

CHAPTER 12

SEPARATION

from AGL Shaw

A History of the Port Phillip District
H 232-252

On Monday 11 November 1850 Melbourne heard the long expected news that the Port Phillip District—now to be called Victoria—was to be made a new colony, separate from New South Wales. So the years of the tyranny of the Sydney-siders were over. The long-oppressed, long-buffed Port Phillip was an independent colony. Beacon-fires, illuminations, fireworks, cannons, decorations, thanksgiving services, games and other festivities which lasted nearly a week showed the feelings of the inhabitants as their ten-year campaign ended in victory. Of the following Wednesday, Garryowen was to write in 1888, that 'never before or since has there been a night of such revel in Melbourne', and on Friday, 'the grand day, in fact the day of days', the fortunate coincidence of La Trobe officially opening the new Prince's Bridge over the Yarra Yarra River gave a further opportunity for massive celebration. The procession of pensioners, schools, total abstainers, Rechabites, journeymen butchers in blue frocks, white trousers and straw hats, the German Union, St Patrick's Society, with members carrying the Harp of Erin, the Printers of Melbourne with a press on a mounted platform, the Ancient Independent Order of Oddfellows, a band, the Ancient and Honourable Fraternity of Free and Accepted Masons, Tylers and other Craftsmen, choir, chaplain, past Masters, the Separation Rejoicing Committee, clergy, civil officers, magistrates, the Mayor and Corporation, members of the Legislative Council, the Judge, the Superintendent, driving with Georgiana McCrae in the absence of his invalid wife, and the military brought a crowd of 15 000 to give 'an ovation which touched a sympathetic chord in every heart.' Garryowen printed the programme.

SEPARATION

PROGRAMME Of the PROCESSION

For the

OPENING OF PRINCE'S BRIDGE,

In commemoration of the advent of

SEPARATION,

FRIDAY, 15TH NOVEMBER, 1850.

Mr. W. J. Sugden (Grand Marshal), on Horseback, Chief-Constable on Horseback,

Pensioners, Band, Native Mounted Police,

Various Schools (Marshalled as they arrive on the Ground),

Father Matthew Total Abstinence Society,

Tent of Jonadab Rechabites, Rechabite Tent of St. John,

Melbourne Philanthropic and Total Abstinence Society,

Salford Unity of Independent Rechabites,

Journeyman Bathers (blue frocks, white trousers, straw hats,

carrying the emblems of their trade),

The German Union of Melbourne, The Union Jack and German Union Flags United,

The St. Patrick Society, Pupils of St. Patrick's Seminary, under superintendence of teachers,

Junior Members of Society, under direction of a senior member, Band, Union Jack,

supported by Wardens with Wands,

Members (two abreast), with green silk scarves and rosettes, Banner of Harp of Erin,

supported by two members with Wands,

Members (two abreast), Banner of St. Patrick on the Hill of Tara,

supported by members,

Members (two abreast), Victoria Separation Banner,

supported by members with Wands,

Members of Committee (two abreast), green silk scarves, rosettes,

gilt harps, and crowns,

The Auditors in same costume, The Secretary with Scroll,

The Treasurer with Bag, the Vice-President, the President.

PRINTERS OF MELBOURNE,

Press, on a mounted platform drawn by four horses,

Banner—Full length portrait of Gottenberg,

The Inventor of Movable Types, and other Trades in rotation.

ANCIENT INDEPENDENT ORDER OF ODDFELLOWS.

GRAND UNITED ORDER OF ODDFELLOWS.

Melbourne District,

PRINCE OF WALES LODGE BANNER, BRITANNIA LODGE, No. 984:—

Conductor, Junior Members (two and two),

Ordinary Members (two and two), Warden, Permanent and Elective Secretaries,

Supporter, Vice-Grand, Supporter, Guard, Dispensation, Guard, Supporter,

Noble Grand, Supporter.

Union Jack, Supporter, Noble Father, Supporter.

PRINCE OF WALES LODGE, No. 926:—

Conductor, Junior Members (two and two), Ordinary Members (two and two),
Warden, Permanent and Elective Secretaries,
Supporter, Vice-Grand, Supporter, Guard, Dispensation, Guard, Supporter,
Noble Grand, Supporter,
Supporter, Noble Father, Supporter.

FELIX LODGE BANNER, VICTORIA LODGE, No. 982:-

Conductor, Junior Members (two and two), Ordinary Members (two and two),
Warden, Permanent and Elective Secretaries,
Supporter, Vice-Grand, Supporter, Guard, Dispensation Guard, Police,
Supporter, Noble Grand, Supporter, Union Jack, Police,
Supporter, Noble Father, Supporter.

FELIX LODGE, No. 923:-

Conductor, Junior Members (two and two), Ordinary Members (two and two), Warden,

THE MANCHESTER UNITY OF THE INDEPENDENT ORDER OF ODDFELLOWS:-

White gloves, with sashes and aprons.
Outside Guardians with swords, Brothers, white and blue (two and two),
Wardens (two and two),
Brother, scarlet and gold (two and two), Assistant Secretary,
Past Secretaries, Secretary with Scroll,
Police. Past Vice-Grands (two and two), a Vice-Grand with Bible and Time-glass. Police.
Supporters Vice-Grand, No. 6, Vice-Grand, No. 4, Supporters
with Wands. Vice-Grand, No. 2, Vice-Grand, No. 1, Supporters
Permanent and Elective Secretaries. Support, Vice-Grand,
Supporter, Noble Grand, Supporter, Guard, Dispensation, Guard,
Supporter, Noble Grand, Supporter, Supporter, Noble Father, Supporter.

DISTRICT OFFICERS.

Delegates (two and two), Treasurer and Secretary. Guard. Cushion and Bible.
Guard. Lecturer and
Deputy-Lecturer, District Master and Deputy-District Master,
Past District Masters (two and two),
Past Grand Masters (two and two).

FELIX LODGE BANNER, (Crimson).

Representing on one side figures emblematical of Oddfellows exclusively, viz:-
Truth and Justice, A Clouded Providence, Charity,
Hour Glass, Cross Keys, Ark,
Dove and Olive Branch, Lion and the Lamb (representing Peace),
the Rose, Thistle, and Shamrock
(representing Unity.) On the reverse side the Leeds "Coat of Arms."

PRINCE OF WALES LODGE BANNER, (Blue.)

Representing on one side the same figures as the Felix Lodge Banner, viz:-
Truth and Justice, etc., etc.
On the reverse side the representation of the young "Prince of Wales,"
in his nautical costume, etc.
Supporters with Wands. Grand Masters. Supporters with Wands.

Supporters Past Grand, Noble Grand, No. 6, Noble Grand, No. 4, Supporters
with Wands. Noble Grand, No. 2, Noble Grand, No. 1, with Wands
Past Corresponding Secretary, Corresponding Secretary with Scroll,
Past Provincial Deputy-Grand Masters,
Provincial Deputy-Grand Masters, Past Provincial Grand Masters,
Provincial Grand Masters,
Two Inside Guardians with Swords.

BAND,

ANCIENT AND HONOURABLE FRATERNITY OF FREE AND ACCEPTED MASONS:-
Four Tylers, Banner of Faith, Master of Ceremonies, Terrestrial and Celestial Globes,
Entered Apprentices,

Fellow Crafts, Deacons with Wands, Secretary with Roll, Treasurer with Bag,
Six Masters, Corinthian Light, Junior Wardens, Six Masters, Doric Light, Senior Wardens,
Banner of Hope, The Choir, Stewards, Architect and Builder, Bible, Square,
and Compasses, Banner of Charity,

Chaplain, Installed Masters, Ionic Light, Book of Constitution, Royal Arch Masons,
Military Past Masters, Masters, Inner Guardians, Inhabitants Military
or Police at (two abreast), Separation Rejoicing Committee (two abreast), or Police at
Intervals Clergy of all Denominations, Civil Officers of Government, Intervals
Heads of Departments, Magistrates of the City,
Magistrates of the Territory, Mayor and Corporation,
Members of the Legislative Council, His Honor the Resident Judge,
Aide-de-Camp, His Honor the Superintendent, Aide-de-Camp,
Military.

The new colony would not be formally proclaimed until 1 July 1851 after the New South Wales Legislative Council had passed the necessary enabling Act (14 Vic., no. 47), and the accident that within a month the official announcement of the discovery of gold at Clunes was to transform its nature and prospects has tended to put these earlier events in the shade; but separation was a distinct achievement, marking the end of the Port Phillip District. During its existence most Melburnians felt that the sins of the Sydney administration were greater than those of Downing Street; though at times London had seemed as anxious as Sydney to thwart the desires of the settlers at Port Phillip, on the whole the venom of the latter was directed more at the mother-colony than at the mother-country, and the resultant ill will played no small part in the inter-colonial jealousy and antipathy of the next half century.

The Port Phillip settlers had wanted separation almost from the moment they arrived, this demand first appearing in a letter which George Mercer, of the Port Phillip Association, wrote to Lord Glenelg in March 1836. Under-Secretary Sir George Grey shelved the question of dividing the colony then by saying that it was 'one of great importance and difficulty' which the government would 'think it right to postpone . . . until it should have been maturely considered', but grievances had quickly appeared. As we have seen, there were objections to association with a convict colony, to holding sales of Port

Phillip lands in Sydney and to using Port Phillip's land revenue to bring migrants to the 'central district'—a subject on which London sympathised with the Port Phillip settlers. As we have seen, the public campaign had begun in 1839 and intensified in 1840–41 when the southerners sent three memorials to London. At that time they had no success. Though La Trobe wrote at the end of 1840 that 'recent intelligence from home' pointed to separation before long, he was wrong; the Colonial Office still thought the time was 'hardly ripe' and this seems also to have been Gipps' view. He was no die-hard opponent of separation, though he had always insisted that the District, if separated, should be financially viable; however this worry seemed unjustified by 1841, all the more since La Trobe had told him then that after separation some departments would become more efficient, and of course the land revenue-immigration account showed a large surplus to Port Phillip.²

Failure in 1841, the troubles of the depression and the disappearance of the land fund which put an end to the accusations that Sydney was misusing it, when no assisted immigrants were arriving anywhere, quietened the campaign for a couple of years, but many of the District's grievances remained. Melburnians insisted that La Trobe had too little power and was not sufficiently forceful in pressing the claims of the district. Although it could be argued that the Central District had 'subsidised' Port Phillip in its early days, by 1841 the latter's ordinary revenue was £52 000 against local expenditure of £22 000. Why then should Gipps so sternly refuse to authorise the public works that La Trobe asked for, just because there was a deficit in the accounts of the colony as a whole? The expenditure 'has scarcely been what it might have been', complained the Superintendent, but he could not force the Governor and he had to submit to the economies that Gipps imposed. So the upshot of experiences between 1842 and 1844 was a further reference to separation in the petitions against Gipps' proposed squatting regulations in 1844 and in January 1845 after the Legislative Council had contemptuously rejected a motion asking for separation by nineteen votes to six, with only one member from Central New South Wales (Robert Lowe) supporting it, the Port Phillip representatives in the Council prepared a formal petition to the Queen. This stressed the size of the district, its isolation from Sydney, the difficulty of any of its residents sitting in the Legislative Council, 'the annual abstraction' of a large part of its revenue for spending on objects which did not concern Port Phillip and the failure to spend enough of the land revenue on immigration to Port Phillip. In March the Melbourne Town Council followed suit and the result of the two petitions was that Stanley asked Gipps to consult his Executive Council and report its views. This certainly was a step forward, but unfortunately for the petitioners it proved to be only the first step in a process that would take another five years to complete.³

How strong was the case for separation? Certainly the Port Phillip representatives in the Legislative Council were almost helpless and they usually had to be Sydney residents. The failure of the District Councils had meant there were no local government authorities in Port Phillip outside the boundaries of Melbourne itself. Complaints about the lack of public works and an efficient public service were constant, often directed against Gipps himself. In 1841 he had delayed and weakened the Shortland Bluff Lighthouse by cutting its construction costs, and though he and his still nominated Legislative Council had given the District £22 000 between 1841 and 1843 for building a much-needed new gaol, there were other things that people wanted, such as a bridge, a health officer, better police and more surveyors. The lack of a powder magazine threatened explosions at any moment. George Cole, who owned Queen's Wharf, regarded the deplorable road to it as highly dangerous, particularly for loaded drays. Perhaps he was biased but certainly it has been noticed that even in the mid-1840s unmade and undrained roads remained a menace to the safety of pedestrians as well as of traffic; Elizabeth Street was often 'a perfect quagmire' and periodically flooded; other streets were bounded by chasms often six feet wide and four feet deep, where shopkeepers had to build private bridges to connect the road with the footpath—and the latter Georgiana McCrae would describe as 'looking like porridge', with the streets 'like water gruel'.⁴

The 1845 petitions asserted that since the settlement had been recognised in 1836, its total revenue had been £316 000, against an expenditure of only £261 000; certainly this surplus disappeared if a contribution estimated at £40 000 to £50 000 towards the general expenses of the colony—such as the salaries of the Governor and part of the Sydney bureaucracy—was added, but this argument would be convincing only if it be agreed that a settlement should balance its budget even in the first years of its existence and it should receive no outside funds for its essential foundation works. Since 1840 it had been producing a surplus and although in 1843 ordinary revenue was £61 300 against expenditure of £54 300 it was still starved of public works. Between 1843 and 1846 expenditure on them totalled only £25 000, including £7000 for unemployment relief in 1843—and this was about half what was spent in the Central District in 1844 alone, a year when a Select Committee of the Legislative Council had reported that no public works 'of a pressing nature' were then required in Sydney. Such a statement could hardly have been made of Melbourne.⁵ That year, Gipps had halved the expenditure on the whole colony's works—from £52 000 to £26 700—but he made his cuts 'principally in the Port Phillip District'; then when forced to economise further in order to save money so that he could pay for the police, he cut another £5000 from Port Phillip's expenditure out of a total reduction of £9700. Certainly that year the

Council granted £1000 for a hospital, provided private subscriptions raised a similar sum, and £2000 for a bridge over the Yarra, but it had done no more before the Port Phillip people sent off their separation petitions early in 1845.⁶

Things became worse when the Council's quarrels with Gipps over constitutional problems and its refusal to grant money either for the survey department when the land fund had collapsed or for the paid police magistrates led to the Governor having to make drastic cuts in the former and dismiss the Police Magistrates at Melbourne, Geelong and the Grange, the removal of the first making the police in town even less efficient than they were before—at least in La Trobe's opinion.⁷ Whether or not in response to the petitions, or because the economic situation was improving, late in 1845 the Council became more willing to vote funds for more works—beginning the powder magazine, a lunatic asylum and botanical garden, repairing the Sydney road, improving Queen's wharf and its approaches, making a road to the beach at Port Melbourne, building jetties at Corio and Portland and even giving £150 to the Mechanics' Institute. However, despite those votes, Archibald Cunningham, when in London in 1846 to promote the cause, could tell Grey that in 1845 £48 000 raised from Port Phillip had been applied elsewhere, asserting that 'no other country in the world could sustain such a drain on its resources without absolute ruin'. Undoubtedly Port Phillip still felt its lack of independence, and though in October 1846 the Legislative Council voted grants similar to those in 1845, with funds for a bridge over the Barwon added, one might wonder why the Botanical Gardens in Melbourne should receive only £250 when those in Sydney got £500.⁸

While the financial question and public works were running sores, some Port Phillipians had other complaints as well, some justified, some not. It has been noticed (p. 191) that it was the Sydney Executive Council that in 1842 had vetoed the Colonial Office suggestion of sending to Port Phillip as free emigrants or indentured apprentices a few convict boys from Parkhurst prison who were said to be reformed and whom La Trobe and the squatters, conscious of their labour shortage, would have welcomed. Though it was the Melbourne Collector of Customs who opposed Geelong's request to make the place a free warehousing port, it was Gipps who countermanded the proposal when it came from the Legislative Council, and he had also refused to allow it to become a port for entry and clearance. Though it was London not Sydney that refused to send mail from 'home' direct to Port Phillip, when Gipps had supported Port Phillip's request, it was argued that the latter's case would have been stronger if it had come from a separate colony, but it was Sydney that held up building the Melbourne post office for a year in 1840–41, and Gipps who allegedly refused to subsidise a sea-mail between Sydney and Melbourne and so compelled reliance on the less reliable overland post. The

twice-weekly service introduced in January 1845 helped to overcome the problem, but the grievance had rankled. So the petitions for separation had been sent and, as been seen, on 4 November 1845 Gipps had received his instructions to report on the matter with the advice of his Executive Council.⁹

The result was no foregone conclusion—and in the event rested on Gipps' casting vote. He firmly rejected the separationists' financial arguments, telling La Trobe that 'it can easily be shown that as far as the distribution of the *ordinary* Revenue is concerned, they have nothing to complain of; and in respect of the Land Fund, they argue on principles that are erroneous'. On both these subjects he was probably wrong—certainly the Land Commissioners had thought so in the latter case—but this did not matter much, for he admitted that Port Phillip could support a separate government, 'if on other considerations a separate Government be desirable', and this he had long agreed was the case.¹⁰ At first he had thought this in order to keep Port Phillip free from convicts; in 1841 he argued that it must come because of the different land policies in the two places; more recently he had become concerned about local government. Though he admitted he preferred large colonies to small ones, he also insisted that

no widely extended Colony and especially no wide extent of Country . . . can be satisfactorily or even safely kept under one Government, unless the principle of Local Self Govt. be extensively applied to it. But N.S. Wales had refused the institutions by which Local Self-Govt. can be carried on . . . If this cannot be done, the only alternative is to have several small Colonies . . . instead of one great one.¹¹

Gipps had previously advocated the establishment of an effective system of local government, as has been seen, but after Stanley had included provisions for local government in the New South Wales Act of 1842 (p. 187), two years later the Legislative Council rejected the proposed local Act necessary to make them work.¹² Certainly the proposed councils soon proved unsatisfactory in Port Phillip with its scattered population of people occupying but not owning land, but as the *Sydney Morning Herald* admitted, by refusing to consider any form of local government for New South Wales, the Council had 'passed upon a great body of its constituents a sweeping sentence of political condemnation'. Gipps was more emphatic, telling Stanley that

the Government intended by the Imperial Parliament to be created in New South Wales . . . was essentially one of local administrations . . . in which it was intended that the local affairs of every County, district or division of the Colony should be managed by a local Council elected in the District itself, and only what might be considered that general business of the whole colony be transacted by a Council sitting in Sydney.

and this government had never been properly set up. If it had been, it would have to some extent provided for the needs of an outlying district like Port Phillip, but what did exist did not. Whether better local government arrangements would 'have sufficed to preserve unity in the colony of New South Wales and avert its dismemberment' was doubtful, he thought, but as matters were, he considered that the Port Phillipians should be allowed to separate. They clearly wished to. They would be self-supporting financially and the district was 'in a great degree distinct from the rest of the colony'—opinions he seems to have reached by the end of December.¹³

In one sense this was satisfactory, but Gipps' satisfaction with Port Phillip's distinctness made him unwilling to recommend any change in the boundaries fixed in 1841–42 when the system of selling Crown land was abandoned. On this the Executive Council was unanimous. When the boundaries were debated in 1841–42, as we have seen (p. 162), Russell and Stanley and their subordinates had accepted without question and without much consideration the views of spokesmen from the older settlement, who insisted that the Port Phillip boundary be the Murray, not the Murrumbidgee. Stephen had noted then, in justification of his attitude, that 'although there may be some danger in confiding too much to the local authorities', it was difficult to overrule them. But in plenty of other matters he was ready to advise overruling them, and he should have noticed on this occasion that those demanding the Murray boundaries were interested parties; again John Dunmore Lang was probably right when he condemned this decision, arguing that 'a matter of such transcendent importance should not have been left to be determined as suggested by the selfishness of individual colonists or the caprice of some self-committed functionary'.¹⁴ Though the east coast and the Maneroo Plains should certainly have remained in the Central District, the Colonial Office might have ordered further independent inquiries about the Murray–Murrumbidgee area, especially when the Port Phillip settlers petitioned against the Murray and the Emigration Commissioners had defended the Murrumbidgee boundary as providing a 'well-defined, well-shaped, compact area, with natural features'; it would be still 'less than any other colony on the mainland of New Holland', and was 'no more than was reasonable', they concluded, but the 'reasonable' suggestion had not prevailed. In 1846 both the Port Phillip Separation Committee and La Trobe recommended the Murrumbidgee boundary again, though in La Trobe's case making the Snowy River the eastern boundary; of course they were interested parties, like the central district's spokesmen five years before, but though an independent investigation might have been thought of, neither Gipps, the Executive Council, the Colonial Office nor the Imperial Parliament was prepared to consider it.¹⁵

Nor was the Executive Council willing to recommend establishing any form of representative assembly at Port Phillip. A wholly nominated Legislative Council, as had existed in New South Wales up to 1843, was 'what seemed to be looked for by all', declared Gipps; however, he agreed that a representative assembly of some kind might be granted when the District's population reached 50 000 (which in fact it was to do in 1848, three years before it actually achieved separation)—provided that it then established a system of local self-government. La Trobe agreed with the recommendation for a nominated Council. He had been nervous of popular disorder ever since the sectarian and election riots of 1843 and he now reiterated his objections to an elective Council. There were not enough suitable people to stand as candidates. 'The classes were wanting here, who at home are at the disposal of the Public for public objects', he wrote, and there were 'too many whose character and understanding do not harmonise with the position they have assumed'. Such a statement did not endear him to Melbourne's Mayor and Council (or journalists) when it was published and read in the colony in 1847, but it tallies with the Superintendent's fear of 'democracy', nourished as it was by many of his 'subjects' and by the outpourings of the local press. This, he wrote in January 1848, shortly before radicals petitioned for his recall, was 'discredit-able to the district', its distinguishing characteristics being 'ignorance, disregard of truth and a reckless and studied spirit of misrepresentation, often amounting to the most malevolent libel'. But provided there was no elective assembly he had no doubt of the need for separation. Constant reference to Sydney caused delays and misunderstandings, despite his good personal relations with Gipps—had there been personal antagonism the situation would have been impossible. The connection was a financial handicap to the District and he hoped that a new government in Melbourne would be able to look after local needs better, and even to pay more attention 'to the spiritual and moral welfare of the people'.¹⁶

When Gipps' report reached the Colonial Office, its officials were pre-disposed to support Port Phillip's case. The alleged 'mis-use' of the land revenue had surfaced again, for in October 1845 the Legislative Council in Sydney had suggested reviving assisted immigration and raising a loan on the security of the land revenue to pay for it. Gipps had supported the idea but at once faced the objection from Port Phillipians that 'their' revenue should not be used in this way. It would benefit the central district at their expense, they protested. They held another public meeting and sent off more protests to the Colonial Office, where in 1846 Under-Secretary Lyttelton noted that the petitioners seemed to have 'a good prima facie case'. Stephen too was sympathetic.¹⁷ So it was not surprising that Grey accepted the recommendations of the Executive Council—virtually those of Gipps—and of La Trobe, despite

the opposition of Bishop Broughton—'grossly bigoted and selfish', wrote the *Atlas*—and the Treasurer, Riddell. They thought separation unnecessary; no 'administrative evil' existed to justify it—despite La Trobe's remarks to the contrary. The Bishop also opposed separation in the interests of his church. He thought it would mean that the Church Act would have to be amended and he did not want the Legislative Council, led by 'irreligious men . . . not friends of the Church of England', like Wentworth, Lowe and Windeyer, to have the opportunity of reviewing it. Riddell more probably represented the self-interest of Sydney officials. He did not want to lose control of Port Phillip's revenue, and he shared the opinions of the Legislative Council members who had so summarily and emphatically dismissed the pleas from Port Phillip in 1844. But in 1846 Gipps' views on local self-government carried the day and Port Phillip perhaps could be thankful that the Legislative Council had been so intransigent on that question two years before.¹⁸

But if the Port Phillipians thought that separation was at hand they were sadly mistaken. Gipps' report reached London in July 1846, just as Lord Grey became Secretary of State, and in time for Cunningham to see him, but it was twelve months before he replied to it. Twice in the next twelve months La Trobe reiterated the financial disadvantages that Port Phillip was suffering from and urged speedy separation, but the Imperial government had other things to think about than a minor inter-colonial dispute, however important it seemed to those directly concerned. Grey was busy drawing up a constitution for New Zealand, dealing with Kaffir wars in South Africa, sugar duties and depression in the West Indies, the convict problem in Van Diemen's Land and French-speaking opposition in the Canadian Assembly; in Australia he felt 'the necessity of proceeding with the utmost deliberation in a case in which any material error might involve consequences of such grave inconvenience'. The separation question also seemed bound up with a new constitution for New South Wales and the matter of inter-colonial relations, both of which were bound to cause delay. On the last, La Trobe had thought there would be no difficulty in making 'an amicable adjustment' of the tariff, but William Westgarth, one of Port Phillip's witnesses before the Executive Council, had noted the possible danger of conflicts, and J. P. Robinson and Charles Nicholson, two of Port Phillip's representatives in the Legislative Council, had made the suggestion, which Gipps had casually mentioned to La Trobe, that a Governor-General be appointed 'to maintain a harmony of legislation among the Australian colonies'. He could have power to veto any bill in any colony which he thought might injure any of the others. The Executive Council also argued that the Imperial government's 'controlling power' could stop any action that 'would seriously impede the freedom of inter-colonial commerce', but Robinson wanted a guarantee written into the Separation Act that inter-

colonial trade be free—anticipating the Commonwealth constitution of 1900. Without doubt these various ideas gave Grey reason to pause.¹⁹

Rumours of a governor-general had been circulating for some time, but the question of inter-colonial free trade became a matter of immediate concern when the Legislative Council and FitzRoy protested in September against Van Diemen's Land imposing a 15 per cent duty on imports from New South Wales—something which incidentally would harm the cattle trade from Port Phillip—and asked Grey to disallow it. Faced with questions of inter-colonial free trade and of federalism, something which he had favoured for Canada a decade earlier and imposed on New Zealand in 1846, he stalled. 'Some method will have to be devised', he said in his despatch of July 1847, 'for enabling the legislatures of the several Australian colonies to co-operate with each other.'²⁰

But federalism had little appeal for the men of Port Phillip. Press comments on these suggestions reflected only the joy of separation and early in 1848 the *Argus* was bemoaning the delay in deliverance from 'Sydney thralldom'. What worried the settlers was inaction on the separation question while in Sydney the Legislative Council argued over the details of Grey's proposed new constitutions for the Australian colonies and in London the government now seemed more concerned with famine and rebellion in Ireland, revolutions on the continent and Chartist agitation at home. This delay intensified the latent opposition between La Trobe and the Melbourne Council. Councillors did not know of his repeated requests for action, but they did know he had not made them magistrates. They distrusted him as the alleged tool of Gipps and the squatters, and a man who was said to have been too ready to defer to the Governor. Some of his critics may have taken too literally his light-hearted remark at a banquet given when Gipps had visited Melbourne in 1841 that he would 'have much pleasure in playing second fiddle to any tune you choose'. Certainly Fawcner was ready to assert that the Superintendent had 'one aim: to please the first fiddle' but six years later Deas Thomson was to minute that La Trobe often wanted 'to avoid taking responsibility', and criticised 'his constant reference to the Head of the Government on points which he ought to settle at his discretion'.²¹ He was accused of mismanaging the District's affairs and neglecting works even when the Legislative Council had voted money for them; according to his chief critic, *Gazette* editor and Councillor Thomas McCombie, he had spent only £91 000 out of £153 000 voted between 1840 and 1848. Though La Trobe could say—correctly—that he had often been held up by a shortage of labour, he had not helped his case by telling FitzRoy in September 1846 that 'it was necessary to wait for a period of greater maturity and more settled principles of internal government' before he could undertake them—like his opinion on an elected assembly published in Melbourne

the following year. The upshot was that McCombie organised two petitions for La Trobe's recall—one from the City Council in June 1848, carried by nine votes to four, and the other from nearly a thousand members of the public in August, out of about six thousand adult males in town, according to FitzRoy chiefly 'small tradesmen, Mechanics and Labourers—many unable to sign their own names and . . . probably unaware of the nature of the document they were signing'.²²

Perhaps more effective in drawing Grey's attention to feelings in the District was the simultaneous action of the electors of Melbourne on 26 July in electing him by 295 votes to 193 as the city's representative in the Legislative Council in Sydney in order to demonstrate the futility of their representation there. At a poll held in Melbourne for the District as a whole, the separationists persuaded the crowd to refuse to nominate any candidates, thus virtually nullifying the election, though when in October La Trobe ordered another poll to be held at Geelong five local candidates were elected, receiving about 230 votes each against 58 for five English politicians—including Peel, Lord John Russell, Lord Palmerston and the Duke of Wellington. The incident led FitzRoy to tell Grey that 'a Community where such an act of folly is allowed to be gravely and deliberately committed is scarcely fit to be trusted with the rights of a representative system of government'—a typically conservative over-reaction to political protest; La Trobe reiterated his distrust for 'democracy', but more wisely he also stressed the need for immediate separation.

The longer separation is delayed the more difficult becomes the task of governing the district. Separation will remedy much but any constitution which takes government away from a Governor Executive Council and nominee Legislative Council (and substitute a representative body for the latter) is unsuitable to the colony and will render its administration a task of great difficulty.²³

Fortunately for Port Phillip, Grey took their antics less seriously than his subordinates there and seems to have been amused by news of his election to the Legislative Council; at all events the despatch he had written in July proposed to give 'Victoria' a partly elected Council as it existed in New South Wales and allowed the colonists to amend if they wished the constitutions he had proposed for them. This relieved the tension when its purport became known in Melbourne in December, but though he had repeated his promise of separation its fulfilment still remained in the future, for he was still considering plans for inter-colonial free trade which some in Port Phillip feared might leave them still partly under Sydney's thumb. While these protests were being made at Port Phillip, in London in August Westgarth had warned Under-Secretary Hawes against too much planning there. The careful framing of

land regulations and constitutions involved 'a vast expenditure of time and thought', he wrote, and the colonists would reject the results. They wanted speedier action, but did not get it, for in 1849 the complexity of Grey's proposed Australian Colonies Government Bill aroused such opposition in the Imperial parliament that it had to be withdrawn and the minister refused to sponsor a bill dealing with separation alone, which Parliament would have enacted without trouble. So separation was postponed for another year.²⁴

While these proceedings were going on Port Phillip's dislike of Sydney's control continued, despite the rather more liberal grants recently made for its needs. The Yarra bridge had proceeded very slowly. A private company, the Melbourne Bridge Company, was floated in 1840 but Gipps had effectively stopped it building an iron suspension bridge by refusing to give it a twenty-one-year monopoly. After his visit in 1841 he promised a stone bridge at public expense, but nothing happened. The bridge company operated a punt and in 1845 Alexander Sutherland built a rather inadequate timber bridge, but by then Gipps had agreed to go ahead. He had told La Trobe the previous year that he would 'have the whole matter in your hands' and had sent down David Lennox to help to supervise its building; but still worried about its design and cost, he forbade the Superintendent to let the contract for it without his consent and did not finally authorise it until November 1845. So its foundation stone was not laid until March 1846, and the powder magazine was not much quicker. Gipps took six months to replace the dismissed Clerk of Works, who was in charge of its construction, while at the same time fussing about its site, the thickness of its walls and whether it should be built in brick (cheaper) or stone (stronger), so that it was not until January 1848 that it was opened and Melbourne saved from the danger of explosion. Meanwhile the Legislative Council had twice rejected a Building Bill which would have given the Town Council greater powers regarding sanitation and fire protection—passing the Act only at the end of 1849—when it also, at last, confirmed the 1847 Royal proclamation raising Melbourne to the rank of a City following the appointment of its Bishop.²⁵

There were also other causes of disputes, with both the Imperial and Sydney governments. Grey had seemed slow in making arrangements for reviving assisted immigration, for after petitions were sent early in 1846, no migrants arrived until May 1848. Before that, after Grey had declared that funding for assisted migration to Port Phillip depended on the decision of the Legislative Council in Sydney, FitzRoy had raised again the question of using the land revenue from Port Phillip to bring migrants to Sydney—the proverbial red rag to the bull. In the end Grey squashed this suggestion, but his answer did not reach the colony for nearly a year and meanwhile the fear of this 'mis-use' of their land revenue added to the local discontent. In 1849 things looked up on the migration front, when nearly 7000 people arrived in

Melbourne and Geelong, and the colonists had been assured of the 'proper' use of their land fund, but by then the character and qualifications of the migrants began to arouse complaints, as has already been noticed.²⁶

On the matter of convict transportation (p. 207), popular feeling directed its objections primarily to London and to Grey himself, but the limited (if varying) support which the Sydney Legislative Council—and FitzRoy—periodically gave to Grey's proposals likewise aroused the feelings of Melbourneans and intensified their irritation at the continued delay of separation. No wonder they grew weary of debates about the constitution, the control of the land revenue and district councils; they wanted separation—and at once—especially after Grey had conceded that two-thirds of their Legislative Council should be popularly elected. No wonder either that there was intense dis-appointment when the Imperial parliament failed to pass a Separation Act in 1848 and again in 1849, nor that there was intense rejoicing when the news arrived that it had done so in 1850—though the new colony was not officially 'born' until 1 July 1851, after the old Legislative Council had passed legislation for holding elections and provided a final grievance by establishing electorates that greatly favoured the squatting districts and discriminated against Melbourne and Geelong.²⁷

As one looks back on the campaign for separation—certainly with the jaundiced eye of a Victorian—few of those in positions of power or authority seem to emerge with credit. Whether or not an effective system of local government would have weakened the demand is doubtful, but the New South Wales Legislative Council undoubtedly stimulated it when it refused to establish any form of municipal, shire or county institutions, such as Gipps had pressed on it both when it was wholly nominated and when it was partly elected. But Gipps himself gave those in Port Phillip cause for complaint, by his attitude to the spending of the Land Revenue, by his reluctance to recommend local works and by his recommendations on the district boundaries. Helping him in the accumulation of grievances was the British government's insistence on economy and balanced budgets, its prolonged refusal to send mails direct to Melbourne and its unsympathetic attitude on the boundary question; and when separation was finally agreed on, the delay in implementing the decision caused further irritation. This delay might have been justified had the District shown the slightest interest in Grey's federation proposals; but they carried with them the unpopular implication that 'mother knows best'—'the child is too assiduously protected', wrote Westgarth—and they underrated the genuine difficulties of a federal system in 1850. However, thanks to the opposition of the self-styled friends of the colonies—the Colonial Reformers—and of Imperialist-minded Conservatives, they were abandoned. Victoria was to be entirely separate.²⁸

Some of the squatters—and others—would soon look back nostalgically on the pre-gold days in Port Phillip, regretting the disappearance of 'the quiet serenity' of the bush, and the 'charms attending the traversing a new country'. Gold, wrote 'Colonus' (Sir William a'Beckett), in 1852, soon made many changes.

Not only have public festivity and private hospitality been shorn of their fair portions, but we have seen public duties neglected, public interests disregarded—and last but not least, a general falling off in those recreations both of mind and body, without which no community can preserve either its moral or physical health. A lecture on Chemistry at the Mechanics' Institute was attended by an audience of eight—an anti-transportation meeting . . . ended in an assemblage of a dozen. Benevolent asylum meetings [have] had to be adjourned, our only literary periodical . . . sunk to the ground—out of five cricket clubs, only one . . . the Town band disappeared; the Temperance hall music meetings . . . discontinued, and . . . not even a birth-day ball could be got up in honour of the Sovereign . . . whose name our colony bears.²⁹

Perhaps such a lament is not surprising, though in a material sense gold quickly brought progress, and the population trebled in three years, to 284 000 in December 1854.

Tragically a great bush fire—the first of a number that were to devastate Victoria in the future—marred the last days of the District, on Black Thursday, 6 February 1851. The settlers were then to discover that the prevalent eucalyptus trees propagate fire, some sending out showers of sparks from their burning bark and others having long strips of bark dangling from their branches which when burning might be carried several miles by the wind. The summer had been hot and dry, and on this day came a searing northerly wind, raising the temperature in Melbourne to 115 degrees Fahrenheit (46° Celsius) and making the glass of the window-panes so hot that one contemporary was glad 'quickly to withdraw my hand'. The air was 'loaded with smoke and ashes', wrote another, these being carried far out to sea and even across Bass Strait; the 'sun, obscured by murky mists, looked like a globe of blood', said another, and some timid souls believed that 'the end of all things was at hand and the Great Day of Wrath was come'. In the Plenty Ranges the fire was said to have been started by careless bullock-drivers leaving their camp-fire burning, but the fires were so widespread, covering, it is said, an area three hundred miles long by sixty miles wide, stretching from Mount Gambier to Barwon Heads and Western Port to Gippsland, burning at Mount Cole, Buninyong, Bacchus Marsh, Werribee, Mount Macedon, on the Sydney road between the Goulburn and Broken rivers, and in the Pyrenees, the Wimmera and the Loddon River country, that many must have been to blame, as they

tried to clear land or burn off on their runs. People in Melbourne, relieved by a change of wind, did not realise the extent of the country-wide devastation until news slowly reached town between three days and a week later. There were a number of personal tragedies, but with the district lightly populated, the known death-toll was less than a dozen—per head only about one-third that caused by the great fires of 1939—but stock losses were heavy and settlements in the Plenty Ranges and Barrabool Hills suffered badly. Apart from that, this first example of huge fires in grazing country began the process, albeit at first unnoticed, of pasture deterioration. Previously young plants had recovered quickly after fire—and indeed were stimulated by it—but they might no longer do so; they were susceptible to sheep and cattle eating their shoots and this foreshadowed damage to the grasslands in the long run, like that caused by the hard hooves of sheep and cattle. However, for the moment, the numbers of livestock continued to increase, sheep rising by 700 000 even in 1851, though that year the wool clip fell by 10 per cent (probably helped by the drought)—but it too had more than recovered by 1852.³⁰

Overall, when the old district disappeared, on 30 June 1851, more changes had been made during its official existence than might have been expected when the first squatters had arrived towards the end of 1835. Already by 1850 the bush was being modified and a new civilisation had been created, bringing wealth to some and a reasonable existence to many. The 'squattocracy' was established; two cities, and many villages, were growing; and the foundations of a British-Celtic society firmly laid. Regrettably, these achievements had been made at the cost of the destruction of the former Aboriginal society and the death of probably three-quarters of its 1835 inhabitants. Probably this could not have been avoided, and one should not forget that even before gold was discovered, 'Victorians' had achieved much—though some was to their discredit as well as to their credit.

To govern the new colony of Victoria Grey appointed La Trobe, Superintendent since 1839—a sign that at least the Secretary of State appreciated his work. He had shown himself cautious and conservative. At first, diffident and inexperienced, he had generally deferred to Gipps, with whom he always remained on good terms and who in turn showed great confidence in his subordinate. Deeply religious himself, La Trobe strove unceasingly to uphold the Christian religion and the moral standards of the community. An indefatigable traveller, he covered more of the District on foot or on horseback than most of his successors did by coach and railway—or later by car. As an explorer he investigated reports of coal near Western Port and discovered routes to Gippsland and to Cape Otway; averaging seven journeys a year (ninety-four in all), he had ridden over most of the outback. He was able to see the problems of the squatters at first hand, but though sympathetic to them, he

did not fall into their hands, as he showed in his land policy after separation. By that time he may have gained greater self-confidence, for even in 1848–49 he was ready to oppose the Imperial government in its convict policy, when he recognised that the District was strongly objecting to receiving convict 'exiles' from the United Kingdom, just as between 1851 and 1854, in defiance of instructions from London, he would assent to Acts forbidding the migration of ex-convicts from Van Diemen's Land. In the 1840s he had created the local civil service, in some cases out of rather indifferent materials, and as early as 1842 he had a working administration under his control. He supported, as we have seen, the Mechanics' Institute, the hospital, the Philharmonic Society, the Benevolent Society and the Botanical Gardens. He shared the contemporary middle-class nervousness about the power of an unruly 'mob', particularly when its excitement could be fairly easily whipped up by a rather radical and irresponsible press. Fear of disorder lay at the root of his worries about the eccentricities of Judge Willis, just as it did over sectarian rivalries and anti-Irish feelings. But in his quiet way he led the District effectively. His greatest defeat lay with the Aborigines. In Port Phillip no one seemed able to convert them to Christianity—in contrast to the successful missionary work he had seen in the West Indies, so the hundred Bibles and three hundred New Testaments we are told he brought with him were of little use. Like nearly all his contemporaries he could not empathise with the Koori. He could deplore 'outrages', but he could not stop them, and he could not make a success of the Protectorate—though that was probably not his fault. His own major contribution to the Aboriginal problem was organising the Native Police force—but this had a very mixed record.³¹

Given an independent position as Lieutenant-Governor of Victoria, he was able to show his worth more clearly, but even as a subordinate he was able to indicate his vision of a community that was Christian, moral and well educated. One remembers the words, already quoted, that he spoke when he arrived in Melbourne:

It is not by individual aggrandisement by the possession of numerous herds or by costly acres that the people shall secure for the country enduring prosperity and happiness, but by the acquisition and maintenance of sound religious and moral institutions, without which no country can be truly great.

That La Trobe tried to make the country 'truly great' in these terms is undoubted; that he succeeded is more doubtful. His integrity is unquestioned, but in Geoffrey Serle's terms, his 'noble vision' became a little tarnished by 'the harsh realities' he had to face. But by the time he changed from a Superintendent to a Lieutenant-Governor, the people of Port Phillip

had come to possess 'numerous herds' and formed a solid and prosperous community. Composed as it was of ordinary men and women it was inevitably imperfect, but thus far in its history it had reflected the contemporary habits and culture of other places as well as a devotion to sheep, cattle and other material things. However, at least this meant that the gold-rush came to a settled community and not to a desert as it did in other 'rushes' in various parts of the world.

NOTES

ABBREVIATIONS

- Ab.H, *Aboriginal History*
 ADB, *Australian Dictionary of Biography*
 A.Ec.H.R., *Australian Economic History Review*
 AHS, *Australian Historical Studies*
 CLR, *Commonwealth Law Reports*
 Col. Sec., Colonial Secretary, Sydney
 DNB, *Dictionary of National Biography*
 HRA, *Historical Records of Australia* (series I unless otherwise stated)
 HRNSW, *Historical Records of New South Wales*
 HRV, *Historical Records of Victoria*
 HS, *Historical Studies, Australia and New Zealand*
 JAS, *Journal of Australian Studies*
 JRAHS, *Journal of the Royal Australian Historical Society* (Sydney)
 JRHSV, *Royal Historical Society of Victoria, Journal*
 NSWAO, New South Wales Archives Office
 OL, Out-letters
 PP, *Parliamentary Papers*
 PPG, *Port Phillip Gazette*
 PPH, *Port Phillip Herald*
 PPP, *Port Phillip Patriot*
 PPA, Port Phillip Association
 PROV, Public Record Office, Victoria
 PUSH, *Pub from the Bush*, University of New England, Armidale, NSW
 SC, Select Committee
 THRA, P&P, *Tasmanian Historical Research Association, Papers and Proceedings*
 TRHS, *Transactions of the Royal Historical Society*
 UK, United Kingdom
 V&P, *Voices and Proceedings*
 VHJ, *Victorian Historical Journal*
 VHM, *Victorian Historical Magazine*