to class bitterness.' It was perhaps no coincidence that following the events of 1848, similar mechanisms designed to achieve the same outcome as the Victorian Upper House, were incorporated into Germany’s parliamentary system.305

Davidson’s *The Invisible State* moved beyond Serle suggesting that the failure in the 1850s to give a popular representation in the various colonial Legislative Councils ensured that the constitutions drafted by ‘an alliance of lawyers and squatters’, ensured that irrespective of what happened elsewhere, the black lettered words defined a constitution.306 Davidson perceives that much of the chronicled social struggles between squatter and anti-squatter factions diminished in importance, because radical electoral reformers erred, allowing the legalistic conservatives to enshrine the rule of law above the sovereignty of the people. That is to say, the ‘bunyip aristocracy’ or ‘oligarchic clique’ translated or amended the excesses of the Assembly into ‘language of liberty of which they were the bearers’.307 In short, the Upper House was a device to short circuit the democratic process to protect the self-interest of a favoured elite group.

On the Ovens, an English Catholic squatter, brandishing visions of limited land reform emerged to contest the Murray District seat. Dr. John Pearson Rowe was a ‘Saul among the prophets’.308 Rowe practised medicine in Tasmania and was involved in a famous libel case against a Catholic priest.309 According to De Serville, Rowe was one of the pre-gold ‘South Yarra Mob’, a member of the Melbourne Club, a squatter and member of

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307 Ibid., p. 166.
308 Rowe’s unusual title coined in *Bendigo Advertiser*, cited in O&MA, 30 Aug 1859, p. 2, Col. 5.
the University of Melbourne Council. He held leases in Rochester (Victoria) and that town was possibly a ‘derivative of his name with a familiar English ending’. He was a notable Catholic, the first Catholic resident in Mansfield, and ‘enjoyed the intimate friendship’ of Archbishop Goold. Rowe, like O’Shanassy, later received a Papal Knighthood.

Rowe declared society was ‘on the eve of a political crisis’; he advocated an extension of the public denominational education system; ‘there can be no true liberty without morality: no morality without religion’; he wanted to settle the land, ‘without unnecessarily interfering with mining or pastoral occupation’ with land grants near markets and land ranging from 40 to 80 acres with an upset price of 10 shillings per acre for second rate land and for graziers and breeders to bid on their holdings at public auction with an upset price of £1 per acre. Mining was the ‘paramount interest in the colony’ and was not ‘second to some insane idea of the primary importance of agriculture’.

Candidate Rowe and the O&MA ‘subjoined’ and published his expanded views on reform following a ‘false interpretation’ of his land platform given in the Constitution, which suppressed some of his material. He favoured small holdings of 40-60 acres in the immediate neighbourhood of the great population centres of cities, towns and diggings without encroaching on the auriferous gold bearing lands. He proposed offering these lands at 10/- an acre with payments deferred for three years and available to small farmers. He advocated opening larger parcels of pastoral

311 Ebsworth, Pioneer Catholic, p. 489.
312 Ibid.
314 Ibid.
315 O&MA, 29 Aug 1859, p. 1, Cols. 6-7.
316 O&MA, 30 Aug 1859, p. 2, Col. 7.
lands suitable for agriculture to ‘free selection’ after survey with an upset of £1 per acre. Other public lands should be open to farming after survey.\(^{317}\) The key to Rowe’s platform and perhaps the reason for some of the hostility toward him was his contention that:

\[
\textit{there is room for all on the Public Lands of Victoria without UNNECESSARILY disturbing any interests.}^{318}\]

Rowe’s plan would eventually dismantle the status quo causing tensions among the few who held the land yet he would delay reform until after survey.

David Reid, was possibly a member of the Lodge of St. John,\(^{319}\) and was publicly endorsed by that Lodge.\(^{320}\) He was English born, a squatter, late of New South Wales who at the time of the election occupied a lease at Barnawatha near Chiltern.\(^{321}\) He responded to a requisition by Henry Parfitt of ‘Bathampton Farm’ near Wangaratta, William Clark also of Wangaratta and 146 others announcing his candidature for the Upper House.\(^{322}\) Being a squatter, he promised to give his ‘full attention’ to any Land Bill; he supported a national system of education in direct opposition to Rowe’s platform, supported ‘to a certain extent’ state aid to religion, saw religious ministers as ‘moral police’, advocated free trade, wanted large commonage and reserves of about 2,000 acres every ten miles on all main roads, opposed mining on private property without the owners’ consent and opposed payment of members of parliament.\(^{323}\) David Reid hedged his platform; ‘I have no pet project…it will take the matured, collective wisdom of many minds to devise a scheme…I am…quite

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317 Ibid.
318 Ibid.
319 Clarke, \textit{Grandma}, pp. 151-152, says Reid did not appear as a Lodge of St. John member but on 8 Sep 1859 he signed a farewell ‘Address’ to A.H. Lissak., as a Lodge member.
320 \textit{O&MA}, 30 Aug 1859, p. 3, Col. 3.
resolved, viz., free selection after survey at one pound per acre, and no reduction in the upset price. The implication was that selection, would again stall in the Legislative Council and his non-acceptance of deferred payments would mean that only a few and the wealthy could obtain land. He advocated the position of the propertied agenda. Though the above were précised opinions of candidates, they did not give a sense of the underlying pressure for land reform.

In the future, dreary future,
But two classes will be found;
Men with counties for a sheep-walk,-
Serfs without a rood of ground.

Reid and Rowe represented opposing interests of the existing political spectrum, Catholic champion versus Presbyterian champion, democrat versus anti-democrat, mild land reformer versus landed status quo. Reid believed those with the liberal agenda were ‘the very essence of tyranny’ holding a ‘secret grudging and dissatisfaction’ against those better off. Though the contest initially was a test of land reform ideologies, it soon degenerated into a religious quagmire. There was a public dispute between Rowe and a potential candidate John Goodman, a Ford Street trader; the latter allegedly agreed with David Reid to withdraw from the electoral contest in order to ensure Rowe’s defeat.

Rowe’s Wangaratta meeting was a watershed, wherein sectarianism surfaced amid cries of ‘priestcraft’ and ‘to hell with you’ from Wangaratta identity [and later councillor] Michael Cusack. The papers’ reports differed. Allegations and letters ensued. The O&MA supported Rowe with an editorial, following a serialized two-part report of the meeting.

324 Constitution, 1 Sep 1859, p. 3, Col. 5.
325 Punch, 2 Dec 1858, p. 148.
327 O&MA, 26 Aug 1859, p. 3, Cols. 4-5.
328 Ibid., Cols. 3-4.
329 O&MA, 23 Aug 1859, p. 3, Col. 7.
while the *Constitution* resorted to sectarianism. A clique shadowed Rowe to such an extent that he termed it ‘espionage’. Rowe accused the clique of spying on his friends, including parish priest Fr. Kums. Cusack demanded to know where Rowe was for several hours one Friday when Rowe lunched with Fr Kums. The *Constitution* commented that at an election meeting ‘our pastor, the Rev Mr. Kums’ stood at ‘a convenient key hole’ outside and on the street. Kums responded to both papers requesting the correspondent ‘spare his sarcasm for some more plausible cause’ as it was not his habit to enter a public room and disturb a meeting. Of Fr. Kums little is known; he ran the Wangaratta mission, founding Catholic schools at the Woolshed, Wangaratta and Benalla in 1858. Cusack suggested Rowe was connected to the Jesuits and Premier O’Shanassy, who had ‘raised himself by his connections with the priests’. That Rowe’s political position was untenable became apparent in a letter parodying his disastrous Wangaratta meeting:

Mister Editor
Dear Sir.- You should have been at the Royal Victoria Hotel. . .to here a man they cal doctor Row make a speech. . . about scorpions, snakes, serpents and lions. Divel a bit if I could understand what he was until I axed a friend of mine . . .the landlord of the house was going to send for the polic. This is a faithful discridon from one that was prisent and will rite you ocationaly.
Believe me, A LOVER OF GOOD SCENCE
P.S.-I want to know if we cant send men into Parliament without making it a den for lions and a creeping place for riptiles.

On nomination day, at Williams’ Hotel, Tarrawingee, the issue of religion divisions erupted in heated exchanges between the candidates when Rowe identified the Reids’ conflict of interest. The Returning Officer, Curtis A.
Reid,\textsuperscript{338} was the candidate’s brother and Rowe feared for the ‘safe-guard of the ballot’. Rowe asked Curtis to stand aside as the local returning officer, as there would not be a ‘farmer or tradesman in Tarrawingee’ that ‘may not be seriously damaged by your knowing which way he will vote’.\textsuperscript{339} According to Serle there were stories that returning officers had not observed the secrecy of the ballot in rural areas and Curtis upheld Rowe’s objection.\textsuperscript{340} Parfitt attacked this ‘diabolical’ inference then produced 154-signed declarations for candidate Reid, arguing that only 356 persons were enrolled as electors.\textsuperscript{341} The 356 claim was, as the poll results showed, an understatement. As Reid was a local man not a stranger like Rowe, Parfitt forced a declaration. Rowe forced a division; Reid 35 and Rowe 6. Rowe demanded a poll with 5 September nominated.\textsuperscript{342} The old method of electing a candidate by a show of hands, abolished by the \textit{Electoral Act} curtailed abuses and provided protection and purity to the franchise.\textsuperscript{343} Therefore, Curtis Reid’s attempt to elect his brother by a show of hands was irregular. The \textit{Constitution} berated Rowe suggesting he was unelectable and for hounding the Returning Officer with an ‘insulting attack’.\textsuperscript{344} Curtis appointed a new Returning Officer to Tarrawingee, and appointed Frederick Brown, member of the Lodge of St. John and member of J.D. Wood’s committee, as Deputy Returning Officer for Beechworth.\textsuperscript{345} A further irregularity, not mentioned by Rowe, was that Curtis had requisitioned his brother to stand for election.\textsuperscript{346} The \textit{Constitution} was angered by Rowe’s actions and suggested that Candidate Reid had nothing in common with the ‘precepts and practice of IGNATIUS LOYOLA’

\textsuperscript{338} \textit{O&MA}, 24 Aug 1859, p. 3, Cols. 4-6. NB. there were three Reid brothers. One paper said J.C. was the Returning Officer, but advertisements were authorized by Curtis. A., \textit{O&MA}, 20 Sep 1859, p. 1, Col. 5.
\textsuperscript{339} \textit{O&MA}, 24 Aug 1859, p. 3, Cols. 4-6.
\textsuperscript{340} Serle, \textit{Golden Age}, p. 257.
\textsuperscript{341} \textit{O&MA}, 24 Aug 1859, p. 3, Cols. 4-6. A street in Wangaratta is named after Parfitt.
\textsuperscript{342} Ibid.
\textsuperscript{345} \textit{Constitution}, 2 Sep 1859, p. 3, Col. 6.
\textsuperscript{346} \textit{Standard}, 27 Aug 1859, p. 2, Col. 3.
which alluded to Rowe’s close connections to the Catholic Church and implied connections to the founder of the Jesuits.\textsuperscript{347} A further taunt in the article was that ‘Loyola’ was Rowe’s 38,000 acre run near Mansfield.\textsuperscript{348} Of this contest the O\&MA said:

\begin{quote}
Let all bigotry and party feeling be banished. . . Let the watchword. . . be “Home and Country.”\textsuperscript{349}
\end{quote}

The \textit{O\&MA} supported, not Rowe’s somewhat more liberal platform for the opening of the land, but endorsed Reid’s restricted policy with a qualification that his platform of no deferred payments was unacceptable. In short, the \textit{O\&MA} supported Reid’s platform that in reality would delay and deny land to small farming and agriculture.\textsuperscript{350} Why the \textit{O\&MA} promoted Reid was unclear, but perhaps it had more to do with local influence, power and Rowe’s religion.

An election irregularity, not apparently of the Returning Officer’s making, occurred when the police in transporting the ballot papers from Beechworth to a remote area delayed the process, which required an extension of time for Omeo and Snowy Creek electors with the declaration delayed until 20 September.\textsuperscript{351} On the same day that Curtis Reid advertised the extension of the ballot at the Omeo, ‘David Reid’ wrote ‘[t]he election for the Murray district being now concluded…’ and he explained he had not hired Parfitt or Cusack to harass Rowe for they acted of ‘their own free will.’\textsuperscript{352}

\textbf{Summary of Upper House contest}

The \textit{Constitution} and squatters opposed Rowe, not just because he supported land reform, but more so because of his Catholic connections

\begin{footnotes}
\footnote{348} Spreadbrough & Anderson, \textit{Victorian Squatters}, p. 58.
\footnote{350} Ibid.
\footnote{351} \textit{Constitution}, 12 Sep 1859, p. 3, Col. 3.
\footnote{352} Ibid., Col. 2.
\end{footnotes}
which are clarified in the next chapter. Nothing surrounding Rowe’s campaign indicated the intensity of the Lodge of St. John’s opposition to O’Connor. The activities of Parfitt and Cusack suggested a personal perhaps religious vendetta. The O&MA believed the Lodge worked against Rowe and whilst that was possibly a fair assumption, little evidence supported that claim, outside Beechworth’s immediate sphere of influence. The O&MA endorsed Reid’s position on the land issue, yet it was less reformist than Rowe’s. ‘Euroka’s’ claim that the activity against Rowe was the work of a ‘paltry family clique’ who opposed a Catholic, might be more accurate, in light of Rowe’s vote from the areas beyond Beechworth and its environs. Rowe polled better than Reid in the areas where he was known, Euroa, Mansfield and Longwood. Attempts to force a declaration against Rowe on a show of hands and various conflicts of interest perhaps influenced the outcome in the Beechworth environs, yet overall the activities suggested personal and deep sectarian animosities on both sides.

**Conclusion to the overall campaign**

The outcome of the Ovens election reinforced Serle’s observation that by 1860 ‘the degree to which democracy was not accepted, and to which conservatism survived, has not been recognized’. 353 Social division on the Ovens based on religion and fuelled by the Constitution also supported Serle’s contention that ‘the sectarian cry was raised more and more frequently’ in the lead-up to the election. 354 On the Ovens sectarianism and national divisions were the key element of the election to such an extent that the issue of land was incidental to the outcome.

As the Land Convention in Victoria ran out of steam, at the most critical time and dissolved in disarray during July, so too on the Ovens no

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354 Ibid., p. 285.
organizational structure united miners around the issue of land reform. The miners were in disarray before O’Connor emerged as a candidate. When O’Connor stood as the candidate the miners failed to unite behind him. After his first announcement of how he would deal with the squatters, the miners still failed to support him. O’Connor the fearless miners’ spokesman and his adherence to the Land Convention policies became his Achilles heel when the Constitution linked him precisely to the revolutionary Feargus O’Connor and the memories of his radical activities in England during 1848.

Rowe, the Catholic, was politically isolated more so than O’Connor, due to the restricted franchise, the geographical extent of the electorate and a perception of working against his own class and national interests and a perceived ‘adherent of the O’Shanassy Ministry’.\(^\text{355}\)

In the aftermath of the 1859 election, it was apparent that J.D. Wood played a spoiler role to any parliamentary resolution of the Land Question. The O&MA during 1860 reported that he sided with the squatters and with the benefit of hindsight stated that in the lead up to the election of 1859 J.D.Wood had claimed:

\[\text{E}\text{very man should have the opportunity of his own vine and fig tree and a golden age in Victoria should date from his accession to power}.\]\(^\text{356}\)

The O&MA declared the squatters were like Robinson Crusoe — ‘monarch of all they survey - but with no assistance to make use of it’, and J.D.Wood’s, ‘pro squatter’ role in the formulation of the Land Bill as ‘pitiable’.\(^\text{357}\) The issues identified during the campaign became seeds of future discontent in the region, that is to say divisions based on religion, nationality and Chinese, land, squatters and selection. As three vanquished

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\(^{355}\) *Standard*, 27 Aug 1859, p. 2, Col. 3.

\(^{356}\) *O&MA*, 18 Feb 1860, p. 2. Col. 1.

\(^{357}\) *O&MA*, 3 Mar 1860, p. 2. Col. 1.
candidates Scarlett, O’Connor and Rowe were identified as issues in their own right the next chapter will examine these three men, their connections and ideologies.
Chapter 5
The Vanquished Candidates of 1859
Vae Victis

The previous chapter identified the three contestants defeated in the
geneneral election. C. Woods said the electorate returned ‘respectable
moderates’¹ and stated that during the Victorian 1865-66 constitutional
crisis, Beechworth acquired a reputation as a ‘hot-bed of conservatism’.
² Though she said the land issue was ‘debated vigorously’ on the Ovens
during the 1859 election,³ it was, as the previous chapter showed, a limited
debate clouded and sidetracked by personal attacks. J.D. Wood, Keefer and
Reid were respectable and moderate, which by implication suggested
O’Connor, Rowe and Scarlett, because of their radical connections or
ideologies, were otherwise. This chapter focuses on the defeated
candidates, not because the successful candidates are recorded and
remembered in numerous local histories, while the vanquished were vae
victis,⁴ (woe to the vanquished) but because Rowe, O’Connor and Scarlett
emerged singularly and collectively as a major issue in the campaign.
These men, though perhaps they were unaware at the declaration of the
polls, were instrumental in testing and launching the lasting conservative
nature of the Ovens. ‘Radical’ suggests an extreme political or social
platform of reform, to redress the foundations of the existing society, or to
change the status quo; radical is the opposite of conservative.

Scarlett’s radical and unpredictable manner saw his election performances
attacked throughout the campaign.

   Upon the stage of politics
   Should Master John appear,
   We’ll not forget the many tricks

² Ibid., p. 133.
³ Ibid., p. 109.
⁴ Duveau, 1848, p. 208.
He’s perpetrated here.
And oh! Really are our squatters
Come to so low a pass,
That they trust such weighty matters
To be tinker’d by an ass. 5

In the initial phase of the campaign, a rumour suggested that Scarlett would seek election. 6 He was standing for the Omeo Mining Board election and was unavailable to contest the Assembly seat declaring:

I have to state . . . I never had, and have not at this moment any such intention. 7

When Scarlett failed miserably in the Mining election, he immediately declared his candidacy for the Assembly. 8 His action provoked a series of condemnations in both papers:

he feels driven to seek repose on some kind of legislatorial convenience and that though he is not permitted to make local regulations, he feels satisfied within himself to make laws for the government of the country. 9

Scarlett was a character on a public stage, even demonstrating how the right to free commonage existed in the Book of Genesis, when Abraham and Lot resolved a dispute over depasturing stock. If only the squatters were as accommodating as Abraham was to Lot, he said, free selection before survey would work well if those with land ‘grasping propensities’ like Lot, only had to deal with tolerant men like Abraham, ‘(Cheers and Laughter.)’ 10

Upon the squatters he made a pounce...
Went back to Genesis and got,
Two graziers — Abraham and Lot;
The first was generous but the latter
An out and out Victorian squatter? 11

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5 Constitution, 1 Sep 1859, p. 2, Col. 7.
6 O&MA, 1 Aug 1859, p. 3, Col. 3.
7 O&MA, 3 Aug 1859, p. 3, Col. 6.
8 Constitution, 3 Sep 1859, p. 3, Col. 2.
9 Ibid.
10 Constitution, 5 Sep 1859, p. 2, Col. 2-5.
11 O&MA, 8 Sep 1859, p. 2, Col. 6.
Advocating his radical/conservative policies Scarlett campaigned among the mining settlements at Hurdle Flat, Reid Creek, the Woolshed, Yackandandah, Osborne’s Flat and Chiltern.

**OVENS ELECTION.**

**MR. SCARLETT**

WILL ADDRESS THE ELECTORS AT THE **STAR THEATRE,** BEECH WORTH ON MONDAY AFTERNOON, September the 5th At 4 o’clock.12

Monday afternoon public meetings held special significance during colonial development, termed ‘Saint Monday’, a traditional day for the public meeting.13 Writing from a Marxist interpretation, Connell and Irving’s *Class Structure in Australian History* quoted Wentworth citing the public meeting in the late 1850s was the ‘great vehicle of progress’ utilised by workingmen and men of ambition to come to prominence via a radical movement.14 Scarlett was a man of ambition judging by his numerous escapades; conducting and calling meetings at Stanley and Beechworth, inserting advertisements and writing letters to the papers all of which brought him to prominence as a wild-card radical. Connell and Irving saw the land reform leagues made up of working men, but that the leadership comprised prominent bourgeois politicians.15 Though a perceived radical, Scarlett, as a conservative (1857) raised doubt about the expulsion of the Chinese from the district, arguing such action violated a ‘fundamental

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14 Ibid., p. 123.
15 Ibid.
principle of British liberty’. In June 1857, Scarlett volunteered to go to Parliament House Melbourne and do an ‘Oliver Cromwell’. What a statement, reverberating with revolutionary fervour. A few months’ later in Melbourne, the left radical Unionist, Sherwin in September 1857, called for a Cromwell to turn out Victoria’s parliament, apparently pilfering Scarlett’s sentiments. Not that Scarlett ever pilfered a speech:

Now he is a candidate roaming about;
To show the bold diggers how fast he can spout
Like those naughty persons who steal what they preach;
John’s merely rehearsing an old pilfered speech.  

It was difficult to identify what group attacked Scarlett; some implied miners at Stanley but that was possibly a smoke screen:

Ere a month on the diggings he fire’d with zeal,
And for the poor miners compassion did feel;
He determined at once we poor slaves to redeem,
And his tongue ever since has been going by steam.

Eager to clarify the election results and possibly his actions, Scarlett called another public meeting. The O&MA suggested Scarlett had ‘not yet tired of public speaking’. ‘Sluicer’ attended;

...after so many days and nights of spouting, one would think he could have blown off all his store of wretched stuff...It is whispered on the Nine Mile...that the next public subscription is...for...a House of Correction, for the special use of the moon-struck orators, and some of their advisers.

What remained unanswered at the above meeting was the contradiction of his candidacy and why Scarlett, the radical, threw his lot in with the conservatives against the miner’s class interests or aspirations. The contradiction was highlighted by Scarlett’s previous behaviour for land reform, as prior to O’Connor’s arrival in the district, Scarlett held centre stage as one of the few voices advocating selection and dismantling the

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16 Woods, Beechworth, p. 62.
18 Serle, Golden Age, p. 274.
19 O&MA, 22 Sep 1859, p. 2, Col. 5.
20 Ibid.
21 Constitution, 30 Sep 1859, p. 3, Col. 6.
squatter’s status quo. At his post-election meeting, Scarlett refuted the accusation that he assisted the Wood-Keefer election.\textsuperscript{24} One might deduce that Scarlett accepted a bribe, for £250 was allegedly offered to O’Connor to withdraw. If bribed, it was a little better than the 30 pieces of silver offered to another Judas whom the Constitution linked to Scarlett in February over selling out the dry miners on water rights.\textsuperscript{25} There is possibility that Scarlett like Cicero followed no man. Another explanation of Scarlett’s behaviour was Furet’s less condemnatory yet realistic appraisal, wherein he said nineteenth century politics were determined by constant compromises between competing social groups, haunted by the French trauma and the fall of the ancien regime.\textsuperscript{26} Perhaps Scarlett, the Scot, feared O’Connor’s Irish radicalism more that he opposed the conservative status quo. Or finally did Scarlett as did the radical ‘semi-chartist’ Eureka leader, Peter Lalor, ‘thus suddenly metamorphosed into a smug Tory’?\textsuperscript{27}

Alfred O’Connor’s appearance on the Ovens aroused hostilities from the Beechworth elite. On nomination day, the proposer R. Smyth said that O’Connor attended the Land Convention, as the Ballarat miners’ delegate. He claimed O’Connor was:

\begin{quote}
not of the “mob” . . . a gentleman by birth and education his father being one of the first barristers in Dublin.\textsuperscript{28}
\end{quote}

Though O’Connor claimed he was the son of William Conner of Inch,\textsuperscript{29} ‘Sluice Box’ implied a cloud hung over O’Connor due to some past ‘calling or pursuit’ in Liverpool.\textsuperscript{30}

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{24} O&MA, 4 Oct 1859, p. 2, Col. 7.
\item \textsuperscript{25} Constitution, 22 Feb 1859, p. 2,Cols. 3-4.
\item \textsuperscript{26} Furet, Illusion, pp. 17-18.
\item \textsuperscript{28} O&MA, 9 Sep 1859, p. 2, Col. 4.
\item \textsuperscript{29} Constitution, 26 Sep 1859, p. 2, Col. 7.
\item \textsuperscript{30} Constitution, 22 Sep 1859, p. 2, Col. 5.
\end{enumerate}
\end{footnotesize}
The Constitution played the sectarian card against O’Connor, who stated his family dropped the O’ from their name and altered it to Conner, to avoid ‘sectarian and national bigotry prevailing in his native land’. One famous branch of this family, in Ireland, changed its name to Conner and renounced Catholicism. From that family, emerged Arthur, the Untied Irishman, an Irish lawyer, and Member of Parliament who reverted to the original O’Connor name though he did not readopt Catholicism. From that same family emerged Feargus O’Connor.

The apparent connection of the Ovens candidate, O’Connor, to the radical and revolutionary Irish [Conners] O’Connors mattered not if that family connection existed, for what was critical in Beechworth was the perception. The United Irish activist, Arthur featured during 1798, the Year of Liberty. His arrest, bungled trial and role in the planned French invasion of Ireland were common knowledge to the English.

On the Ovens, Alfred O’Connor lacked what Daniel O’Connell achieved in Ireland, a ‘rabid and coordinated press’, which reported his speeches throughout the country. Unlike Feargus, who ‘started the most famous of all democratic papers, the Northern Star’; Alfred encountered a rabid and coordinated local press, which opposed him. Unlike the United Irishman Arthur, the Ovens Candidate, Alfred did not appear to make use of the political pamphlet, whereas his opponent J.D. Wood used his publication of his March address to the Beechworth electors as a political pamphlet. Though Feargus O’Connor was a furious speaker, the Ovens candidate was

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31 Ibid., Cols. 3-4.
33 Johnson, Birth of the Modern, p. 924.
an ‘effective, though not a fine speaker’, according to ‘An Ovens Voter’. Of his speaking ability it was summarised thus:

To Alfred spouting is no toil
His stuff flows smooth as castor oil,
“A fitter simile if you will”
As grog from an illicit still...  

Whilst Alfred O’Connor was not of the establishment, he displayed leadership. O’Connor indicated his mining experiences ranged from 4-foot to 400-foot sinkings. That he was a hard worker was widely accepted,

…he is an honest digger,
And works I’m told like any nigger... 

‘An Ovens Voter’ went to a local O’Connor meeting, admitting it was the first time he had seen and heard the candidate. He attended,

only for the fun of the thing “to hear what this blabber had to say,” having been led to conceive of him as a wild Irish demagogue...

and found a man ‘not. . .cowed down. . .newspaper flatulency.’ The same writer also criticised Scarlett’s electoral performances. That the writer possessed such comprehensive insights into O’Connor, endorsing him as ‘preferable of our local candidates’ might suggest the writer was candidate O’Connor or perhaps a close associate.

Alfred O’Connor’s perceived connections to the late Feargus, coupled with the radical Irish O’Connors and their connections to the Revolution of 1848, may explain the nature of the personal attacks. The Constitution said O’Connor’s supporters paraded like ‘Prince PASKIEWITCH’ (sic) and reported to the candidate that ‘order reigns in Chiltern.’ The Paskiewitch (sic) reference linked the candidate, O’Connor, to the historical memory of
1848, when Paskievitch crushed all dissent and opposition throughout Poland during that year.\textsuperscript{41}

‘Sluice Box’ advised ‘[f]ellow miners’ that O’Connor was not a Catholic, could not support himself as a parliamentarian, and had financial difficulties over a mortgage. The mortgage was a possible reference to O’Connor’s steam engine, which worked the New Ballarat mine. This notion, reinforced in Lloyd’s book \textit{Bright Gold}, mentioned J.A. Wallace of the Beechworth hotel chain advancing a £450 interest-free loan in 1859 for a stationary steam engine to assist O’Connor’s venture.\textsuperscript{42} Ashley also mentioned Wallace’s assistance with the steam pump and said it cost £750.\textsuperscript{43} There was an interesting irony in that Wallace backed O’Connor’s gold venture, yet Wallace was a committeeman for an opposing candidate. Further, ‘Sluice Box’ said O’Connor’s support group;

\begin{quote}
never consented to act in that capacity, and a far larger number never saw or heard of that address until it appeared…\textsuperscript{44}
\end{quote}

‘Sluice Box’ supported Keefer and Wood and though the \textit{nom de plume} conceals the author, the letter demonstrates a tactical sophistication among those vying for the political prize.

O’Connor’s support group was an interesting mix. When StonePuncher arrived at the Star Hotel and asked the publican to stand him for 10/- . The publican declined and an Irishman at the bar declared:

\begin{quote}
Shure I’ll not see an O’Connor man want. I’ll lend you the ten shillings.
\end{quote}

The benefactor produced the amount to the admiration of the bar. As StonePuncher departed, the donor requested he return the advance. The

\textsuperscript{43} Ashley, \textit{Shire of Chiltern}, p. 21.
\textsuperscript{44} \textit{Constitution}, 22 Sep 1859, p. 2, Col. 5.
Irishman offered the money only to ensure that no one could say an O’Connor man could not get 10 shillings.\footnote{Constitution, 20 Sep 1859, p. 2, Col. 6.} The anecdote suggests a nationalist connation to the election, implying that O’Connor’s confederates were of not elite members of the community. O’Connor’s committee urged miners to ensure the election did not ‘fall into the hands of persons having no sympathies or inclination in common with the working classes’. The committee declared that the ‘theoretical formalists’ legislative reform had ‘proved utterly abortive’ and that there was in Beechworth an ‘unscrupulous press, supported by an interested faction’ whose only interest was their nominee.\footnote{Constitution, 19 Sep 1859, p. 3, Col. 4.} Further, the committee suggested the ‘crafty Beechworth municipality’ comprised ‘men who made the Ovens odious to the ears of every respectable merchant’.\footnote{Ibid.} The statements reveal a social division among the miners and the Beechworth traders and gentry.

O’Connor achieved much in the short time between his arrival on the Ovens and the close of polls. He visited the localities near Beechworth and canvassed the Buckland. He organised supporters, but unlike the concentrated numbers in Beechworth working for Wood, O’Connor’s were scattered. It was apparent that Wood on identifying O’Connor as the threat, outflanked, out advertised and out published O’Connor.

Should we send you down to town,  
Alfred O’Connor, O.  
Would you there not act the clown,  
Alfred O’Connor, O.\footnote{Constitution, 12 Aug 1859, p. 3. Col. 1.}

John Pearson Rowe’s Catholicism was used to attack his candidacy during the contest for the Upper House seat. ‘A Tarrawinge Elector’ appearing to be a Catholic suggested the election focus, on the ‘principles of these two rival candidates and not their religion’. Concerned that Rowe called the
Constitution a ‘wretched rag’, the correspondent in a manner similar to ‘Sluice Box’s’ letter said:

I will not be led away by such transparent humbug [these attacks] on the Reids individually and collectively…it shows Mr. Rowe’s power of vituperation…I would warn my brother Catholic electors not to be influenced by merely religious views…49

‘Euroka’ allegedly a Scot and Presbyterian, declared he was leaving the colony and objected to the ‘paltry family clique’ operating in the district to ensure Rowe’s defeat in order that that family might rule supreme. Reid, he claimed was the ‘tool of a clique’ and ‘the instrument of a faction’. To ‘Euroka’ it was [the Reid] family who were attempting to lead the district ‘by the nose’.50 Though Rowe believed the Reid family worked against him as a Catholic candidate, David Reid denied the allegation.51 Rowe’s personal attacks against the Reids failed to support his cause among the district elite. At no stage did Rowe support O’Connor, implying the two elections occurred in total isolation. Rowe’s ‘peculiar education’ and his accusations against the Constitution as the ‘serpents of bigotry’ enraged the paper. The Constitution suggested Rowe was a Catholic O’Shanassy supporter, furthering the interests of that denomination, adding they may have falsely accused him of being a:

lay brother of a religious [Jesuit] order that has publicly acknowledged and acted on the most-detestable of principles…52

Even so, the Constitution added, Rowe was not worthy to be admitted to the [Jesuit] order and his address to the Tarrawongee electors would only ‘rouse the feelings and sentiments of the Protestants against the Catholics’:

a more Jesuitical address it is impossible to listen to…[i]t embodies the practically the axiom of the Jesuits…53

49 O&MA, 1 Sep 1859, p. 2, Col. 4.
50 O&MA, 29 Aug 1859, p. 3, Cols. 4-5.
52 Ibid., Cols. 2-3. Cf. 6-7.
53 Ibid.
Rowe was educated at the Jesuit’s Stonyhurst (U.K) (1824-1827) an institution, which allowed ecclesiastical and academic students together. The assertion that Rowe was a Jesuit lay brother reflected an accusation against O’Shanassay in 1855. Inferences of Jesuit connections carried sectarian connotations of the French Propagation of the Faith and papal interference against Protestants. That Rowe’s Mansfield property, Loyola, was named after the Jesuit’s founder would be obvious to the Constitution and Cusack.

Overall, the 1859 general election campaign demonstrated an intense political and Protestant conservatism flourished on the Ovens. The conservatives mobilizing behind the Ford Street clique created a united front with the Constitution and the Lodge of St. John and attacked the perceived radicals and Catholics. John Scarlett’s spoiler role was integral to the establishment’s success. The interloper, O’Connor and his supporters, identified a ‘sparrow-tailed gentry’, or ‘clique’ political machine, but failed to neutralise it, or identify Scarlett as its puppet.

This chapter focused on the defeated candidates in the Ovens and Murray District contest, suggesting that O’Connor and Rowe became part of the issue around which a coalition formed by the dominant social grouping coalesced and defeat them. Both were Catholic and consequently, outsiders. O’Connor’s nationality and his perceived radical connections were used against him to great effect. Rowe’s connections to the [Catholic] O’Shanassay grouping and association with the Catholic priest were also used against him particularly in and around Beechworth. Scarlett became part of that the dominant group’s coalition, and his radical track record

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55 Serle, Golden Age, p. 252.
among the miners ensured many of them supported him even though he was manipulated to split the miners’ vote and destroy all opportunity for parliamentary representation.
Epilogue

J.D. Wood became the Victorian Attorney General in the new Nicholson Ministry and as was the parliamentary custom, he vacated his Ovens electoral seat and recontested it. A new poll was called for 5 November 1859 at the Star Hotel in Beechworth. Fearing ‘the dreaded O’Connor’ would again contest the seat,¹ J.D. Wood placed a notice ‘To The Electors’ outlining the government’s policy on land, with a caution that ‘there are other measures of equal, if not greater importance’ on the agenda.²

On the day there was one nomination; J.D. Wood. The Minister was elected unopposed, amid ‘three cheers’ or was that a ‘feeble attempt at a cheer’ for as the Standard asked of the outcome ‘what are we to believe?’³ To the elite and conservatives, the defeated O’Shanassy government’s connection to the revolutionary movement of 1848, was clear. Punch published an obituary on the government’s demise linking it and the Land Convention to 1848.

Died, a few weeks ago, to the great and sincere delight of those who knew him, the VICTORIAN CONVENTION…The Convention was of distinguished descent, his parents having been closely connected with the Irish rebellion of ‘48...

Fig. 3. Punch’s obituary to the men of 1848.

Punch, 6 Oct 1859, p. 83.

¹ Standard, 4 Nov 1859, p. 2, Col. 3.
² Standard, 2 Nov 1859, p. 3 Col. 4.
³ Standard, 4 Nov 1859, p. 2. Col. 3.
Punch showed a funeral procession with mourners including Duffy and O’Shanassy at the rear and the Catholic salutation of Requiescat in Pace. The cartoon represented an actual event, reported earlier in the Constitution, which occurred at Emerald Hill, now South Melbourne.¹

The hearse displays the words ‘Convention Died 1859 Aged 2 years’

Fig. 32. Requiescat in Pace: Rest in Peace.

Punch, 17 Nov 1859, p. 133.

On the same page, Punch reported on the mythical ‘inquest on the remains of the Convention’ held at the ‘Pig and Whistle’, where Wilson Gray MLA claimed that he ‘[w]as the father of the deceased’ and the Victorian chartist politician Dr. Hunter said in evidence that:

I do not recollect 1848. I do not know Kennington Common.

The reference was to Feargus’ massed rally outside London in April 1848. The jury’s verdict on the Convention’s demise was ‘justifiable suicide.’⁵ The Punch allusions linked the Land Convention and the O’Shanassy government to the events of 1848 and the perception that those associated with land reform were revolutionary.

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¹ Constitution, 1 Sep 1859, p. 3, Col. 3.
⁵ Punch, 17 Nov 1859, p. 133.
Conclusion

This thesis researched the primary material located in the pages of the *Constitution* and *O&MA* and to a lesser extent *Punch* seeking to determine if national and sectarianism issues were ‘scrupulously avoided’ during the election on the Ovens goldfields during 1859. Having determined sectarianism was a factor in the campaign, the thesis investigated if that division possessed a national character. The evidence indicated the election became the very thing the *Constitution* cautioned should not occur: a contest partially based on nationality and religion. In-turn, the examination revealed a fractured society, wherein the dominant social faction in Beechworth sought to control the regional political agenda to the exclusion of other competing social groups.

There were limitations and some doubts, using the papers as the main source of evidence. The use of *noms de plumes*, the doggerel and the *ad hominem* attacks via anonymous advertisements and letters though often veiled were difficult to understand. Reconstructing the comments and allusions printed in the 1859 papers enabled clearer understandings of that Ovens society, its pre-existing tensions and social divisions. The research placed this seemingly unimportant and peripheral rural election in a remote edge of a British colony, into a coherent context. The intense examination revealed a latent and untold story, permitting an interpretation of the region in the late 1850s, with differing emphases from previous work.

Having retrieved and identified the evidence, the historian must interpret that data, put it into context and provide interpretations. The turning point during the research was the event surrounding John Pearson Rowe’s meeting at Wangaratta. That material provided a simple choice: either dismiss the exchanges as pub talk, or explore the extent to which tensions surrounding religion and nationality were at work. Fr. Kums appearing at Rowe’s Wangaratta meeting and the hostility his presence sparked might
be peripheral to the election. If it was not peripheral, then perhaps the reaction against the priest provided an opportunity for other insights into the district. In exploring the latter option a cross-road emerged, an unexplored track, which permitted a range of fresh interpretations of the 1859 Ovens community and its competing factions, which allowed a better understanding of one of the major electoral issues: namely, the Catholic candidates, Rowe and O’Connor.

Old World latent tensions existed on the goldfields and these underlying divisions, are better understood in light of European events surrounding the trauma of the French Revolution and revolutions of 1848. Though these matters were not the sole determinant of the election outcome, they were an important factor, albeit one that is often overlooked. In fact, these background events of the French Revolution and its aftermath, the Christian Revivals and the events of 1848, re-defined and welded notions of nationality and religion in Europe and elsewhere. Tensions between Catholics and Protestants were the result of competing religious interests and fears, which had their genesis in London, Rome, Paris and Dublin. The Ovens, at the far reaches of the Empire, was a religious battleground interlinked with nationality. Within that context, the debates surrounding the candidates who stood for election on the Ovens in 1859 are better understood.

The 1859 election, was a contest of competing ideologies. The conservative elements in colonial society were haunted by fears that any change to the colonial status quo would destabilise society and that an extended franchise was not only odious, it was a precursor to a revolution. A destabilization would, the elite feared, threaten their property rights and so they engaged the radicals who sought to alter the existing order with a program of land reform. Conservatives on the Ovens districts made identifying links and numerous ‘interrelationships’ between people like
O’Connor and perceived radicals elsewhere. This possibly helped to establish why the Ovens later acquired a reputation, as C. Woods’ termed it, a ‘hot-bed of conservatism’.

The Ovens election, this thesis argued, was not simply that a miner called Alfred Arthur O’Connor contested the sitting parliamentarian, J.D. Wood. O’Connor’s connections, his religion and nationality were a perceived threat to the regional status quo. Therefore, the Protestant conservative elements under the leadership of the Beechworth ‘clique’ or ‘sparrow-tail gentry’ in association with the Lodge of St. John embraced the political process, enlisted support from the like-minded, including John Scarlett, to defend the status quo. The ‘clique’, like the nobiles of ancient Rome engaged in the struggle for power, wealth and glory, to the exclusion of all others. The conservative or exclusive elite worked to ensure that the Catholic candidates’ electoral aspirations never transpired and use nationality and religion as the ammunition in the campaign to maintain their power and gains. The thesis neither condemned nor supported those political actions, rather it sought to explain, interpret and discover the how and why.

The Chinese situation on the Ovens was originally a backdrop to the 1859 election. The European community feared an uprising by hordes of Asians against the Europeans. The emeute on Spring Creek propelled the Chinese issue to the electoral forefront. Again, the thesis seeks to understand and explain why fears of the outsiders existed in the local psyche. The Ovens society divided over how to handle the Chinese issue with those perceived sympathetic to that race isolated and condemned. While all these events surrounding the Chinese unfolded as a precursor to the election and during it, the thesis suggests, unlike the local papers, that the Chinese issue never became “the” issue. Some uncertainty surrounds the Chinese emeute for it
may have been an opportunity to muddy the waters and divert attention away from the land question.

Whilst the ‘Land Question’ was nominally the declared issue of the 1859 election, it became apparent from the evidence that ‘land’ despite the debates and questioning of candidates was virtually sidelined, as the dominant social grouping and Beechworth coalition worked to defeat O’Connor. Rowe’s position on land reform was unacceptable for he violated his own class principles and agenda, but as the electorate for the Legislative Council extended far beyond the confines of Beechworth, Wangaratta, Chiltern and the Ovens, some of the Beechworth elite focused on his religious connections in order to defeat him for personal and perhaps religious reasons.

The evidence uncovered by the close newspaper research provided a different interpretation of the influences in the Ovens district during 1859.
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### Glossary of Terms

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<tr>
<th>Term</th>
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<tr>
<td>Ballot</td>
<td>A requirement to cast one’s vote in secret, by striking out the name(s) of the person(s) for whom one did not vote, instead of viva voce or via a public show of hands.</td>
</tr>
<tr>
<td>Blue Bob</td>
<td>A policeman.</td>
</tr>
<tr>
<td>Chinese camp</td>
<td>A designated site, removed from European settlements, town or encampment, wherein Chinese lived.</td>
</tr>
<tr>
<td>Convention</td>
<td>The 1857 Land Convention held in Melbourne agitating for land reform, extension of the franchise and selection</td>
</tr>
<tr>
<td>Duffer</td>
<td>A mine shaft which failed to yield gold.</td>
</tr>
<tr>
<td>Emeute</td>
<td>French: to agitate. A popular uprising</td>
</tr>
<tr>
<td>‘48er’</td>
<td>A person who attempted to overthrow the existing order during 1848 — the year of unfulfilled revolutions in Europe.</td>
</tr>
<tr>
<td>‘49er’</td>
<td>A gold miner from the Californian rushes of 1849.</td>
</tr>
<tr>
<td>Fenians</td>
<td>An international group of Irishmen advocating Home Rule for Ireland, established in 1858 by former ‘48ers’.</td>
</tr>
<tr>
<td>Immigrant</td>
<td>‘any adult male native of China or its dependencies or of any island in the Chinese seas, not born of British parents or any person born of Chinese parents.’</td>
</tr>
</tbody>
</table>

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1. Duffy, *Four Years of Irish History*, p. 706.
2. Section 2, *Chinese Emigration Act* (1859) No.LXXX [No.80].
Legislative Assembly  The Lower House of Parliament wherein government forms.

Legislative Council  The Upper House of Parliament, the second house in a bi-
cameral system.

John  Slang for Chinaman

Nobbler  A glass of alcoholic drink served in hotels or tap rooms.

Pound (money)  One pound (£1.0.0). Nominally, $2 to the pound. The stage
coach ride Melbourne-Beechworth was an expensive £6 in
1859.3

Puncher  A miner without access to running water to process his stuff.4

Pre-emptive right  A provision for squatters to purchase up to 640 acres of Crown
Land held under a lease prior to auction or selection. The holder
had the right to pay out the debt at any time.

Race  A channel cut into the rock bringing wash water to a claim.
Rules surrounded the use and return of this water to the river or
stream and interference of another’s right to this water.

Republican  Anyone advocating the Rights of Man, electoral reform and
democracy or opposed to the status quo.

Romanticism  Chateaubriand’s literary movement against the spiritless neo-
classicism.

Rowdyism  A catch-all condemnation used against republicans (the mob)
who behaved in a manner unacceptable in conservative circles.

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3  O&MA, 1 Jun 1859, p. 4, Col. 1.
4  Woods, Beechworth, p. 46.
Run  Land held under lease or licence, which permitted the holder to pasture his/her stock.

Runner  An ‘agent’ employed by a company, usually at a remote location or camp. Eg. Beechworth based papers had runners at Chiltern, Stanley and elsewhere.

Selector  A person who selected a quantity of land, normally 20, 40, 80, 160, 320, or 640 acres under the various (1860-69) Victorian Land Acts. The selector would put down a part of the purchase price and over time would repay the balance, while at the same time improving the land with house and/or shedding, dams, crops and fencing.

Shilling  There were twenty shillings (20/-) to £1; expressed as 1s, 1 shilling or 1/-. A stonemason earned about 14/- to 16/- per day in 1857, by 1860 due to a failing economy and drought the per diem rate fell to 10/- to 12/-, except on the Ovens where the stonemason’s rate was 18/- per diem. Masons building the Beechworth prison in March 1859 went on strike for £1 per day rate for 8 hours work.5 An unskilled labourer received 7/- to 9/- per diem in 1857, but this fell to 5/- to 6/- in 1860.6

Sluicer  A miner with access to running water. In the Ovens district, such operations were common at the Nine Mile, Beechworth and Yackandandah.

South Yarra Mob  Slang for men of wealth, who inhabited Victoria before the discovery of gold.7

Sparrow tails  A term seemingly coined by StonePuncher Brady to describe the Beechworth elite and traders who wore tailed coats.

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5 Constitution, 21 Mar 1859, p. 3, Col. 4.
6 Serle, Golden Age, p. 240.
7 De Serville, Pounds and Pedigrees, p. 156.
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<th>Term</th>
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<tr>
<td>Squatter</td>
<td>A person who occupied Crown Lands before the issuing of a licence, or a person occupying ground under lease or licence, or a large landowner who had increased his/her holdings by buying up other leases, or runs. The main activity was pastoral producing beef, wool or mutton.</td>
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<tr>
<td>Stuff</td>
<td>The extracts of soil from a digging, awaiting washing or sifting for gold.</td>
</tr>
<tr>
<td>Trap</td>
<td>A policeman.</td>
</tr>
<tr>
<td>Wash dirt</td>
<td>Same as <em>stuff</em> but implies the material is for sluicing or puddling.</td>
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Appendix B.

List of Images and Cartoons

Concerning the scanned images

Many images from *Punch* microfilm were unsuitable for direct reproduction. By scanning, then using *Adobe Photoshop* the clarity improved.

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Fig.28. *Siting of Polling Places.*

Fig.29. *Location of Polling Places.*

Fig.30. *Punch’s version of the shillelagh ballot at Kilmore.*

Fig.31. *Punch’s obituary to the men of 1848.*

Fig.32. *Requiescat in Pace. Rest in Peace.*
# Appendix C.

## Lists of Tables

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Appendix D.

Photographs

Despite a search, no photographs of John Scarlett, Alfred Arthur O’Connor, or Alex Keefer were discovered.

A drawing of Alfred Arthur O’Connor, the United Irishman rebel/patriot of 1798 made in Maidston[e] Prison is included as a photograph.

Photo 1.  *George Kerferd.*
Photo 2.  *Sketch of Arthur Alfred O’Connor.*
Photo 3.  *John O’Shanassy.*
Photo 4.  *David Reid in later life.*
Photo 5.  *Dr. John Pearson Rowe.*
Appendix E.

Map 5.

W. B. Stephens, *Stephens New Map of Victoria 1865*. 