



**THE  
VICTORIAN  
LAND  
CONVENTION**

*"A VOTE, A FARM, A RIFLE"*

15th July - 6th August 1857

**Direct Democracy In Action  
1857 - 2007**



**Designed By Kristen RULE**

# THE VICTORIAN LAND CONVENTION

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## **FOREWORD:**

**Joseph TOSCANO EAM**

This booklet was published to mark the 150<sup>th</sup> anniversary of the Victorian Land Convention. The Land Convention, held in Melbourne in 1857 opposite Victoria's newly built Parliament House, was a far more revolutionary act than the 1854 Ballarat rebellion.

The effects of the Land Convention influenced parliamentary debate for nearly two decades. It laid the groundwork for the rich radical tradition that Melbourne 150 years later, is still famous for.

Melbourne, June 2007



## CONTENTS:

Foreword	V
Introduction	VIII
In The Beginning	10
The Hidden Frontier War	10
Orders In Council	11
Gold	12
The Southern Cross Rises Phoenix From The Ashes Of Eureka	13
The Fuse Is Lit – Convention Of Delegates	14
The Delegates	16
Nuts And Bolts	19
The Nitty Gritty	18
Same Old Story	19
Protest	20
The Irony Of It All	21
All Hell Breaks Loose	21
2007 – 150 Years Later	22
Selected Bibliography	24
Direct Democracy Not Parliamentary Rule	25
Contents	VII

# INTRODUCTION

## MY CHAGRIN

I had no knowledge about the importance of the Victorian Land League, the Congressional Assembly of Delegates, the Victorian Convention and its Standing Council, until I did some research on the riots which occurred outside the Victorian Parliament on the 28th August 1861. As an anarchist, I have always promoted direct democracy as an alternative to parliamentary rule and have tried to highlight the difference between delegates and representatives.

To my chagrin, almost a 150 years ago to the day, the question of land tenure in Victoria had been debated and acted on by tens of thousands of Victorians who used the delegate system to establish a working alternative to the Victorian Parliament. The aftershocks of the Eureka rebellion were not only felt in the Victorian Supreme Court in 1855 when the 13 men tried for High Treason for their involvement in the Eureka rebellion by a jury of their peers were acquitted. The question of land tenure and land reform became a serious and immediate issue, as the tens of thousands of men and women who had flocked to the goldfields who had not made their fortunes, required access to land to survive.

Within 20 years of white colonisation, the squatters had displaced the indigenous population from their lands in a brutal frontier war that resulted in the deaths of most of the indigenous population. Survivors were forced to forage on the outskirts of white settlements or work for the squatters for food. The squatters leased vast tracts of Victoria from the government for a peppercorn rent and controlled both Houses of the Victorian Parliament before Eureka, and the Upper House - the Legislative Council after Eureka.

The pressure for land reform was unstoppable. The Victorian Land League was established in December 1856. Thomas Loader, the Secretary of the Victoria Land League, invited a Congressional Assembly of Delegates on the 20th June 1857 to formulate a program for constitutional and land reform. The response, especially on the goldfields, was immediate. Eighty nine delegates were elected to debate these questions. The Victorian Convention met from the 15th July to the 6th August at Keeley's Hotel at the corner of Spring Street and Lonsdale Street in Melbourne. It established a

Standing Council which met weekly, well into the early 1860's. The Victorian Convention met opposite the Victorian Parliament House in the old Eastern Markets - the site of the new Victorian Government Treasury offices and acted as an alternative Parliament.

Supporters of the Victorian Convention, who were elected as members of the Victorian Lower House, caucused as the Convention Corner group.

This booklet examines the role specific individuals played in the Convention and examines the resolutions, proceedings and documents of the Victorian Convention that assembled in Melbourne from the 15th July 1857 to the 6th August 1857.

The slogans of the Victorian Convention –

**“A VOTE, A RIFLE AND A FARM”**  
**&**  
**“FREE SELECTION AND FREE GRASS”**

are radical ideas, that 150 years after they were initially raised in Victoria, must be given the historical recognition they deserve. The Victorian Convention provides a template activists in 2007 can use to promote the delegate system as an alternative to parliamentary rule.

Joseph TOSCANO – June 2007

## IN THE BEGINNING

Indigenous people have lived in Victoria for over 30,000 years. During this period, they established patterns of land ownership that included every rock, every body of water and every tree in Victoria. Different tribal groups and different clans within tribal groups were responsible for specific parcels of land. The effects of colonisation were felt among Victoria's indigenous inhabitants long before white settlers stole their lands. The establishment of a prison colony at Port Jackson in New South Wales in 1788 had devastating consequences for indigenous people living in Victoria.

The aborted settlement at Sorrento on the Mornington Peninsula in 1803 and the establishment of sealers camps on the Victorian coastline compounded the problem. Disease was the coloniser's main weapon. Smallpox, measles, pneumonia, scarlet fever, tuberculosis, cholera and syphilis were diseases indigenous people had not been exposed to before white colonisation began. Thirty years before settlers arrived with their sheep in Victoria, the once strong and vibrant tribes that had lived here for so long were decimated by disease. Thousands perished from common diseases they had no immunity to. When the French sailed past Southern Victoria in 1802, they were amazed by the number of camp-fires they saw from their ships at night. There were so many camp-fires it reminded them of the ports they visited in Europe.

When Major Mitchell 'explored' Victoria in the 1830's, he commented on the number of Aboriginal people he saw with smallpox scars. When the Henty brothers brought their sheep to Mt. Gambier in 1835 and John Batman struck his dubious treaty with the Kulin people, who owned the land on which Melbourne now stands on, they were dealing with tribes which had survived a holocaust that shattered their traditional way of life and reduced the indigenous population by up to 80%.

## THE HIDDEN FRONTIER WAR

Indigenous resistance to the occupation of their lands was immediate. The sealers who had established bridgeheads on the Victorian coastline in the early 1800's, were involved in skirmishes with the local indigenous people that resulted in deaths on both sides. Paradoxically, Victorian Aborigines land management practises was the reason the Victorian countryside was so attractive to squatters.

When Major Mitchell travelled across Victoria in 1835, he was impressed by the never ending grasslands that had grown as a direct consequence of Aborigines using fire to manage the landscape to provide food for the animals they hunted and that helped to promote the growth of tubers that formed a large part of their diet. When the squatters arrived with their sheep, the scene was set for a life and death struggle for the land.

Squatters in Victoria were not ‘ticket of leave men’ (ex convicts) who ran a few sheep on a few acres. They were normally the sons and agents of the landed gentry from England, New South Wales and Tasmania, who provided the capital to buy sheep, transport them to the pastures in Victoria and hire shepherds to look after their sheep. A small number of people occupied vast tracts of Crown Land in order to graze sheep on what they considered to be their sheep runs. They had legal title to the land via leases for which they paid a peppercorn rent to the Crown. The only thing that stood between them and their desire to acquire the land they had leases for, was the indigenous population.

The ferocity and intensity of the frontier war which occurred between Victoria’s indigenous population and the squatters between 1836 to 1846 over who owned the land, occasionally bubbled over in the Colonies courts in Melbourne. Judge Willis, a man described by the N.S.W. Governor Gipps as an *“apologist of the cruellest practices by some of the least respectable of the settlers on the Aborigines”* told the Tasmanian Aborigines Tunnerminnerwait and Peevay – who were sentenced to hang on the 21<sup>st</sup> of January 1842 for taking up arms against the colonisers on the Mornington Peninsula and the Dandenongs – *“the punishment that awaits you is not one of vengeance but of terror to deter similar transgressions”*.

In February 1842 when six white men, who stood trial in Melbourne for murdering four Aboriginal women and a child, were acquitted by an all white jury, Judge Willis criticised Governor La Trobe *“for allowing an action against those responsible for the deaths of ‘lubras’”*.

In May 1842, an Aboriginal man called ‘Roger’ was executed for the murder of Patrick Codd, a shepherd employed by John Cox, who murdered black men and raped black women. Governor La Trobe stated that by the murder of Patrick Codd by Aborigines *“the sly murder of many of that race (Aboriginals) was avenged”*.

The favourable judicial outcome in Melbourne accelerated the murder and expulsion of Victoria’s Aborigines from lands they had continuously occupied for over 40,000 years. To the squatters, the Aborigines were vermin who stood in the way of their ambitions to convert their leasehold titles over the land, to freehold title.

## **‘ORDERS IN COUNCIL’**

### **– The beginning of the campaign for squatters property rights**

The British government attempted to normalise and legalise the theft of indigenous land by squatters in its colonies through the use of ‘Orders in Council’. These ‘Orders’ were proclaimed in the Australian colonies in 1847. The ‘Orders’ recognised that squatters had the right to hold lengthy leases over the land they had squatted and outlined a mechanism by which the

squatters could transform pastoral leases into freehold title. The land that had been squatted was divided into three districts - Settled districts, Intermediate districts and Unsettled districts.

In Victoria, around 720 squatters had, within a decade of white colonisation, occupied the whole State. The land around Port Phillip Bay was designated as a Settled district, the Western Districts and Gippsland were designated as Intermediate districts and North Eastern Victoria and the Wimmera were designated as Unsettled districts.

Very few squatters occupied land in the Port Phillip District. The squatters in Western Victoria and Gippsland were granted the first right to buy one square mile of property surrounding their homestead and were also granted 8-year leases over all the lands they had squatted. After the end of the lease, the squatter's lands were to be put up for sale to the highest bidder. Those squatters in the Wimmera and the North East region were granted 14-year leases over the lands they had squatted and the sole right to purchase 'their' property at the end of the lease.

In order for the transformation of leasehold property into freehold property to be legally recognised, the sheep runs that had been established would have to be surveyed. The squatters applied pressure on the Colonial authorities to issue leases without surveying the sheep runs, as they were concerned at the consequences of the increasing number of migrants who were flooding into the colonies. As soon as the leases over the lands they had squatted were issued, the mad scramble began by the squatters to convert their leasehold titles into freehold title.

The scene was set for a titanic struggle between those colonists who wanted land and franchise reform in Victoria and the squatters who wanted to convert the lands they had stolen in the undeclared secret brutal war they had waged on the indigenous population into freehold title.

### **'GOLD' – The beginning of the struggle for land reform**

The discovery of alluvial gold in Victoria in 1851 posed a direct challenge to the squatters' monopoly over the land. Within 2 to 3 years, the population of Victoria had increased from around 50,000 to over 250,000. While individual miners were able to wrest a fortune from the ground with a pick, shovel and their bare hands, the squatters' problems were limited to finding labour to look after their sheep, as their shepherds ran off to the goldfields. Once the alluvial gold ran out, the tens of thousands of miners, who had crowded onto the goldfields, attention turned to the monopoly the squatters exercised over the land.

The demands of the Eureka miners in December 1854 were confined to the Liberty component of the universal revolutionary demand for Land and Liberty.

While individual miners could extract a fortune from tiny plots of land, they had little interest in acquiring land. Once the alluvial gold ran out, faced with the problem of earning a living, it didn't take long for the miners' attention to turn to the question of access to land.

Eureka was important to the land struggle because it taught the miners the value of direct action. Although the rebellion had been crushed in a sea of blood, the call for political reform became unstoppable. The acquittal by Melbourne juries in the first half of 1855, of the 13 miners charged with High Treason for their participation in the Eureka rebellion, further radicalised the people. The diggers had lost the battle, but had won the war for political reform by the use of direct action.

Access to land became the central issue among a restless digger population that had been radicalised by the 1848 wave of revolutions that swept across Europe, the Chartist Petition movement in England, by Irish rebels who had participated in monster meetings in Ireland, and by miners who had gone to the Californian goldfields to find their fortunes in the late 1840's - whose views on land reform were influenced by the American Homestead movement.

The alienation of the land in Victoria, as a result of the squatters' monopoly over the land, reminded the diggers of the conditions in the countries they had left. Concerned the old society was being replicated in the colonies, the issue of land reform became intertwined with the struggle for political reform.

## **'THE SOUTHERN CROSS RISES PHOENIX LIKE FROM THE ASHES OF EUREKA' – (The Land Reform Struggle Begins In Earnest)**

In 1850, the Australian Colonies Act was passed through the British Parliament. Victoria was given its own Legislative Council – 2/3 of whom were nominated members. In January 1851, LaTrobe was appointed Lieutenant Governor for Victoria. On the 6th of December 1853, Hotham was appointed as Lieutenant Governor, taking over from Charles LaTrobe.

In March 1854, a Constitution Bill framed by the squatter dominated Victorian Legislative Council was sent to London for approval. It caused a great deal of consternation among the diggers because, although it called for the establishment of a Lower House – The Legislative Assembly and an Upper House – the Legislative Council, nobody could stand for office for the Legislative Assembly unless they owned more than 2,000 pounds of freehold property and diggers could not vote unless they had taken out a 12 month gold mining license. Considering that most diggers couldn't afford a month's license fee, very few would be able to vote and even fewer would be able to stand for office under the new Constitution.

The miners' deputation of Black, Kennedy and Humffray which met with Governor LaTrobe, the Colonial Secretary J.F.L. Foster and Attorney General

W.F. Stawell a few weeks before the Eureka massacre, raised the miners objections to the new Constitution with the Governor. The new Constitution gained Royal Assent and arrived back in Melbourne on the 16<sup>th</sup> of October 1855. The calls for electoral reform and land reform reached a crescendo when the Government Commission reporting on the Eureka rebellion stated – *“the land monopoly must be completely broken down”*. Governor Hotham died a broken man on the 31<sup>st</sup> of December 1855.

It seemed the radical spirit of the Eureka rebellion had been successfully drowned in a sea of legislation. The squatters still held a tight reign over Parliament and universal male franchise was still a dream. Faced with a squatter dominated Parliament, the end of the gold rush, unemployment and thousands unable to gain access to land, the question of breaking the monopoly the squatters held over the land became the paramount issue of the day.

In December 1856, John Joseph Walsh and Thomas Loader formed the Victorian Land League. Walsh, born in East Galway Ireland, moved to New South Wales in the late 1830's and later to Melbourne in June 1852. A journalist and political agitator, he became the first Secretary of the Victorian Land League. The main opposition to the squatters manifested itself outside Parliament as the squatters controlled both Houses of Parliament in 1856. The Victorian Land League used the Southern Cross as their flag and agitated for a command mechanism of selection before survey. They wanted land to be allocated at a small fixed price or to be given freely to whoever needed access to land. Their call for each man to have *“a vote, a farm, a rifle”* and *“free selection and free grass”* were more egalitarian and revolutionary demands than any made during the Eureka rebellion. They understood that the struggle for land and liberty were intertwined.

The Victorian Land League wanted to break the monopoly 720 squatters held over the land in Victoria. They wanted to break this monopoly by levying a tax on privately unoccupied land, that unoccupied pastoral land be held in common for all to use, the abolition of land by auction (as only the rich could buy land at auction) and immediate free selection of 650 acre blocks before survey by Victorians who needed access to land. The squatters, faced with a significant threat to their land holdings and the threat of a second Eureka rebellion, attempted to use their domination of Parliament in 1857 to turn unalienated land they had squatted on, into freehold title.

**‘THE FUSE IS LIT – CONVENTION OF DELEGATES  
– 239 Elizabeth St, Melbourne, 20th June 1857’**

*“Dear Sir,*

*As the danger of the Public Lands being handed over in perpetuity to the present occupants is imminent – the Bill for that purpose having passed its second reading – I am requested by the committee of the VICTORIAN LAND*

*LEAGUE respectfully to ask your opinion, and advice the desirableness and practicability of holding on an early day, in Melbourne or some central place, a Congregational Assembly of Delegates from every district and town in the colony to deliberate and determine some plan of united action, by which this impending calamity may be averted and immediate steps taken to adjust, on a comprehensive liberal and equitable basis, the all important question of the Land, both as it regards the miner, the agriculturist and the squatter. I beg to assure you that any suggestions you may kindly offer will be duly appreciated and acknowledged by the Committee of the League. An early answer will oblige. I have the honour to be, dear sir, your most obedient servant”.*

**- J. J. Walsh Hon. Sec.**

Two days later, the following requisition / advertisement was published in papers around Victoria:-

### **“CONVENTION OF DELEGATES**

*The various districts and towns throughout Victoria are respectfully invited to select Delegates to meet in Congress, in Melbourne on the 15<sup>th</sup> of July to deliberate and determine a plan of united action, by which the Land Bill now before the Legislature may be defeated; and steps taken to adjust, on a broad, liberal and equitable basis the all-important question of the Public Lands, as regards the miner, the agriculturist and the squatter. By order of the Committee of the Victoria Land League, Melbourne 22<sup>nd</sup> June 1857”.*

**- J. J. Walsh Hon. Sec.**

Faced with increasing pressure for land reform, concerned about the possibility of armed revolt, the first Ministry appointed under the Colony of Victoria 1856 Responsible Government Act led by William Clark Haines, introduced the Crown Lands Bill of 1857. The Haines Land Bill of 1857 pleased no one. The squatters believed it went too far, everybody who wanted access to land believed the Haines Land Bill would endorse the 1847 Orders in Council and legalise the monopoly 720 squatters enjoyed over most of the land in Victoria.

Faced with a Legislative Assembly and Upper House dominated by land owners and as the parliamentary reforms demanded by the Eureka rebels – One Man, One Vote – had still not been introduced 4 years after the rebellion had been drowned in a sea of blood, the main opposition to the monopoly over land enjoyed by the squatters came from outside Parliament.

Although only formed in late 1856, the Victorian Land League enjoyed enormous support throughout Victoria. The Victorian Land League, using historical precedents they and their supporters were familiar with – the English Chartist Petitions and the experiences of the Irish Tenant League – launched a petition campaign for land reform throughout Victoria that gathered tens of thousands of signatures. Its petition campaign gave the League the momentum and the credibility to call for local communities to elect delegates to sit in an elected Peoples Assembly in Melbourne to prevent the passage of

the Haines Land Bill through Parliament and raise viable alternatives to this Bill.

The proposed 1857 Convention had all the hallmarks of an anarchist assembly. Local delegates, with limited mandates concerning land reform, were elected by local communities to represent their interests at an elected Peoples Assembly – direct democracy in action.

*“The Object of the meeting, is to gather and concentrate the opinion of the country; to defeat the present Land Bill; and to originate such a scheme as will be acceptable to the people and may fitly embody the future land policy of the colony”.*

## **‘THE DELEGATES’**

The Victorian Land League’s call for local communities to elect delegates, with the specific mandate of addressing the urgent question of land reform, was taken up by communities around Victoria. The Land League left the decision of how the delegates would be chosen and the number of delegates chosen to represent each district, up to the local communities.

*“The Committee decline to assign any number of Delegates to any town or district; they prefer to leave this to the judgement and discretion of the residents themselves. It would however be extremely desirable that as influential a body as possible be deputed to join in the Convention”.*

The Land League’s Committee also set the date, time and venue for the Convention.

*“I have the honour to acquaint you that Wednesday the 15<sup>th</sup> of July (1857), has been fixed for the Delegates to meet in Convention in Melbourne; the place of meeting to be the Long Room of Keeley’s Australasian Hotel – Lonsdale Street; the hour 6 o’clock p.m.”.*

Keeley’s Australasian Hotel was chosen as the Convention venue because it was less than 100 metres from Parliament House. By meeting across the road from Parliament House, the democratically elected delegates posed a moral challenge and political threat to the representatives in both Houses of Victoria’s Parliament. The parliamentary representatives were primarily responsible to the squatters and land owners, while the Convention Delegates were directly responsible to the people that elected them.

*“We do not consider that any Delegate who attends the meeting is bound to any principles, but to represent the opinion and sympathies of his district”.*

The objects of the Convention were clearly spelt out at the local meetings that were called to elect delegates.

*“The object of the meeting is to gather and concentrate the opinion of the country; to defeat the present Land Bill; and to originate such a scheme as will*

*be acceptable to the people and may fitly embody the future land policy of the colony”.*

On the evening of the 15<sup>th</sup> of July 1857, 67 delegates arrived to take part in the Convention. Their numbers swelled to 88 within a few days. All the delegates were men. Delegates chosen included:- members of Local Courts, members of Municipal Councils, City Councillors, as well as a member of the Legislative Council and a member of the Legislative Assembly. They also included doctors, barristers, businessmen, miners and wage earners. Delegates came from the districts of Ballarat, Bendigo, Beechworth, Bacchus Marsh, Brighton, Collingwood, Colac, Carisbrook, Dunolly, Emerald Hill, Fryers Creek, Geelong, Gisborne, Heathcote, Heidelberg, Kyneton, Melbourne, North Melbourne, Mount Blackwood, Nine-Mile Ovens, Prahran, Richmond, St. Kilda, Seymour, South Bourke, Sebastopol, Tarrangower, Templestowe, Williamstown, Woolshed Ovens and Wangaratta.

The delegates were welcomed by the Chairman of the Victorian Land League – Thomas Loader. The Chairman stated:-

*“The Delegates come pledged to no principles, save as they might have pledged themselves to the districts from which they were delegated”.*

Thomas Loader vacated the Chair and the meeting became a meeting of the Convention. Mr. William Henry Wingfield – one of the 2 members from Dunolly – was called to the Chair and the meeting was declared open.

## **‘NUTS AND BOLTS’**

The Convention selected a Committee to prepare material for the Convention to discuss. The Committee convened at 11.00am every morning to organise the agenda for the full Convention. The full Convention met at 7.00pm every evening to discuss and make decisions about the material put before it by the Committee.

The Committee that had been appointed at the opening of the Convention, elected Wilson Gray as President, Sir George Stephen and Michael Prendergast as Vice Presidents, Thomas Loader and Michael Keely as Treasurers and J.J. Walsh as Honourary Secretary on the morning they first met. The full Convention approved of the Committee’s appointments that evening. The members of the Convention took their responsibilities as delegates seriously. That evening – *“It was determined that the business of the first two meetings should be to call upon all the Delegates to express the opinion of their respective districts on the subject of the Land Bill then before Parliament and the principles proper to be embodied in such a Bill as would meet the wants and wishes of the people of the colony”.*

Many of the delegates came with specific resolutions from their districts, others presented the predominate opinions in their districts. Delegate after delegate stood up at the Convention and presented resolution after resolution

from their district. The Condemnation of the Land Bill before Parliament was universal. Once the opinions of the delegates had been elicited, the Convention proceeded to frame resolutions which - *“would embody the general views that had been expressed, and which would receive the assent of the Delegates and of the districts they represented”*.

The delegates understood that decisions made by the Convention would have to be ratified by the districts they acted as delegates for. The Land Convention that occurred between the 15<sup>th</sup> of July to the 6<sup>th</sup> of August 1857, was an example of Direct Democracy in action. The difference between the representatives in the Victorian Legislative Assembly and Council and the delegates at the Land Convention, which was held across the road to Parliament House, was as great as the difference between chalk and cheese.

### **‘THE NITTY GRITTY’**

A number of resolutions were, after exhaustive discussion, put to the delegates. On the 5<sup>th</sup> day of the Conference, on the evening of the 1<sup>st</sup> of July 1856, the 1<sup>st</sup> resolution – *“That all exclusive occupation of unalienated Crown lands for pastoral purposes should cease, and such lands be open as free pasturage for the public”*. After another lengthy discussion, the resolution was passed by 52 of 53 delegates present at the Convention that evening.

That same evening, discussions began on the 2<sup>nd</sup> resolution – *“That every adult person should have a right to select a claim of land not exceeding (number of acres to be determined) acres at a uniform price without auction”*. The motion was supported by 52 of the delegates and opposed by 2 of them.

The next resolution – *“That the right of free selection to be exercised by the actual cultivator should not be confined within the surveys, but should extend over all unalienated lands, surveyed or unsurveyed”*, elicited a great deal of debate. This resolution was debated for two nights; on the second night the resolution was unanimously adopted by the delegates.

Paper after paper, resolution after resolution was passed unanimously by the Conference, until a resolution was presented on the 31<sup>st</sup> of July that allowed selectors who couldn't cultivate land to purchase land from the State. Mr. O'Connor a delegate from Ballarat and Mr. Mooney a delegate from Sebastopol placed the following Amendment before the Convention:- *“That this Convention cannot recognise the rights of the State (which is merely the trustee for the people) to alienate any portion of the wastelands, except on the terms stipulated heretofore by the Convention - ‘Substantial occupation’*. There were 46 delegates in the room for the discussion, 6 supported the Amendment, 2 declined to vote and 38 voted for the original resolution which allowed selectors to select or buy land from the State without immediately occupying it.

The Convention worked on two levels; it debated resolutions and delegates made decisions according to the mandate given to them by the meetings they acted as delegates for. The delegates also appointed a Select Committee to arrange a meeting with the Chief Parliamentary Secretary Mr. Haines and they entered into discussions with the parliamentary minority that opposed the Haines Land Bill.

### **'SAME OLD STORY!'**

The new government that was elected under the Responsible Government Act that was granted to the colony of Victoria in 1856, was elected under the pre Eureka Constitution that had been sent to Britain for approval in March 1854. Property qualifications were used to restrict who could stand for Parliament and qualifications were used to restrict who could vote at elections. It is no wonder the first Ministry that was elected was a conservative administration.

Faced with a call for land reform, the new administration led by William Charles Haines, was compelled to introduce the Crown Lands Bill of 1857. The passage of this Bill through Parliament was the catalyst that led to the sitting of the Land Convention. The legislation was almost identical to the 1847 Orders in Council. Its passage would legalise the squatters land monopoly.

The Land Convention sent a deputation of 12 delegates to put their case before Mr. Haines. Their request that the Land Bill be withdrawn from the Legislative Assembly was rejected. Faced with growing public hostility, Mr. Haines assured the deputation that *"no Bill should be passed that any future legislative might not repeal"*.

His assurances were published in *The Age*, *The Herald* and *The Argus*. On the third reading of the Bill in the Legislative Assembly on the 3<sup>rd</sup> of September 1857, Mr. Ireland, the member for Castlemaine's motion that the Bill could be altered be inserted in the Land Bill, was rejected by the Legislative Assembly. It seems in 1857, a politician's word was worth as much as it is in 2007.

On the 29<sup>th</sup> of July 1857, 30 delegates from the Land Convention met the parliamentary minority who oppose the Bill in the Legislative Assembly in a Committee room in Parliament House. As was to be expected, their arguments against the Haines Land Bill were fully endorsed by the parliamentary minority. The Land Convention delegates called on the Legislative Assembly to suspend debate on the Land Bill.

*"We therefore humbly pray that your honourable House will in its wisdom suspend all legislation upon this subject until an alteration in the Electoral Law shall give a more full and fair representation of all classes in the community"*.

The Land Convention believed they were the only body that truly represented the will of the people on the question of land reform. In their eyes, the 1857 Parliament was a sham because the qualifications for candidates and electors

excluded a significant proportion of the community from participating in government.

## **'PROTEST!'**

The Convention delegates were adamant that Land Bill or no Land Bill, any legislation passed by the Legislative Assembly would not be honoured by the people. It issued a warning to *“capitalists and others whom it might concern, that no public faith was pledged to the recognition of any interests that the Bill might pretend to vest in the pastoral tenants and that such interests, if created by it, would be annulled by the first Parliament in which the people of the Colony should find themselves represented”*.

The Full Convention declared the Land Bill before Parliament was both *“objectionable and unconstitutional”*. Delegates agreed to take the Convention’s unanimous declaration against the Bill back to the people they were acting as delegates for, and organise protests across Victoria against the Bill. The Convention also passed resolutions on Immigration at the Public Expense, Parliamentary Reform, Mining on Private Property and Chinese Immigration to Victoria. Before adjourning on the 6<sup>th</sup> August 1857, the Convention authorised a Committee of 21 to continue sitting in Melbourne.

*“That this Convention, before adjourning do appoint a Committee of twenty one of its members as a Council of correspondence and administration to sit in Melbourne and meet from time to time as they shall deem expedient. Such Council to consist of six members from the goldfields, three from the country districts, and twelve from the metropolitan and suburban districts”*.

The Convention’s last resolution - *“That the delegates be requested on returning to their several localities, to establish local leagues”*, meant that the work of the Convention continued long after the Convention adjourned.

Despite the Land Convention, the Land Bill passed its third reading in the Legislative Assembly on the 3<sup>rd</sup> September 1857 by a majority of 30 to 23. The Bill gave public lands to the squatters on protected leases. The Bill would have made it easy for the squatters to turn their leases into private property for a peppercorn fee.

Interestingly, Peter Lalor – one of the two members for Ballarat and the elected leader of the Eureka rebellion – voted for the Bill, while Humffray – the other member for Ballarat and the leader of those miners who opposed the use of violence in the Eureka rebellion – voted against the Bill. Lalor’s decision to vote for the Land Bill destroyed Lalor’s reputation on the Ballarat goldfields. Knowing he would never win a seat in Ballarat again, he moved to a conservative seat so he could successfully contest the next Legislative Assembly election.

## **'THE IRONY OF IT ALL!'**

On Tuesday the 8<sup>th</sup> of September 1857, the Land Bill was introduced into the Legislative Council and read for the first time. John Fawkner - the very same Fawkner who battled for the dubious honour of founding Melbourne with the deceased former convict John Batman - proposed the second reading be deferred for a fortnight. On Tuesday the 22<sup>nd</sup> of September 1857, Mr. Mitchell moved that the Bill be read a second time. After a few hours of debate, the Amendment was eventually put to a vote for a second time. It was defeated 21 – 6.

The Legislative Council, confident that they had the measure of the Legislative Assembly, rejected the Land Bill because the squatters were unhappy with the minor challenges the Haines' 1857 Land Bill posed for them. The Conventionists, although elated that the Bill had not passed the Legislative Council, realised that the defeat of the Land Bill in the Upper House was only a pyrrhic victory. The squatters had misjudged the public mood and unwisely threw out the Haines Land Bill. They failed to realise that their actions would only fuel the fires of radical change. The Land question continued to be an issue in the Victorian Parliament for years. The Conventionists, emboldened by their success, continued to meet in the Eastern Markets opposite Victoria's Parliament House, agitating for land reform. The petering out of alluvial gold mining, increased immigration, and the stranglehold the squatters continued to exercise over land, helped to stoke the fires of dissension.

Matters came to a head in 1860 when the Nicholson Service Ministry introduced the 1860 Land Act into the Legislative Assembly. The Land Act allowed Victorians to select small parcels of land (around 320 acres) for one pound an acre and the Act allowed payments to be deferred. When the Legislative Council rejected the Bill, the Nicholson Service Ministry resigned in protest in the middle of 1860.

## **'ALL HELL BREAKS LOOSE!'**

The resignation of the Nicholson Service government in the mid 1860's gave a shot in the arm to the regular Convention meetings that had been held at the Eastern Markets (opposite Victoria's Parliament House) since the Convention met in 1857. Mass meetings which attracted hundreds, sometimes thousands, of men had taken place every week at the Eastern Markets. The land question continued to be on everybody's lips because the squatter dominated Legislative Council continued to stymie the will of the people on the question of land reform.

On the 28th of August 1860, thousands of men assembled in the space between the House of Assembly and the Legislative Council to hear the land debate. When the Legislative Assembly adjourned at 6.30pm, the protestors returned to the Eastern Markets to hear speeches given by Land Convention delegates. The crowd, angered by the parliamentarians' antics, rioted. Every

window in both the Legislative Assembly and Council was broken. Protestors were involved in pitched battles against the police for the next three hours. Nine constables were injured and scores of protestors were taken to hospital. The next evening the Unlawful Assemblies Act was debated in Parliament. The parliamentarians were divided into two camps - those who supported the draconian measures in the Unlawful Assemblies Act and those who refused to pass legislation that *“would result in serious inroads on the privileges and even on the liberties of the subjects in the colony”*. Those that opposed the Unlawful Assemblies Act wanted the causes behind the riots (the urgent need for land reform), not the symptoms, addressed. The Unlawful Assemblies Act was eventually passed and money was allocated to build 4 gun emplacements in Parliament House in Spring Street, Melbourne to deal with future rioters.

A number of attempts by the second O’Shannassy / Duffy government in 1862 and efforts by the McCulloch / Grant government in 1865 and 1869 came to nothing. The squatters continued to exercise a monopoly over land in Victoria. The introduction of universal manhood suffrage for the Legislative Assembly, eventually took the steam out of the Victorian Land Reform movement. Surprisingly, people were willing to put their faith in the parliamentary process, although the Legislative Council (the Upper House) continued to be dominated by squatters.

The failure of Land Acts in 1860, 1862, 1865 and 1869 to tackle the squatters’ monopoly over land, forced those who wanted to break this monopoly to adopt new strategies. The Land Tenure Reform League of Victoria was formed in the early 1870’s to pressure Parliament to levy taxes on land owners to try to ensure that land speculators and squatters alike, paid a fair share of the State’s taxation burden.

## **‘2007 – 150 YEARS LATER!’**

150 years after the Victorian Land Convention – Victorians and Australians face exactly the same problems that were faced by people in 1857. Parliamentary Democracy has not turned out to be the universal panacea it was expected to be. Parliamentary Rule does not reflect the will of the people; it is little more than two minutes of illusory power. Every 3 years, people are forced by legislation to give signed blank cheques to politicians to make decisions for them for the next 3 years. To compound this charade, real power in a capitalist society does not lie in Parliament; it lies in the boardrooms of national and transnational corporations. Parliamentary Democracy has as much to do with democracy as the Australian Football League has to do with promoting soccer in Australia.

‘Democracy – Rule of the people, by the people, for the people’ – is best delivered through the election of delegates with limited mandates, than by parliamentary representatives. The time has arrived for the establishment of a

political movement that promotes DIRECT DEMOCRACY as an alternative to PARLIAMENTARY RULE.

The Land Convention 150 years ago was based on direct democratic principles. Communities around Victoria in 1857 elected recallable delegates with mandates to the Land Convention to tackle the issues that were important to them. Today we need to take a leaf out of their book; we need to reinvent democracy. The time has come for the debate about what democracy is and how best to create a community that reflects the will of the people to be placed on the political agenda in his country.

Parliamentary Democracy is a moribund ideology in urgent need of resurrection. It is an idea whose time has come and gone. The problems we face as a community in the 21st century are so overwhelming we need participation from as many people as possible to successfully tackle them. Technological innovations and the urgent need for radical parliamentary reform made direct democracy a viable and necessary option.

We encourage you to become involved in the movement to create a society based on direct democratic principles where the people involved in a decision make that decision and elect or appoint delegates to coordinate that decision at a local, regional and national level.

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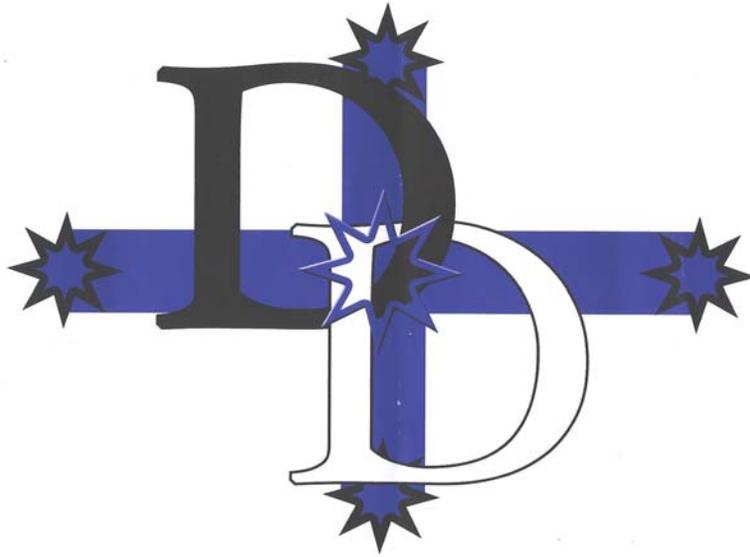
**Two copies of the Proceedings were deposited in the Victorian State Library in the 1870's.**

**One copy is available for public scrutiny.**

**The other copy is housed in the Rare Books section.**

**D**irect **D**emocracy

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**Oil Painting on Belgium Linen – Back Cover  
1606 – Ellen JOSE 2006**

**Ellen Jose's painting depicts the 400th anniversary of the first contact between Europeans and indigenous Australians living between the top of Cape York and Papua New Guinea.**

**On the 7th of September 1606, a ship captained by the Spaniard Luis Torres made landfall on Dungeness Island. The soldiers killed one islander, kidnapped three young women, shot and killed the islanders' dogs for food.**

**Since the moment of first contact, access to land has played a critical role in the Australian story.**





**'1606'**

**- Ellen JOSE 2006**