

The 1897 Federal Convention Election: a Success or Failure?*

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Federation for years past had been like a water-logged hulk; it could not make headway, but it still lay in the offing, watching and longing for the pilot and the tug. The people are the tug, to fetch it into the harbour of victory.¹

Federation—a Question for the People

Throughout the early 1890s politicians used federation as a plaything, picking it up and putting it down according to political whim and personal ambition: the people, tired with such toying, shrugged their shoulders at the prospect of Australian union and turned their attention elsewhere. To give the movement vigour, the friends of federation constantly referred to the need to involve the people. This paper will look at the popular election of delegates from New South Wales, Victoria, South Australia and Tasmania to the Australasian Federal Convention of 1897–98 and the attempts made during the campaign to arouse people to the importance of federation. The Western Australian Parliament decided that members of Parliament, not the people, would have the responsibility for electing delegates to the convention and so Western Australia is not considered in this paper; nor is Queensland which shunned the Convention.

One of the main reasons for opening the doors of the 1891 federal convention to the public was the desire of the delegates to win over the confidence of the people and to cultivate their sympathies for federation. This convention, consisting of delegates appointed by the Parliament of each of the six Australian colonies and New Zealand, succeeded in adopting a draft constitution in the form of a Draft of a Bill to Constitute the Commonwealth of

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¹ James Henderson Howe, from a speech delivered on 17 February 1897, *Advertiser* (Adelaide), 18 February 1897, p. 6.

Australia. This document brought the concept of federation from the clouds of lofty rhetoric and converted it into a written document that detailed a scheme of union. It brought a flurry of excitement and anticipation that federation was within the colonies' grasp. But interest, while it flickered for a while, was short-lived. The delegates returned to their respective colonies where the bill gathered dust and enthusiasm for federation waned.

A leading federalist, Edmund Barton, stepped forward to keep the movement alive. In December 1892 he visited the Corowa-Albury district where he urged the people to establish an organized citizens' movement that would promote the union of the Australian colonies. By early January 1893 federation leagues had formed in both districts and in Sydney in July 1893 a central body of the Australasian Federation League was inaugurated. Its object was to 'advance the cause of Australian Federation by an organization of citizens owning no class distinction or party influence'. In Victoria the Australian Natives Association, whose members were born in Australia, became a major force in agitating for Australian union. Despite their efforts, citizens' organizations seemed unable to stir the spirit of the Australian people.

In 1893, Dr John Quick, a member of the Bendigo branch of the Australian Natives Association, took a more decisive step toward involving people in the federation movement. He proposed that the legislatures of each colony pass legislation providing for the popular election of representatives to attend a convention that would consider, draft and adopt a bill to establish a federal constitution. The adopted bill was then to be submitted to the people for their approval or rejection. The idea was to place in the hands of the people the responsibility for choosing those who would draft the constitution and to give the people the final say in its determination. Quick hoped that the involvement of Australians from the start of the process to the finish would put an end to the political games over federation. The friends of federation applauded Quick's scheme and the premiers of New South Wales, Victoria, South Australia and Tasmania gave it close attention. In January 1895, the premiers agreed to introduce legislation based on Quick's plan into their respective parliaments.

By late 1895 the federation movement had again foundered. The *Commonwealth*, a journal which had been established to cultivate in the community a general appreciation of federation, was forced to cease publication after only twelve months production because of 'very indifferent support'. It wrote in its final issue 'Federation had been dangled before the people so long that mere words spoken or written are at a discount'.²

Between December 1895 and March 1896 the four colonies finally passed enabling acts based on Quick's formula.³ But even the passing of this legislation could not lift federation from the doldrums. The *Ballarat Courier* remarked that federation 'drags its inert mass along, like the fabled bunyip, slowly through the slime of political life'.⁴ At the end of 1896, with no election yet called, the outlook for a federated Australia was still uncertain. Alfred Deakin

² *Commonwealth*, 7 September 1895.

³ See *An Act to enable South Australia to take part in the framing, acceptance and enactment of a Federal Constitution for Australasia*, assented to 20 December 1895. New South Wales, Tasmania and Victoria passed similar acts which were assented to 23 December 1895, 10 January 1896 and 7 March 1896 respectively.

⁴ *Ballarat Courier*, 3 February 1896.

thought it probable that the federal cause was about to record another failure. He could see that a weak national sentiment debilitated the movement.⁵

New Hope—Old Rhetoric

The announcement by the premiers of New South Wales, Victoria, South Australia and Tasmania that the enabling acts were finally to come into force and the writs for the election of candidates to a federal convention would be issued on Foundation Day, 26 January 1897, brought new hope. The elections were to be held on 4 March in New South Wales, Victoria and Tasmania and on the 6th in South Australia. The direct involvement of people in voting for delegates to represent them at a federal convention was a chance to rekindle an interest in federation and to arouse a genuine enthusiasm for the cause. The election campaign would provide an opportunity to further guide, educate and shape public opinion and would also encourage candidates to look closely at the proposed federation. During the campaign, candidates and electors would come together, exchange ideas, develop and reassess their opinions as the debate on Australian unity opened up. They could mark out common ground on which to build a federal constitution.

Although, at this time, there was no great enthusiasm for federation, there was no fierce opposition either. On the positive side no member of Parliament who stepped forward as a serious contender for the election dared speak against federation. But without any pressing or imminent danger to shake the community out of its lethargy, the labourers in the cause of a federated Australia faced a real problem in galvanising the public into action.

The Melbourne *Argus* declared, 'What is needed is not so much arduous stumping tours of the colony, as seems to be imagined in certain quarters, but a swift and real awakening by the electors of every class to the magnitude of the business in hand'.⁶ Those keen to give federation a boost would have agreed but to this stage they had been unable to find the right tonic.

To spark an interest in federation, candidates resorted to familiar means during the election campaign. In their speeches and addresses, they often appealed to patriotism or the desire for material gain. John Henry, a merchant from Devonport in Tasmania, assured the people that a united Australia could look forward to a grand future with enormous possibilities. He told his audience that 'Separated as they were now by hostile tariffs they could not grow as one people ...'⁷ Quick told his audience that he could see the Australian colonies going either in the direction of a continuation and intensification of their separate needs 'leading to fatal antagonism', or toward their 'integration of union into one people, with one destiny'.⁸ Looking more specifically at material benefits, John Gordon, a member of the South Australian Legislative Council, felt confident that when the trade of the continent 'flowed

⁵ Alfred Deakin, 'The Present Federal Crisis', *Proceedings People's Federal Convention, Bathurst*, Gordon & Gotch, Sydney, 1897.

⁶ *Argus* (Melbourne), 20 January 1897, p. 4.

⁷ *Examiner* (Launceston), 1 March 1897, p. 6.

⁸ *Age* (Melbourne), 9 February 1897, p. 5.

through its natural channels a great tide of commerce would come to South Australia ... Adelaide would gain immensely as a commercial centre'.⁹ His colleague from the lower house Dr John Cockburn suggested that nothing would create a national sentiment more surely than the jingle of Australian coin in the pocket.¹⁰ Victoria's Attorney-General, Isaac Isaacs, proud that for the first time in Australia's history the cause of federation had at last to be decided by the people, declared that a call had been sounded that had awakened a 'national sentiment that would disdain the petty confines of province and be satisfied with no limits of greatness short of the ocean around our shore'.¹¹ The Premier of New South Wales, George Reid, matched such patriotic fervour:

The present is a golden opportunity ... Young Australia stands at the parting of the ways. Will you guide her along the path of union, which leads to safety and success, or let her wander into other paths sown with seeds of discord and disaster?¹²

To further quicken the pulse of the people, candidates would often sound an alarm—the menacing Chinese or Japanese, or the troubles in Europe or even the threat of civil war. Josiah Symon, President of the South Australian Federation League and a polished speaker who could attract large crowds, told his audience that they must have federation to defend their great coastline, adding 'it would not be done by simply singing the "Song of Australia"'.¹³ More specifically, James Howe from South Australia urged his countrymen not to allow their land to be over-run by Asians nor face the type of racial danger that threatened the American nation.¹⁴ Also looking to Asia, Richard O'Connor pointed out that the Australian colonies stood in great peril because of their proximity to China and Japan. He warned that at any moment the Chinese and Japanese might become emigrating peoples. He asked, 'Supposing 5,000 of those people settled in the Northern Territory what was there to prevent their infiltration into the several Australian colonies?'¹⁵ Reid turned his attention further north. Seeing the great powers of Europe scrambling for a chance to land on some barren bit of Africa, he pointed out that 'if the ironclads of England were out of the way you would perhaps find foreign settlements, and if Frenchmen and Germans got settled in some corner of Australia it would be a hard job to get them out'.¹⁶ For William Trenwith there was an ever-lurking danger that some powerful and antagonistic nation would take possession of the Pacific Islands, exposing Australia's vulnerability.¹⁷ On the other hand, Richard Baker

⁹ *South Australian Register*, 4 March 1897, p. 6.

¹⁰ *Advertiser* (Adelaide), 18 February 1897, p. 5.

¹¹ *Age* (Melbourne), 24 February 1897, p. 5.

¹² G. Reid, 'Address to the electors of New South Wales', *SMH*, 26 January 1897.

¹³ *Advertiser* (Adelaide), 7 February 1897, p. 7.

¹⁴ *Advertiser* (Adelaide), 18 February 1897, p. 6.

¹⁵ *SMH*, 18 February 1897.

¹⁶ *Daily Telegraph* (Sydney), 19 February 1897, p. 5.

¹⁷ *Age* (Melbourne), 18 February 1897, p. 6.

foretold of trouble on the home front. He looked at the relationship between the separate colonies and suggested that history and experience had shown that neighbouring states over time either ‘drift into open enmity with each other—actual war alternating with armed preparation for war—or form Federations’. He predicted that when Australia becomes a federation there would be ‘for the first time in the history of the world a continent for a nation and a nation for a continent, freed from any prospect of internecine war ...’¹⁸

Having established the notion that union would bring advantages and prevent dire happenings, candidates also wanted to reassure people that the proposed changes would not disturb their daily lives; candidates wanted to inspire their countrymen with the idea of promise but without the apprehension of uncertainty. Although encouraged to think of themselves as being Australians in a united Australia, candidates were quick to give an assurance that each colony would retain its autonomy and control over its own affairs.

Henry Parkes, the grand old man of New South Wales, had been very aware of the anxiety of the people over the future of their respective provinces under federation. During his opening address at the 1891 convention, he spoke of the need to reassure the colonies of their independence under a central government and to make plain that there was no intention to cripple their powers, corrode their rights or undermine their authority. The convention accepted from the outset that the sovereignty of the states must be the bedrock of the constitution. In 1897, candidates readily gave the same assurance. Cockburn explained that the object of union was to safeguard and not supplant the right to local self government; that federation would not jeopardise but rather enhance their autonomy.¹⁹ Edward Millen, a promising but unsuccessful candidate, overcame this difficulty of reconciling the sovereign rights of the states as separate entities with the sovereign rights of the people as a nation by cleverly melding national and provincial interests. He said that federation was a means of securing ‘the strength of union, while retaining the freedom of independence’.²⁰

To reinforce this message that federation would not disrupt their world, many candidates spoke of their intention to ensure that as the architects of a new nation they would honour their history and tradition and stay true to the fundamental principles that underpinned their political institutions. They relied heavily on the argument that the constitution would be anchored in the past but that experience and the passage of time would guide its growth.

Sir Samuel Griffith had laid down this central tenet in 1891 when he said, ‘Surely we shall be far safer in adhering as much as possible to the Constitution with which we are all familiar, and grafting upon it as little as possible that is new’.²¹ This cautious approach carried through the years. Robert Garran, although not a candidate, produced an influential book of reference on the federal constitution which greatly assisted candidates and electors. He suggested that the constitution to be drafted was ‘already half designed and half built, its foundations are

¹⁸ R.C. Baker, ‘Federation—What is it?’, Supplement to the *South Australian Register*, 2 March 1897.

¹⁹ *Advertiser* (Adelaide), 18 February 1897, p. 5.

²⁰ *Daily Telegraph* (Sydney), 25 January 1897, p. 3.

²¹ *Official Report of the National Australasian Convention Debates*, Sydney, 2 March to 9 April 1891, Legal Books Pty Ltd., Sydney, 1986, p. 84.

irrevocably laid by our history, our habits and our circumstances'.²² This notion that the constitution must stem from the established customs and ingrained ideas of the people and that originality or innovation was not desirable dominated the speeches and addresses during the election campaign.

While the idea of replicating institutions that had stood the test of time and had proven themselves acceptable to the people offered security and peace of mind to Australians faced with change, it was hardly inspiring. It was a prospect without imagination or challenge.

Beyond the immediate impact of federation, candidates also looked to a future that offered the same security and steady progress. William McMillan summed up the sentiments of most when he contended that the constitution to be framed by the convention, while meeting the needs of the moment, should be made sufficiently flexible to be able to respond to the demands of the future. He stated, 'It was no use attempting to federate unless we federated on principles which would ensure continuity of our national life, which would take deep root in the hearts and affections of the people, and which would be capable of meeting every emergency as it arose'.²³ And who could disagree? Cockburn certainly endorsed this point by insisting that a constitution as far as possible should be a growth and not a manufacture, and 'the slower the growth the more durable the product'.²⁴ Put simply by Henry Bournes Higgins, 'Constitutions were not made, but grew' and he would endeavour to do 'the best with the least change possible'.²⁵ To these men there would be no upheavals, no ructions in this new nation continent.

The 'one people, one destiny' type of language was general, appealing and all-embracing. But it pre-dated the 1891 convention and had shown that while it could stir emotions in favour of federation it could not sustain interest. As long as federation remained an ill-defined concept, people could not embrace it as a practical scheme nor commit themselves fully to the cause. Reassuring as it was, the talk of framing a constitution that had deep roots in the habits of the people and that would evolve slowly and take shape as the nation matured did not spell out the specifics of federation. The idea lacked definite form and had a romantic and indistinct resonance. It was difficult for people to become enthusiastic about proposals that lacked immediacy and substance—they needed to be able to see and understand the actual application of this concept to their world.

²² Robert Randolph Garran, *The Coming Commonwealth*, Angus and Robertson, Sydney, 1897. This book was reviewed in many newspapers during the early weeks of February 1897.

²³ *Daily Telegraph* (Sydney), 4 February 1897, p. 5.

²⁴ *Advertiser* (Adelaide), 18 February 1897, p. 5.

²⁵ *Ballarat Star*, 13 February 1897; *Hamilton Spectator*, 20 February 1897.

“THE REFERENDUM” AT WORK

The Usual Experience of an Appeal to the Electors of Victoria.

Melbourne Punch, 11 March 1897, p. 183

Constitutional Theory, Clause by Clause

Some sections of the press became irritated with the vagueness of the addresses and pointed out that the cause had passed the stage of platitudes and now required explanations as to the kind of constitution which was desired. The *Age* complained that some generalities uttered were even a little absurd. It argued, 'There would be no great objection to cheap expressions of loyalty, even when they were mere surplusage, if there were no danger of their being employed to cover poverty of thought as to what a federal constitution should be, or even designed to cover reticence on important points'.²⁶

Bernhard Wise, a former New South Wales Attorney-General, was one of the first candidates to take to the platform but was chided by the press for not tackling the very stuff of federation. The *Daily Telegraph* conceded that a candidate must be an advocate of union but insisted that he must explain the terms and conditions under which the federal partnership should be arranged. It noted, 'Mr Wise has put all the seasoning into his soup, leaving nothing to be desired in that way, but he has unfortunately forgotten the meat'.²⁷

Among the candidates there was also criticism about the paucity of information. Higgins maintained that before people would shout for federation they needed to know the kind of union into which they were being led. He believed that they must be given concrete details and that the electors looked to the candidates to provide that information.²⁸ He wanted candidates actively to canvass their ideas and proposals, arguing that, 'It was not fair to the electors to expect them to vote for candidates unless the candidates boldly faced the terrors of the platform and indicated the general principles on which they were prepared to act'.²⁹

Richard Baker concurred. He spoke early in the campaign and stated that he did not underrate the sentimental aspects of federation, but he had left them alone because he wanted to place the matter soberly and practically before the people.³⁰ Reid also agreed heartily. He wrote in January 1897 that he would be the last to disparage the allure of patriotic sentiment but felt that the time for eloquent perorations had been exhausted and the moment had arrived for 'serious, anxious deliberation upon the principles of the proposed Constitution ...'. He compiled a list of thirty-six points he considered important and which candidates should address in seeking the people's suffrage. Reid hoped that in discussing these points the minds of candidates and electors would concentrate on matters that the coming convention would have to debate and decide upon. The list included questions such as whether the Senate should have the power to amend or reject bills, especially taxation, appropriation and loan bills, or whether there should be provisions against dead-locks, and, if so, what those provisions should be (see Appendix I).

And here was the crux of the problem for candidates who wanted to engender enthusiasm for the cause but then found they had to douse that sentiment with lashings of practical business

²⁶ *Age* (Melbourne), 15 February 1897, p. 4.

²⁷ *Daily Telegraph* (Sydney), 7 January 1897, p. 4.

²⁸ *Ballarat Star*, 13 February 1897.

²⁹ *Age* (Melbourne), 10 February 1897, p. 5.

³⁰ *Advertiser* (Adelaide), 20 January 1897, p. 6.

talk heavily fortified with constitutional theory and political history. It is little wonder that the organisers of a large election meeting in the Hobart Temperance Hall needed to lure an audience with the promise of music, songs and recitations. Adye Douglas, President of the Tasmanian Legislative Council, was obliged to resume his seat before he could start his address because of a deafening roar for an encore of 'Australia' and Mr Stacey had to return to the stage to continue singing.³¹

The prospect of weighing down their message with talk of bicameralism, responsible government, the Privy Council, equal representation and deadlocks, did not deter many of the prominent candidates such as Carruthers, O'Connor, Quick and Symon, as well as Baker, Higgins and Reid, from elaborating on the specific provisions of their preferred constitution.

Most candidates used the Commonwealth Bill of 1891, described by Garran as the classical standard document, as their text. They accepted it as required reading and borrowed heavily from it in explaining their proposed federation. Based on thorough research, thoughtful deliberation and bearing the imprimatur of such highly respected men as Sir Samuel Griffith and Andrew Inglis Clark, the Bill set down the fundamental principles that should underpin an Australian constitution and detailed the structures that would shape the machinery of government. Although, since 1891, it had come under fierce scrutiny and was found wanting, candidates saw it as a solid platform from which they could build a new and improved constitution.

Symon was not alone when he said that in spite of its defects, the Bill was in the main a successful effort to grapple with the problem of federating the Australian colonies, while the Premier of Tasmania, Edward Braddon, said it would give them 'light and leading'.³² More emphatically, Baker noted the sheer durability of the Commonwealth Bill. He stated that, 'Notwithstanding that hostile critics have for six years endeavoured to find fault with that Bill, and notwithstanding that it has run the gauntlet of nearly every Australian Parliament, no one has ventured to propound a new scheme'.³³ Even George Reid, one of the most forthright critics of the Bill, used it as a starting point. The *Freeman's Journal* unkindly observed that had the Bill never been drafted Reid would have been 'as bare of ideas as a plucked goose'.³⁴ He would not have been alone.

Thus in looking to the Commonwealth Bill and also using texts such as Garran's book, candidates reproduced much of what had been said and discussed since 1891. In many cases matters decided in 1891 remained unchallenged. Most Australians, who over generations had grown accustomed to a bicameral system of government, accepted that there would be two houses of Parliament. In his manual, prepared for the delegates to the 1891 convention and rewritten soon afterwards, Baker stated categorically that all experience, both ancient and modern, proved beyond doubt that there must be two houses of Parliament.³⁵ Six years later,

³¹ *Mercury* (Hobart), 27 February 1897.

³² *Daily Telegraph* (Sydney), 21 January 1897; *Mercury* (Hobart), 3 March 1897.

³³ Baker, 'Federation—what is it?' op. cit.

³⁴ *Freeman's Journal* (Sydney), 30 January 1897, p. 13.

³⁵ R.C. Baker, *A Manual of Reference to Authorities for the Use of the Members of the National Australasian Convention*, W.K. Thomas & Co., Adelaide, 1891, p. 47.

O'Connor spoke for most Australians when he stated simply, 'The form of constitution proposed in the Draft Bill of 1891 seems to me, with some modifications, the best that could be devised'.³⁶ The upper house not only had a long tradition but was seen by the smaller colonies as the means of securing their rights by giving them equal representation in one chamber at least. The press recognised and accepted that although a few might object to a two-chambered legislature, it was a system to which Australians had become so thoroughly accustomed that it was certain to be adopted.³⁷ Even the *Melbourne Age*, which lambasted its own Legislative Council in Victoria, maintained that 'two chambers become a logical necessity'.³⁸ More pointedly, Trenwith, despite his claim that history tended to show upper houses to be either mischievous or useless, thought that there would be two houses. He believed that Australia could be well governed and indeed better governed with the one house, nevertheless, he acknowledged that it would be foolhardy 'to make experiments unless the necessity was great and success indisputable'.³⁹

There were some candidates, such as the ten from the New South Wales Political Labour League who advocated a unicameral system but they were brushed aside by both the more prominent candidates and the major newspapers as 'faddists' or 'mad-brained experimentalists' or 'cranks'.

The Australian community, for the most part, also accepted that federation would be under the Crown, and indeed the enabling acts stipulated that this should be so. Candidates often tapped into the emerging sense of Australian nationalism and the growing attachment to 'the land we live in' to arouse enthusiasm for federation.⁴⁰ This appeal in itself did not create a problem but for some it underlined the tension between an independent nation taking absolute control of its affairs and one still attached to its parent. Ties with the mother country remained strong; most Australians were loyal to Britain and felt a genuine allegiance to the Crown but the question remained of how strong or how tight the bonds should be. There was a small section of the population, especially vocal in New South Wales, who thought it was time to 'cut the painter'. Mr J.U. Hennessy, at a meeting held under the auspices of the Constitutional Republican League, told his audience that Australia had all the essential elements for supporting itself and for building up a race and he asked why should they 'remain connected with a country 16,000 miles away, and be tied down to all its laws and regulations?'.⁴¹ Few Australians, though, would have quibbled with Sir Henry Wrixon, a member of the Victorian Legislative Council, who maintained that 'There was plenty of room for ever so great a dominion under the ancient and venerable Crown of Britain'.⁴²

³⁶ *Daily Telegraph* (Sydney), 21 January 1897, p. 4.

³⁷ For example see *Hamilton Spectator*, 30 January 1897.

³⁸ *Age* (Melbourne), 8 February 1897, p. 4.

³⁹ *Age* (Melbourne), 18 February 1897, p. 6.

⁴⁰ H. Willoughby, *Australian Federation; Its Aims and Its Possibilities*, Sands & McDougall Ltd., Melbourne, 1891, p. 16.

⁴¹ Reported in *SMH*, 5 February 1897, p. 6.

⁴² *Argus* (Melbourne), 18 February 1897, p. 5.

This same tension between those who wanted complete independence and those wanting to preserve close ties with Britain entered the debate about the Governor-General. But the weight of public opinion was against those calling for Australians to appoint their own Governor-General. The *Age* assumed that Australia would follow Canada, 'in having a Governor-General appointed by the Queen as the one visible link with the British Empire' and most people had no difficulty in accepting this proposition.⁴³

Those who sought election to the convention and harboured republican sympathies or did not want to alienate republicans gave a sympathetic nod to Australian independence but insisted that the moment was not ripe for a republic. Henry Copeland, a member of the New South Wales Legislative Assembly and an unsuccessful candidate, admitted that in his mind there was very little doubt that Australia must become a republic, but the time had not yet arrived. 'The word republic did not frighten him', he said.⁴⁴ Although Barton did not hold republican views, he acknowledged that some men did have such views and though they might disagree with him on that matter he would not say they were thoughtless.⁴⁵

When it came to balancing national sentiment with loyalty to the mother country, most of the successful candidates walked the safe middle ground. They offered hope to reformers that greater independence would come to the young nation in time and placated staunch loyalists with assurances that important links to Great Britain would be retained.

As with the mode for selecting a Governor-General, the issue of appeals to the Privy Council brought conflict. There was the tension between those who felt Australia could and should assume responsibility for establishing her own final court of appeal and those who wanted to keep the Privy Council as a tangible link to Britain. In this case, however, the sentiment for Australia to exert its independence was strong. Symon, who was to become Chairman of the Judiciary Committee in the forthcoming convention, played on that sense of patriotism in advocating the establishment of a final court of appeal in Australia. It appeared to him 'that if a people of some three or four millions is not equal to the task of constituting for itself a Final Court of Appeal adequate to all the necessities of the administration of justice, it is really unworthy of being the nation it aspires to be'.⁴⁶ He acknowledged that the Privy Council forged a link which bound Australia to the mother country and he shared the admiration for its renown and distinction. Howe echoed the same sentiments. He considered that Australians had advanced to such a stage of national life that they might be allowed to settle their own national affairs within the nation. Although this matter generated debate, it did not go much beyond the legal fraternity; the public were unlikely to become excited about a matter that did not directly affect their daily lives.

People are moulded by their society and see the world through a mind's eye trained by their history and experience. In setting about formulating a new constitution Australians had before them their own history and the histories of other nations, such as the United States of

⁴³ *Age* (Melbourne), 8 February 1897.

⁴⁴ *SMH*, 2 February 1897, p. 5.

⁴⁵ *SMH*, 5 February 1897, p. 6.

⁴⁶ Supplement to the *Adelaide Observer*, 30 February 1897.

America, Canada, Switzerland and Germany. They were naturally drawn to their own form of government and many regarded responsible government as a part of their heritage. Higgins stated that in framing their constitution Australians should benefit from the experience already gained in the colonies. He maintained that because of their history, they should insist on adhering in the constitution to the system of responsible government in preference to that of the American system where 'all Ministers were kept out of Parliament'.⁴⁷ Deakin also thought that the future national Government should 'be the closest copy of our own local Government, consistently with being adaptable to federal needs'. He wanted to adopt the cabinet system from Canada and the state system from America.⁴⁸

Others could see difficulties in transplanting the cabinet system into the Australian federal structure. Baker in 1890 felt that the responsible-ministry system would work in a federation. After considering the matter further he changed his mind and by 1897 felt that 'federation would either kill the responsible-Ministry system or the responsible-Ministry system would kill federation'. He explained that a responsible ministry was not a necessary corollary to free political institutions or representative government and that the system had come into being as a consequence of the predominant power of the House of Commons. Indeed, he argued that the system was only an accidental result of representative government in Great Britain. Baker insisted that it would be unworkable with two houses of co-equal power and further that it had not been adopted by any federation.⁴⁹ Garran acknowledged that responsible government was a new and changing thing and that it depended largely upon unwritten rules that were growing and developing. But he was sceptical of schemes untried in Australia and drawing on the theme of constancy and familiarity, asserted that 'a nation's cradle is not the place for any more experiment than is absolutely necessary'.⁵⁰ He endorsed Griffith's answer to this problem which was: 'the rule should be to so frame the Constitution that Responsible Government may—not that it must—find a place in it'.⁵¹

Clearly the matter of the form of the federal Government to be adopted was not straightforward. On the surface, it appeared a simple process of copying the cabinet system already working in the colonies, in Canada and Britain. Those who had studied constitutions closely, however, could see problems in transferring the cabinet system across to a federal structure where the upper house, with equal or practically equal powers and representing the interests of separate states, was very different from the House of Lords or the colonial Legislative Councils. Nevertheless, the natural inclination to stay with a system known and proven and the desire to reassure the electors that there would be no unnecessary experimentation meant the form of government to be adopted would be that already in place in the colonies. Again most candidates were wary and even when speaking about specific provisions in the constitution they kept, wherever possible, within safe and familiar bounds—an approach that well might have fed public complacency.

⁴⁷ *Hamilton Spectator*, 20 February 1897.

⁴⁸ *Age* (Melbourne), 19 February 1897, p. 6.

⁴⁹ Baker, 'Federation—What is it?' op. cit.

⁵⁰ Garran, op. cit, p. 148.

⁵¹ S.W. Griffith, *Some Notes on Australian Federation: Its Nature and Probable Effects*, Paper Presented to the Government of Queensland, Government Printer, Brisbane, 1896, p. 7; Garran, op. cit., p. 151.

Federal finance was a different matter, however, and most likely to engage the attention of the Australian people because not only would it impact on their daily lives but it required the creation of a new system to deal with both federal and state finances. Most federalists had come to accept that the federal government should have its own revenue and power to raise it; that there should be a common tariff policy; and that the central Government should take over customs and excise to fund its activities.

The scheme put forward in 1891 had been received without enthusiasm or conviction and over the years criticism remained constant. Reid, in particular, disapproved of the financial provisions in the draft Commonwealth Bill which he maintained would give rise to an impossible situation. In brief, statisticians estimated that the Commonwealth revenue would exceed eight million pounds but its expenditure would not go beyond three million. The Premier had no doubt that unless a better and more definite scheme could be devised the whole project must be abandoned. Reid stated that 'We must either construct the Federal machine upon a more economical basis, or we must greatly enlarge its powers to make its work adequate to the money it will collect'. He was prepared to consider 'any proposal in the latter direction upon its merits'.⁵² The Premier of Victoria, George Turner, asserted that 'any financial scheme which was adopted by the Federal Convention would have to be fair to all the colonies both in the present and in the future'. He said he would endeavour to find some scheme for dealing with the surplus in a way not injurious to the Commonwealth or the States.⁵³ The candidates accepted that this issue would test the best financial minds both in and outside the convention. O'Connor maintained that the question of finance was 'a matter hardly capable of being dealt with in a political address to the masses, and its intricacies will require unravelling by expert hands at a later stage of the proceedings'.⁵⁴

He was probably right, and although his approach was sensible and responsible it gave little incentive to electors to go to the ballot-box. James Walker, a banker, did put forward a scheme, but as with Reid's thirty-six points the detail and the complexity of the proposal, which Walker himself modified, would have removed it from the realm of practical politics. Deakin also brought forward a plan but again that element of caution, while reassuring on the one hand, robbed the proposal of substance. He suggested, 'In federation we should walk before we run and, above all things, we should not run into debt. We should not in federating produce any violent dislocation of affairs or any remarkable change.'⁵⁵ Once again on an issue that demanded straight answers and certain solution, candidates equivocated.

To a lesser extent the Commonwealth Bill of 1891 had come under criticism for its undemocratic spirit. But by 1897, with a larger section of the population accepting the drift in favour of democracy as natural, progressive and necessary, the call for provisions such as the broadening of the franchise was becoming more insistent.

⁵² Reid, *SMH*, op. cit.

⁵³ *Age* (Melbourne), 20 February 1897, p. 10.

⁵⁴ *Daily Telegraph* (Sydney), 21 January 1897, p. 3.

⁵⁵ *Age* (Melbourne), 19 February 1897, p. 6.

The demand for senators to be elected directly by the people reflected the growing trend in favour of greater democracy. The 1891 Bill provided that senators should be chosen by the houses of Parliament in the several states. Since then, however, there had been an unmistakable move in favour of having senators elected directly by the people. This shift in opinion showed up clearly at the Bathurst People's Convention in November 1896 and carried into the election campaign under catch phrases such as 'direct election, direct responsibility'. Aside from a core of conservatives, most candidates had come to accept this recent but strong trend as compatible with the notion of growth and maturity.

Universal adult franchise, although part of this drift in the direction of greater democracy, had not the same measure of support as a fully elected Senate. The South Australian democrats, Kingston and Cockburn in particular, insisted that adult suffrage should be provided for in the constitution. Kingston, who took great pride in his colony's achievements, claimed that South Australia, by legislation through a long course of years, had established 'her constitution on broader democratic lines than those of any other colony in the Australian continent'.⁵⁶ Moreover, Cockburn did not want South Australians to have to mingle 'the clear crystal cup of their democratic franchise with the muddy pool of plural, proxy, or property votes'.⁵⁷ At this time, the Legislative Councils of New South Wales and Queensland were nominee bodies, and Victoria, Tasmania and Western Australia still had property qualifications for members of their Legislative Councils.

As a matter of tactical statesmanship, the more pragmatic federalists urged the South Australian democrats to compromise on this issue. Fellow South Australian Howe, the voice of reason on this matter, stated that however desirable it was for the other colonies whose franchise was not so liberal as South Australia's to come into line, it was scarcely 'fair for a small colony ... to say to the people that we shall not come into the union until they assimilate their franchise to ours'.⁵⁸

Prominent candidates, apart from the South Australian democrats, indicated that, while they would take cognizance of such trends, they would wait for more definite and widespread support before travelling further down the path of electoral reform and providing for universal adult suffrage. Isaacs voiced the popular liberal opinion when he stated that the time had arrived when the broadest franchise should be recognised. He would bend a little though and, while he would insist on one man one vote, if the matter came to a choice between setting aside women's franchise or federation he would tell the women to be patient. Turner also maintained that he would vote for the women's franchise only if it would not jeopardise the larger movement.⁵⁹

The candidates who did venture into detail sought to instil confidence in the electors. They wanted to appear knowledgeable and competent; to show that they had a grasp of the constitutional issues, and were willing to listen and modify their views in light of discussion.

⁵⁶ Charles Cameron Kingston, *The Democratic Element in Australian Federation*, L. Bonython & Co., Adelaide, 1897, pp. 8–9.

⁵⁷ *Advertiser* (Adelaide), 18 February 1897, p. 5.

⁵⁸ *ibid.*, p. 6.

⁵⁹ *Ballarat Star*, 25 February 1897; *Age* (Melbourne), 20 February 1897, p. 10.

At times they appeared reticent and accommodating, even vacillating, especially on the problem of federal finance and the surplus. Both O'Connor and Wise insisted that they would not go to the convention with cut-and-dried opinions.⁶⁰ Even Reid stated that he would 'be prepared up to the last moment to weigh every argument that is advanced in support of different conclusions; because in my estimation plain and straightforward expressions of opinion now should not prevent an honest change of judgment later on'.⁶¹ His colleague, Carruthers, was of like mind. He indicated that he was prepared to approach the task of framing a constitution with trust in federation but with prudence and caution that would see federation in its infancy 'not over-burthened with conditions and responsibilities which may detract from its successful growth, and which may breed only a popular intolerance of its existence'.⁶² This conciliatory attitude lauded by some as a prerequisite to drafting a successful constitution was seen by others as equivocation or timidity.

The *Age* noted that Deakin had said that he would not bind himself to any particular pattern of federation. But it was concerned that although this was an admirable frame of mind with which to 'enter a deliberative assembly where the spirit of compromise must govern if business is to be done ... it has its dangers. One may easily, in a great national interest like this, lose the substance in grasping at the shadow.'⁶³ Despite their reluctance to take a clear and determined stand on the detailed provisions of a federal constitution, most candidates were certainly coming to terms with the complexities of drafting a constitution and with the responsibilities of being constitution makers. The candidates in New South Wales, Victoria, South Australia and Tasmania stood out against those from Western Australia, to be elected by members of Parliament, in their knowledge and understanding of the task that would confront delegates to the convention.

In Western Australia, the public debate on federation was arid in comparison to the eastern colonies. George Leake, a member of the Western Australian Legislative Assembly and a candidate for election, admitted in a letter to Symon that he had not studied the question in all its varied phases but thought he was capable of sufficiently appreciating arguments.⁶⁴ The Western Australian candidates had not been compelled to canvass their ideas in public; they had not faced 'the terrors of the platform'; nor had a critical press picked over their proposals. They had homework to do.

Other matters raised by candidates, such as the control of railways, public debt and the procedures for amending the constitution, have not been discussed in this paper. Nevertheless, the candidates generally approached these matters with the same caution, and showed the same readiness to listen, take counsel and to compromise. On the matter of state rights, however, opinions were more definite, attitudes more entrenched, language less conciliatory, and the mood at times militant.

⁶⁰ *SMH*, 1 February 1897, p. 5; *SMH*, 17 February 1897, p. 10.

⁶¹ Reid, *SMH*, op. cit.

⁶² *SMH*, 26 January 1897, p. 8.

⁶³ *Age* (Melbourne), 19 February 1897, p. 4.

⁶⁴ G. Leake to J. Symon, 1 March 1897, Symon Papers, Box 46, Series 9, Federation 1897–1900, MS1736, NLA.

Fighting Words—‘The Rock on which Federation May Split is States Rights’

Concern about states rights and provincial interests had the potential to rouse electors from their lassitude. Candidates could make a direct appeal to the immediate concerns of the people and also play on provincial jealousies and pride. While there was general agreement that the states would retain autonomy over their own affairs, some Australians were worried that in the federal sphere the less populous states would have difficulty matching their voice with that of the larger states. The smaller colonies, fully aware that their representation in the lower house would be dwarfed by that of the larger colonies, sought protection in the upper house.

There was talk in Tasmania that under a federal flag the colony would dwindle into a mere municipality. The less populous states, South Australia and Tasmania, therefore had a keen interest in obtaining equal representation in the Senate and securing to this house as much power as they could wrangle from the larger states. The Senate, modelled on the United States system, was put forward as a bulwark against the absorption of the smaller colonies by the larger; it was to be the sheet anchor of the states.

The Tasmanian candidates were united as one in their commitment to equal representation. Henry told his audience that it would not be safe unless each colony had equal representation in the Senate which must be armed with very full powers. He declared, ‘The Senate was the safeguard of the rights and liberties of the various states, and they must necessarily keep it strong’.⁶⁵ The Premier, Edward Braddon, thought that the Senate should have a larger amount of power than was proposed by the 1891 convention.⁶⁶ For some this included financial powers. Adye Douglas insisted that, ‘The Senate must have power to deal with finance, if not it were better for Tasmania to be without Federal Government’.⁶⁷ The press demanded vigilance on this matter. The Hobart *Mercury* warned that delegates would have to be on their guard against certain specious arguments. It insisted that the Senate must have ‘clear and unassailable financial powers’; that Tasmanian delegates should stand together on certain fundamental questions; and that the electors should not vote for anyone who wavered.⁶⁸ More pointedly it maintained that a proposition such as graduated representation if insisted upon ‘means that there is to be no Federation, and the sooner this is understood the better, in order to prevent a waste of time and temper’.⁶⁹

South Australia shared Tasmania’s desire to join the federation but also had apprehensions about being swallowed up and like Tasmania stood resolute. The South Australian Treasurer, Frederick Holder, would not see the smaller colonies bound hand and foot to the power of the

⁶⁵ *Examiner* (Launceston), 1 March 1897, p. 6.

⁶⁶ *Mercury* (Hobart), 3 March 1897.

⁶⁷ *Mercury* (Hobart), 4 March 1897.

⁶⁸ *Mercury* (Hobart), 22 February 1897.

⁶⁹ *Mercury* (Hobart), 17 February 1897.

larger ones.⁷⁰ To this colony the question of equal representation in the upper house was beyond debate; it was a fundamental condition of the Senate.

Clearly a number of candidates from the smaller colonies wanted to take the issue beyond equal representation. Baker took a very determined stand on the matter of states rights and said that if ‘the smaller colonies did not wish to become provinces of Victoria and New South Wales, the Senate must be made strong and powerful’. He argued further that a Senate with at least co-equal power with the House of Representatives was intrinsic to a federal form of government. He maintained that it held the balance between the national and the provincial governments, and was ‘the characteristic federal pivot on which the whole system revolves’.⁷¹ He wanted South Australians to insist on their representatives making the Senate at least as powerful as the House of Representatives.⁷²

Symon expressed the opinion of many of his colleagues when he stated that the Senate should have the power to amend as well as reject money bills.⁷³ The *Advertiser* could see that, by itself, equal representation in the Senate would not fully secure states rights and warned of the danger should the more populous states refuse to agree to the principle of co-equal power for the two houses. It insisted that South Australians could not imperil state rights by allowing an inferior legislative status for the Senate and that they must have the substance not the shadow.⁷⁴

Generally the candidates from the larger colonies were prepared to concede equal representation to the Senate but were seeking ways to ensure that the upper house would not become the preponderant power. Reid in his written address to the electors stated that he would give way to the principle of equal representation in the Senate because he recognised it was impossible to obtain federation without it; but he would make that concession upon one condition only—‘the Constitution embrace provisions which ensure the predominance in the last resort of the federal electors, who most truly represent the colonies themselves’.⁷⁵ He was particularly concerned about money bills arguing that the Senate should not have the power to amend such bills. Reid pointed out that ‘to give the representatives of the 120,000 people in Tasmania an equal power over the revenue contributed by the 1,300,000 people of New South Wales or Victoria, as a fair exchange for the equal right of the representatives of the latter Colonies over the revenue contributed by the 120,000 of Tasmania, is by no means a fair political exchange’.⁷⁶

⁷⁰ *Advertiser* (Adelaide), 3 February 1897, p. 5.

⁷¹ Baker, ‘Federation—What is it?’, op. cit; see also ‘How it Strikes a Stranger’, *Argus* (Melbourne), 3 March 1897, p. 5.

⁷² *Advertiser* (Adelaide), 20 January 1897, p. 7.

⁷³ *Advertiser* (Adelaide), 9 February 1897, p. 7

⁷⁴ *Advertiser* (Adelaide), 12 February 1897, p. 4.

⁷⁵ Reid, *SMH*, op. cit.

⁷⁶ *Daily Telegraph* (Sydney), 26 January 1897.

In addition, Reid wanted a provision in the constitution that would put an end to deadlocks between the upper and lower houses. He proposed that in the case of money bills, the Senate should have the power of rejecting them. But if they rejected a money bill in one session and rejected it again in the next session then the two houses should decide whether the bill was to become law or not at a joint sitting. A similar process, but allowing more latitude, would be followed with less urgent bills not money bills. Reid also favoured the principle of the referendum.⁷⁷

Similarly Turner, who argued that the people must be supreme, regarded the referendum as the simplest and best means of settling a dispute between the houses. He admitted that it was novel, and he would not insist on it if a better answer could be found. In looking at the proposal to dissolve one house as a means of settling a deadlock, he emphasised that they should not penalise one house when the other might be at fault—both should be sent to the country if that method were adopted.⁷⁸ Isaacs when speaking on deadlocks saw the matter plainly; ‘There were only two courses open—either a dissolution of both Houses or the referendum. He and his colleagues unhesitatingly declared for the latter.’⁷⁹

The smaller colonies put a different interpretation on the argument. Both South Australia and Tasmania rejected the need for any mechanical device, such as the referendum or a joint sitting, to settle a deadlock between the two houses. The Tasmanian press thought that the larger colonies were trying by subterfuge, under the axiom of majority rule, to sweep aside their rights. The *Mercury*, which denounced the deadlock as a ‘constitutional bogey’, stated that if the delegates from the smaller colonies ‘should be so foolish as to listen to the voice of the charmers who will sing to them about finality, the referendum and the Norwegian System, then we may be sure that the new Constitution will not be accepted by the people of these colonies, or if it should be by any accident, it will not be passed by the Legislatures’.⁸⁰ The *Launceston Examiner*, equally strident, added that if the lower house were given power to override the wishes of the Senate by allowing it a majority through a mass vote, then it ‘is unification not federation that is aimed at, and the smaller colonies will never enter into any compact of that sort’. It told the electors of Tasmania that their delegates, as representatives of a small colony, would need to go further than insisting on equal representation, they would have to set their faces strongly against any proposal touching a mass vote by means of a referendum.

During the election campaign, this issue of preventing deadlocks produced a range of proposals but no concrete solutions. Candidates appeared to be thinking on their feet. Meanwhile, the electors looked on as the debate opened up, producing heat and novel ideas.

⁷⁷ *Daily Telegraph* (Sydney), 19 February 1897, p. 5. Garran had also looked at this problem and dismissed the proposal to use the referendum as an arbiter between the chambers. He asserted that it had not been adopted in provincial politics and that in a federal situation, which he reminded the reader was notoriously hard to alter, was not the place for experiments. He advised that the referendum as a cure for deadlocks promised well, but suggested that it ought to be tried on a provincial scale before being deemed worthy to rank as a federal institution.

⁷⁸ *Age* (Melbourne), 20 February 1897, p. 10.

⁷⁹ *Ballarat Star*, 25 February 1897.

⁸⁰ *Mercury* (Hobart), 17 February 1897.

Although candidates produced no certain proposal, it was clear that the smaller colonies would stand firm in protecting the Senate and that the larger ones, equally resolute, would seek ways to wrest some of that power from the upper house.

But even the debate generated by this intense colonial rivalry and the exhortations of the press for the public to become involved in the campaign could not stir people out of their complacency. The South Australian *Register* complained, ‘In this province there have been mayoral elections which have been watched from Port Augusta to Mt Gambier with more concern than has been evinced by the people regarding the choice of their national architects and builders’.⁸¹

This general lack of enthusiasm for federation was common to the four colonies. Indeed the number of electors who voted was small. In Tasmania only one in four electors went to the ballot box, in South Australia nearly one in every three voted, in Victoria three in every seven and in New South Wales just over half the electors recorded their vote.

Distractions—Party Politics and Religion

Party politics also came into play during the election campaign in Victoria and South Australia. Victoria divided into conservative and liberal camps as rival newspapers inflamed the conflict. Conservatives, such as Frederick Sargood, Nicholas Fitzgerald, and Sir Henry Wrixon, supported by the *Argus*, were keen to uphold the privileges and authority of the federal upper house. They were chary of broadening the franchise for this house and of the proposals for solving a deadlock between the two houses. The *Argus* looked upon the referendum or mass vote of the people and the joint sitting proposals as an indirect assault on the Senate—‘tantamount to abolishing the Upper House’. It claimed that such action was ‘concealed under an anti-deadlock or “will of the people” agitation’. From the other side of politics, the *Age* accused the conservatives of being obstructionists to every effort of liberal politics and of having ‘set up the pretensions of a class chamber to dominate the voice of Democracy’.⁸²

Representatives to the Australasian Federal Convention, March 1897

Name (in order of selection)	Parliamentary Status in 1897	Attendance: 1890 Conference, 1891 Convention
<i>New South Wales</i>		
Edmund BARTON	former M.L.A., M.L.C.	1891
George Houstoun REID	M.L.A., Premier	
Joseph Hector McNeil CARRUTHERS	M.L.A., Secretary for Lands	
William MCMILLAN	M.L.A.	1890, 1891
William John LYNE	M.L.A.	
James Nixon BRUNKER	M.L.A., Colonial Secretary	
Richard Edward O’CONNOR	M.L.C.	
Sir Joseph Palmer ABBOTT	Speaker of the Legislative Assembly	
James Thomas WALKER	(Banker; no political experience)	
Bernhard Ringrose WISE	former M.L.A.	

Victoria

⁸¹ *South Australian Register*, 12 February 1897.

⁸² *Age* (Melbourne), 25 February 1897, p. 4.

Sir George TURNER	M.L.A., Premier	
John QUICK	former M.L.A.	
Alfred DEAKIN	M.L.A.	1890, 1891
Alexander James PEACOCK	M.L.A., Chief Secretary	
Isaac Alfred ISAACS	M.L.A., Attorney-General	
William Arthur TRENWITH	M.L.A.	
Sir Graham BERRY	Speaker of the Legislative Assembly, former Premier	
Simon FRASER	M.L.C.	
Sir William Austin ZEAL	President of the Legislative Council	
Henry Bournes HIGGINS	M.L.A.	
<i>South Australia</i>		
Charles Cameron KINGSTON	M.H.A., Premier	1891
Frederick William HOLDER	M.H.A., Treasurer	
John Alexander COCKBURN	M.H.A., Minister of Agriculture and Education, former Premier	1890, 1891
Sir Richard Chaffey BAKER	President of the Legislative Council	1891
John Hannah GORDON	M.L.C.	1891
Josiah Henry SYMON	former M.H.A.	
Sir John William DOWNER	M.H.A., former Premier	1891
Patrick McMahon GLYNN	M.H.A.	
James Henderson HOWE	M.L.C.	
Vaiben Louis SOLOMON	M.H.A.	
<i>Tasmania</i>		
Sir Philip Oakley FYSH	M.H.A., Treasurer, former Premier	1891
Sir Edward Nicholas Coventry BRADDON	M.H.A., Premier	
Henry DOBSON	M.H.A., former Premier	
John HENRY	M.H.A.	
Neil Elliott LEWIS	M.H.A.	
Nicholas John BROWN	M.H.A.	1891
Charles Henry GRANT	M.L.C.	
Adye DOUGLAS	President of the Legislative Council	
William MOORE	M.L.C., Chief Secretary	1891
Matthew John CLARKE	M.H.A.	1891
<i>Western Australia</i>		
Sir John FORREST	M.L.A., Premier, Colonial Sec. and Treasurer	1891
Sir James George LEE STEERE	Speaker, Legislative Assembly	1890, 1891
George LEAKE	M.L.A.	
Fredrick Henry PIESSE	M.L.A., Commissioner for Railways	
John Winthrop HACKETT	M.L.C.	1891
William Thorley LOTON	M.L.A.	1891
Walter Hartwell JAMES	M.L.A.	
Albert Young HASSELL	M.L.A.	
Robert Frederick SHOLL	M.L.A.	
John Howard TAYLOR	M.L.C.	

Unlike Tasmanian and South Australian conservatives, their Victorian counterparts were talking to a constituency unimpressed with its own Legislative Council and more concerned with protecting the status of Victoria as one of the more populous states and thus ensuring the primacy of the House of Representatives. The conservative candidates did not fare well in the election.

A similar political division occurred in South Australia where the ‘liberal ticket’ championed by Kingston opposed a conservative ticket with names such as Baker, Downer and Symon on its list. Bitingly, Kingston asked the people of South Australia about their prospects of getting liberal legislation from Tories—‘Do men gather grapes from thorns or figs from thistles?’ In fiery language he warned the electors that if they wanted a federal constitution drafted along democratic, progressive lines they must look to him and his colleagues.⁸³ Despite Kingston’s

⁸³ *Advertiser* (Adelaide), 16 February 1897, p. 7.

hard political stance, the electors gave the conservatives a fair hearing and both sides of politics were to be represented at the convention.

In New South Wales, candidates avoided party politics but Cardinal Moran's candidacy injected a keen sectarian flavour into the campaign. Although this religious flare-up may have aroused interest in the campaign, the prominent candidates distanced themselves from this development and concentrated on discussing federation and the proposed federal constitution. The campaign in Tasmania followed a general election and was conducted quietly.

To the Ballot Box

The system of voting may well have dampened the readiness of electors to vote. The writs for the elections of candidates were issued on 26 January, which gave candidates not quite six weeks to campaign. Each colony voted as one electorate and was to select ten delegates. Candidates faced the difficulty of traversing the countryside, especially in New South Wales and South Australia. They also had the expense of transport, accommodation, advertising and the hiring of halls, as well as the incidental loss of income from being away from work. Thus, people living in the scattered electorates were less likely to be visited by candidates than city dwellers, and without postal voting, were likely to experience greater inconvenience in reaching a polling booth.

Quick highlighted this problem in his written address to the electors of Victoria. He pointed out that, 'Owing to the largeness of the constituency to which I now appeal, as well as the limited time and means at my disposal, I shall be unable to engage in a personal canvass, but I shall endeavour to address public meetings in several of the large centres, when I hope to have the opportunity of more fully expounding my views.'⁸⁴

Candidates admired and respected in their local community, unless well known on the broader colonial stage, had little chance of mustering support throughout the colony. The *Newcastle Herald* interpreted this handicap as an intention to limit the choice of delegates to 'the political giants of the community and to form a kind of legislative aristocracy from the outset'.⁸⁵ Put simply the biggest names would stand a better chance of securing the largest number of votes and securing a seat at the convention, especially with the first-past-the-post voting system being used.

A minority of candidates must have believed this statement to be true. Sir Joseph Abbott informed the electors of New South Wales that he 'did not think that those seeking to become members of the convention should take any active steps in canvassing the electors of New South Wales for their votes, and I shall therefore abstain from doing it'. He submitted his appeal for election, which was successful, on his record as a member of Parliament for seventeen years.⁸⁶ This notion that only prominent politicians would secure seats at the convention must surely have encouraged public complacency and deterred people from voting. Indeed, all delegates to the convention were or had been parliamentarians except for

⁸⁴ J. Quick, 'To The Federal Electors of Victoria', *Bulletin* (Sydney), election notices, 6 February 1897.

⁸⁵ *Newcastle Morning Herald and Miners' Advocate*, 20 January 1897, p. 4.

⁸⁶ *SMH*, 30 January 1897.

James Walker. Having earned a reputation as a financial expert at the Bathurst convention, Walker, wealthy and with the support of the New South Wales commercial and banking world, secured ninth place in the New South Wales polls. His success, together with Abbott's, strengthens the argument that people needed to be well known throughout the colony or have the resources at hand to promote widely their candidacy to be elected to the convention.

There was to be no plumping—an elector was to choose ten names, no more and no less, otherwise his vote would be invalid. Each of the ten votes carried the same value. This created a problem for a voter who might find that he had to vote for ten candidates even though he may have agreed with only four or five of them. This requirement may also have been a disincentive to vote.

The number of candidates may also have confused and discouraged people from voting. In New South Wales electors had to choose from 49 candidates; in Victoria 29; in South Australia 33, including one candidate who had died before election day but nonetheless still received 744 votes; and in Tasmania 32. Even so, these inconveniences and difficulties would not have stopped a people fired with enthusiasm for the cause and keen to have a voice in shaping their constitution.

Elections Results

Colony	Electors who voted	Percentage of electors on the rolls
Victoria	103 932	43.50
New South Wales	142 667	51.25
South Australia	42 738	30.90
Tasmania	7 582	25.00

Victorian Year-Book, 1895–98, p. 27

The Campaign—Success or Failure?

On the whole candidates approached the election endeavouring seriously and earnestly to place before the people the elements of a constitution that would bring about the federation of the colonies and lay the foundations of the nation. In spite of their speech making, addresses, written appeals to the electors, articles and pamphleteering, candidates failed to ignite enthusiasm for the cause of federation. As the *Advertiser* observed, 'There has been no end of piping to the people, but it seems they will not dance'.⁸⁷

Despite the disappointing number of voters, the campaign cannot be seen as a failure. While the people held back, the candidates, especially those elected to the convention, had gained both knowledge and experience that would prove invaluable in drafting the constitution. They were men with minds sharpened by debate and the 'terrors of the platform'; men ready to defend their opinions and to challenge the opinions of others; men in touch with their communities but able to see beyond their provincial boundaries; and men ready to listen and

⁸⁷ *Advertiser* (Adelaide), 9 March 1897.

to compromise. Foremost, they were men now publicly committed to formulating a constitution that would bring the separate colonies together as a nation. The campaign had primed these men, intellectually and emotionally, for the task ahead. The people, who remained unmoved by the rhetoric and constitutional theorising, would over the coming years continue to test those seeking to drive federation forward.

**Points to be considered by candidates and electors,
by George Reid, Premier of New South Wales.**

I.—GOVERNOR-GENERAL.

1. Powers and Salary?
2. Shall communications with the Imperial Government all pass through his hands, or shall the respective colonies have their independent channels of communication?

II.—THE FEDERAL PARLIAMENT.

Shall it consist of two chambers or one?

III.—PRIVILEGES OF PARLIAMENT.

Shall the Federal Parliament have the power to proclaim its own privileges, or shall they be defined within the Constitution?

IV.—THE SENATE.

1. The number of Senators?
2. Shall they be paid?
3. Shall representation in the Senate be based on the principle of equality, i.e., an equal number of Senators for each colony, or on population, or on the number of electors in each colony?
4. Term of office?
5. Shall Senators be elected by the provincial Parliaments, by the electors of each province, or by the Federal electors? Or shall the provincial Parliaments be left to deal with the whole question?

V.—HOUSE OF REPRESENTATIVES.

1. Number—term—payment?
2. Franchise to be Federal, i.e., uniform, or according to the electoral law of each colony?
3. If Federal, to be prescribed in the Constitution or determined by the Federal Parliament?

VI.—POWERS OF THE PARLIAMENT.

1. To regulate Trade and Commerce, Customs and Excise, with supreme undivided control?
2. Power to raise taxation by other means?
3. Power to borrow money?
4. Transfer of all powers and services connected with Military and Naval Defence with free transport over all railways?
5. Transfer of Railways, or not?
6. Banking, currency, coinage, and legal tender laws?
7. Power over colored races, and immigration thereof?

VII.—MONEY BILLS.

1. Financial measures to originate in House of Representatives?
2. Shall the Senate have power to amend, especially Taxation, Appropriation and Loan Bills?
3. Or reject? And, if so, repeatedly? And, if so, should there not be provision against dead-locks? And, if so, what provision?

VIII.—THE EXECUTIVE GOVERNMENT.

1. Shall the principles of responsible Government, as known in the British Constitution, and practised in the colonies, be part of the written law of the Federal Constitution, or be left open to choice equally with other systems?
2. Shall members of the Federal Government go for re-election on acceptance of office?

IX.—FEDERAL JUDICATURE.

1. Shall the Supreme Court of the Federation be established by the Constitution itself, as in the United States, or by Act of the Federal Parliament, as in Canada?
2. Shall such Supreme Court be the final Court of Appeal for the colonies?

X.—FINANCE.

1. Shall the Federal Parliament have complete control of the Customs and Excise revenues, taking therefrom as much as that Parliament appropriates for Federal purposes, and distributing any available balance; or shall the colonies receive their full proportions of such revenues, less an assessment upon a definite basis towards the expenses of the Federal Government?
2. Shall the Railways be taken over by the Federation?
3. If the Railways are not taken over, should the Federal Parliament have any right to interfere with their management; and, if so, for what purposes?
4. Shall the public debts of the colonies be taken over and consolidated?

XI.—GENERAL.

1. Shall the Federation be limited to the powers expressly given to the Federal body by the Federal Constitution, or should the Federation be deemed to possess all powers not expressly reserved to the individual colonies?
2. Shall the Governors of the colonies be appointed by the Federal Executive?
3. Shall there be a power to enable alterations to be made by Federal legislation in the boundaries of the respective colonies; if so, for what purpose, and should every colony affected have a right to approve or prevent such alterations?
4. Shall the seat of government be named in the Constitution, or left to the decision of the Federal Parliament; and, if so, should there be a provision postponing a final settlement of the question for a specified period?
5. What should be the process for an amendment of the Constitution?
6. Should a period be stated in the Federal Constitution within which intercolonial Free-trade and a uniform Customs tariff shall become law?

Review of Reviews, 20 January 1897, pp. 37–8.

A well-known and self-
confident A candidate from Victoria
candidate from New South Wales

TO THE FEDERAL ELECTORS OF VICTORIA.

I have the honour to offer myself as a CANDIDATE for your suffrages.

I have been connected with the Parliament of Victoria—in the Assembly and the Council—since 1864—and I refer you to the votes I have given, and the measures I have supported, to show I have done my duty.

I strongly advocate the continuance of those cordial relations at present existing between the Imperial Government and the states of Australia, which I hope will be more developed under federation.

If elected by you I will support—

1. The appointment of the Governor-General of Australia by the Crown.
2. The creation of an Elective Senate, chosen by the ratepayers of the provinces of each state.
3. The enrolment of a House of Representatives, elected by the people on a broad liberal basis.

The terms for which the members of the Senate and House of Representatives are to serve to be six years and three years respectively.

4. Intercolonial Free Trade.
5. The consolidation of the debts of the Australasian States, under the Federal Executive.
6. Exclusive control of the revenue from Railways, Customs, Excise, Stamps, and the Post-office, and the Direction of the Defence Forces by the Federal Parliament.
7. The Powers of the Federal Parliament to be clearly defined and not to trench upon those of the State Parliaments.

As to the minor details of the Constitution, I shall, if elected, consider them with an unbiased mind, prepared (for the general good) to give and take; my desire being to enact just laws for every class of the community.

I deeply regret the withdrawal of Queensland and Western Australia from the Convention, but hope those important States will yet come in.

I trust nothing will be said during the elections or at the Convention which may retard a union we all so much desire.

Should the efforts of the forthcoming Convention result in a Federated Australia, it will prove one of the most brilliant episodes in the longest and most glorious reign in English history.

W.A. ZEAL.

TO THE ELECTORS OF NEW SOUTH WALES.

Gentlemen,—The date having being fixed, under the Australasian Federal Enabling Act 1895, for the Federal Convention provided for by that Act, an obligation is cast upon you at the present time to elect 10 members to form a portion of the Convention, to whom will be delegated the duty of framing a Constitution for a Federal Australia.

I do not think that those seeking to become members of the Convention should take any active steps in canvassing the electors of New South Wales for their votes, and I shall therefore abstain from doing so.

It is desirable that electors should bear in mind at this stage that they are only choosing representatives to a Convention to frame a Constitution. The Convention will have no powers by which any burden can be placed upon the people, and the result of their work must be finally referred to the people for their approval under the Referendum, and even then the local Parliament will have to present an address to her Majesty praying that the Constitution may be passed into law by the Imperial Parliament, so that the checks on hasty Constitution-framing are very complete, and practically in the hands of the people themselves.

I submit this my appeal for election to the important and honourable position of a representative on the grounds that I have represented the people of New South Wales in the Parliament of my country continuously for 17 years, having during that long period sat for two constituencies only. I have held office in the government of the colony and for the last seven years have occupied the position of Speaker, to which Parliament has been pleased to elect me, so that my whole public life has been continuously before the people of this colony, to whose consideration and judgment I now submit the offer of my services in assisting to frame a Constitution for the permanent good government of these colonies.

The vote which you are called upon to give is of enormous importance, not only to this colony, but to the whole of Australasia, and it is my desire that every man who is entitled to vote shall do so at whatever inconvenience it may be to himself. I regard the privilege of voting for representatives to the Convention as a very great one, the more so as it has been conferred upon the people by themselves.

I entirely discountenance anything like an attempt to bring any party considerations into this election. It should be absolutely free from such, as it matters little to you, for this purpose, whether a candidate is a freetrader or a protectionist.

You should choose those whom you can best trust to do the work which they will be called upon to perform.

J.P. ABBOTT.

Sydney, 26th January, 1897

Argus (Melbourne), 27 February 1897, p.15

SMH, 30 January 1897, p.12

The New South Wales Political Labor League

FEDERAL ELECTIONS.

THE LABOR MANIFESTO

The following is the manifesto of the Labor candidates, which has been issued to the electors of New South Wales;—

FELLOW CITIZENS—Having been selected by the Political Labor League of New South Wales to contest the Federal Convention election, it is our duty to place before you the grounds upon which we seek your suffrages. We believe that on a really democratic basis a Federal Constitution will prove a lasting benefit to the people of Australia; on other lines there is the greatest possible danger of its proving permanently inimical to their prosperity and progress. We therefore insist upon the following principles, which we regard as essential to secure to the citizens of the coming Australian Commonwealth a Constitution under which they will be in reality as well as in name a self-governing people:—

1. That the Federation be known as the Australian Commonwealth.
2. That the Federal Legislature shall consist of one Chamber only, to be elected upon a population basis.
3. That the Federal franchise shall be one adult one vote.
4. That members of the Federal Legislature shall be paid.
5. That in place of government by party methods, Ministers in the Federal Parliament shall be elective.
6. That the Initiative and Referendum shall be part of the Federal Constitution; the latter to be used when demanded by a certain proportion of the electors or by a majority of representatives from a majority of provinces.

Under a Constitution such as here outlined, Government of the People, for the People, by the People would be secured to the Australian Commonwealth, and you would be safe in giving into the hands of the Federal Legislature the control of your most valued interests, such as would make Federation a reality and not a sham. We would be in favour—if such a Constitution can be obtained, but not otherwise—of handing over to the Federal Parliament complete legislative and administrative control of—

1. The Customs and Excise.
2. Immigration, with full power of exclusion of undesirable immigrants.
3. The railways.
4. The public debts.
5. Posts and telegraphs.
6. Interprovincial rivers.
7. A Federal Judiciary as a Court of Final Appeal.
8. Laws relating to marriage and divorce, probate and succession.
9. Quarantine.
10. Patents, trade marks, and copyright laws.

State rights we regard as only to be safeguarded by the defining and consolidating of the powers of the provincial legislature, in whom we propose to vest Crown lands, irrigation, State banking, mining laws, public health, education, factory legislation, and all other matters not specified as coming under Federal control.

In conclusion we wish to emphasise the fact that we are prepared to clothe the Federal Legislature with these colossal powers only on the condition of its Constitution being such as will ensure its being a true reflex of the will of the Australian people.

Under any other conditions we are opposed to Federation.

J.S.T. MCGOWEN
ARTHUR GRIFFITH
W.M. HUGHES
J.C. WATSON
W.A. HOLMAN
RICHARD SLEATH
W.J. FERGUSON
W.G. SPENCE
GEORGE BLACK
FRED FLOWERS

Worker, 13 February 1897