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PRESENTATION/PRÉSENTATION

Reconsidering the Collective Impulse: Formal Organization and Informal Associations Among Workers in the Australian Colonies, 1795-1850

Michael Quinlan, Margaret Gardner, and Peter Akers

Introduction:
Formal Organization, Protest Movements, and Informal Collectivities

THIS PAPER IS BASED on the simple idea that it is time to re-visit some basic presumptions about worker organization that have guided labour historiography by examining the relationship between informal and formal worker organization.

Early attempts to describe and analyse the growth of worker organization, have (such as the Webbs), while acknowledging isolated and short-lived instances of collective worker organization such as strikes and journeymen's societies over several hundred years, placed an over-riding emphasis on the development of formal (in terms of rules, bureaucratic structures, and the like) and relatively stable or permanent unions pioneered by craft workers before spreading to other groups.[1]

[1] Writing 50 years after the Webbs, Richard B. Morris devotes considerable space to documenting a wide array of collective worker activity in the American colonies/United States from the 17th century onwards. He views activity by non-unionized workers and those in short-lived journeymen's societies as a historical precursor to permanent trade union organi-

Michael Quinlan, Margaret Gardner, and Peter Akers, "Reconsidering the Collective Impulse: Formal Organization and Informal Associations Among Workers in the Australian Colonies, 1795-1850," *Labour/Le Travail*, 52 (Fall 2003), 137-80.

The limitations of predominantly institutional accounts of worker organization have long been acknowledged. In Britain, the US, Canada, and elsewhere, a raft of scholarly research has pointed to an array of more ephemeral organized activity among workers and has stressed the need to see the growth of an institutionalized labour movement in the context of broader social movements. As E.P. Thompson has shown, the transition from pre-industrial plebians to a working class was a fragmented process, with defence of customary rights and ritualized forms of protest playing a critical role in resistance to the new order.[2] There are a growing number of studies of riots, strikes, and other forms of collective action by workers outside the auspices of unions in the 18th and 19th centuries, including canal builders, navvies, and merchant seamen. Other historians, such as Richard Price, have used a labour process perspective (including reference to work organization and the customary wages and conditions of particular work groups) to provide less institutionalist accounts of the evolution of union organization and worker activity in a particular industry (in Price's case the British building industry between 1830 and 1914).[3]

At a broader level, there have been examinations of long term trends in strike activity and at least one of these, namely Shorter and Tilly's study of strikes in France between 1830 and 1968, gives some attention to the activity of non-unionized workers.[4] Further, evidence has been presented that unfree (convicts and slaves) and semi-free labour (such as indentured workers) occupied a critical part of global capitalism throughout the 19th and into the 20th century and, therefore, organized and other forms of resistance by these workers should not be viewed as entirely alien from broader labour struggles.[5] Other researchers have highlighted the importance of early unionate bodies like journeymen's societies in the 18th century, or demonstrated how unions grew out of or at least drew on earlier forms of occupational association and their strategies (such as the reconfiguration

zation. Sydney and Beatrice Webb, *The History of Trade Unionism* (London 1907), 1-3; and Richard B. Morris, *Government and Labor in Early America* (New York 1946), 193-207.

[2]E.P. Thompson, *Customs in Common* (London 1991). See too Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners and the Hidden History of the Revolutionary Atlantic* (Boston 2000).

[3]Richard Price, *Masters, Unions and Men: Work Control in Building and the Rise of Labour 1830-1914* (Cambridge 1980).

[4]Edward Shorter and Charles Tilly, *Strikes in France 1830-1968* (London 1974).

[5]For example, for a study putting Australia's convict experience in a broader context of the international use of unfree and semi-free labour see Stephen Nicholas, ed., *Convict Workers: Reinterpreting Australia's Past* (Cambridge 1988). For studies dealing with regulatory changes see Robert J. Steinfield, *The Invention of Free Labor: The Employment Relation in English and American Law and Culture, 1350-1870* (Chapel Hill 1991); and Douglas Hay and Paul Craven, "Master and Servant in England and Empire: A Comparative Study," *Labour/Le Travail*, 31 (Spring 1993), 175-84.

of the tramping system and House of Call into the union hiring hall).[6] More recently, it has been argued that there is a need to recognize a more ambiguous relationship between unions and other associations with a predominantly working-class membership, most notably friendly societies.[7]

The just mentioned research provides critical insights into the important role played by informal or spontaneous alliances of workers both in the lead up to unions and alongside them for some time thereafter, as well as suggesting a longer and more volatile period before formal organizations achieved some stability. It has helped to "recover" rank-and-file struggles and otherwise neglected social movements that were both a response to shared experiences and helped to shape worker tactics and ideas, as well as employer and government practices. On the other hand, many studies just discussed have been both particularist and anti-institutionalist, largely ignoring broader connections or how such activity related to formal organization. Peter Linebaugh and Marcus Rediker's ambitious attempt to draw various strands of dissent among slaves, artisans, seamen, and other workers in the 17th and 18th centuries together avoids the problem of particularism.[8] However, irrespective of whether their synthesis succeeds — and this has been the subject of some debate — the connection between such movements and formal organization remains unexplored. We believe there is a need to move beyond simply privileging formal or informal organization as the most authentic expression of worker activity, but rather to recognize both and analyse the interrelationship between the two. The present article provides a method for achieving this as well as presenting the results of applying this method to a particular country and historical context.

As far as we are aware, aside from Shorter and Tilly, there have been few attempts to systematically examine the relationship between informal worker associations and collective activity and formal union organization in a particular country (as opposed to a particular industry or group of workers) over a period of time. In particular, it can be argued that the impulse to collective organization that led to the emergence and growth of a union movement can be better understood when placed within the historically contingent context of other options and potentially wider array of organized activity by workers. One arguably critical aspect of this is the relationship of formal union organization to informal alliances of workers such as a group of non-unionized workers who strike without formal organizational backing

[6]See C.R. Dobson, *Masters and Journeymen: A Prehistory of Industrial Relations 1717-1800* (London 1980); R.A. Leeson, *Travelling Brothers: The Six Centuries Road from Craft Fellowship to Trade Unionism* (London 1980); Malcolm Chase, *Fraternity, Skill and the Politics of Labour* (Ashgate 2000).

[7]Robert James, *Craft, Trade or Mystery* (2001), chapter 1, at <http://www.takver.com/history/benefit/ctormys.htm>. For an earlier discussion of the role of friendly societies as worker organizations see P.H.J.H. Gosden, *The Friendly Societies in England 1815-1875* (Manchester 1961), especially 9-12.

[8]Linebaugh and Rediker, *The Many-Headed Hydra.*

and who do not form a union in the process of such activity. To assess the effect or importance of such activity research would investigate the extent of informal organization and its characteristics (such as numbers and type of workers involved, duration of activity, issues addressed, and the like) and compare this to formal union organization. Should we exclude informal or more short-lived organization by workers from a consideration of the development of unions or worker organization more generally? Only by assessing informal activity among all groups of workers and for an extended period can judgements be made about whether informal organization was principally confined to groups as an immediate precursor to formal organization or was something that continued (at least in some industries) after formal organization was initiated? Further, when all informal activity is considered does it suggest an impulse for collective organization among a broader array of workers at an earlier period than that suggested in conventional accounts of union growth and development?

As already suggested, most recent attempts to describe the emergence and growth of organized labour in countries with which we are familiar leave these questions largely unanswered. At best, an examination of broad social movements (and their relationship to class, politics, and regulation) and more conspicuous instances of informal activism (such as machine-breaking in England) has been incorporated alongside accounts of union growth that often differ little from the Webbs' typology, apart from periodization and (sometimes) the centrality accorded to craft unions in early developments.[9] This result is more one of infusing new information and perspectives than a synthesized account of worker activity. The failure to address these questions is not surprising since to systematically identify and assess both informal and formal worker organization for any country (even a small one) over an extended period is a major undertaking that will almost certainly require the generation of new sources of data and new methods of analysis. The present paper uses a purpose-built database on worker organization in Australia to examine the growth and emergence of both formal and informal worker organization between 1795 and 1850. Before proceeding to do this it is important to identify existing research that deals with informal collective action by workers.

There are a number of bodies of research that address informal worker organization or informal influences of formal organization. Most obviously, there is work of E.P. Thompson, Eric Hobsbawm, George Rudé, among others, on widespread but informally organized resistance by English workers in the 18th and early 19th centuries including machine breaking, riots, and other forms of collective protest by home-based weavers and knitters and rural labourers.[10] In their detailed study of

[9]Two examples, both excellent books in their own right, are Alan Fox, *History and Heritage: The Social Origins of the British Industrial Relations System* (London 1985); and Greg Patmore, *Australian Labour History* (Melbourne 1991).

[10]For an overview of machine breaking in the early 19th century see Eric Hobsbawm, *Labouring Men: Studies in the History of Labour* (London 1968), 5-22.

the "Captain Swing" explosion of discontent in eastern England in 1830, Hobsbawm and Rudé note that active sabotage of threshing machines, ricks, and barns were accompanied with petitions and threats signed "Captain Swing."[11] Thompson points to another indication of widespread under-currents of dissent in his study of the use of threatening letters in the 18th and early 19th centuries.[12] His examination shows that threatening letters often addressed social and economic grievances. In some instances there is explicit or circumstantial evidence that letters were an adjunct to collective action by workers (such as threatening letters sent to employers and blacklegs in the midst of a strike). Thompson's analysis suggests that surviving evidence understates the number of cases where such letters were connected to informal collective organization and action.

There is also a comparatively large body of research dealing with necessarily informal forms of resistance, including organized resistance on the part of slaves, convicts, and other categories of unfree or semi-free labour (such as European and non-European workers under indenture) in the 17th, 18th, 19th, and even early 20th centuries in Africa, the Americas, and Australia. Prominent examples of this include Mary Turner's research on tacit bargaining and forms of resistance among slaves in the Caribbean.[13] This research tends to highlight the need of employers to secure some level of cooperation from even the most legally subordinated forms of labour and how the bargaining power implicit in this, when combined with oppressive conditions and opportunities for workers to collaborate, gave rise to informal forms of collective organization. Parallelling Rediker's arguments in relation to piracy by seamen, Hamish Maxwell-Stewart's research on transported convicts in Australia argues the move to banditry (namely bushranging) needs to be seen as a form of protest, and on occasion an organized one.[14] Indeed, there are cases where banditry was a clear consequence of failed collective protest. The most infamous of these occurred at James Mudie's Castle Forbes Estate in the Hunter Valley (north of Sydney) in 1833. Responding to repeated ill treatment (striking men and bringing them before magistrates to be flogged for trivial offences) by Mudie's son-in-law (Lanarch) who was in charge of the estate, the convict servants sent one of their number to the Governor with a petition. However, as his application was irregular, and his absence unauthorized, the man was put in chains and flogged at which point the men rose in revolt, robbed the estate, and sought to murder Lanarch. At their

[11]Eric Hobsbawm and George Rudé, *Captain Swing* (London 1973).

[12]E.P. Thompson, "The Crime of Anonymity," in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, eds., *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (London 1977), 255-344.

[13]For evidence of this and research by other scholars on slave bargaining and resistance see Mary Turner, ed., *From Chattel Slaves to Wage Slaves: The Dynamics of Labour Bargaining in the Americas* (London 1995).

[14]Hamish Maxwell-Stewart, "The Bushrangers and the Convict System of Van Dieman's Land, 1803-1846," PhD dissertation, University of Edinburgh, 1990.

trial, and speeches on the gallows prior to being hanged, the men implored the Governor to prevent cruelties, which led to their act of desperation.[15] In 1846 a gang of probationer convicts employed at Deloraine, Tasmania went on strike when the superintendent refused to make up for rations stolen by several absconding colleagues. Punished for their refusal to work, the men absconded and raided neighbouring properties until they were apprehended and charged with armed robbery. At the resulting trial 12 of the 21 involved were sentenced to death, but this was commuted and the men were sent to Port Arthur.[16] Such cases highlight the risks of overt collective action. In a number of other cases groups of convicts in chain gangs attacked their supervisor in response to harsh treatment or poor rations even at the almost certain risk of being executed and there are also cases where the murder of a fellow prisoner was reportedly instigated as an extreme means of escaping conditions that were no longer seen as endurable by those involved.[17] More typically, convicts engaged in tacit forms of resistance, notably go-slows and temporary absence, where it is more difficult to detect collective organization, although some of this activity clearly relied on a degree of collaboration.[18] As Hirst observes, the diaries, books, and reminiscences of early settlers contain occasional explicit references to collective action, such as the convict servants assigned to L.E. Threkald, who refused their meat ration and raided his own pork supply, obliging

[15]The incident made Mudie a pariah and, amid whispered threats of convict retribution, he left the colony. John West, *The History of Tasmania* (1852; London 1971), 459-60, 665. J.B. Hirst, *Convict Society and its Enemies: A History of Early New South Wales* (Sydney 1983), 144, 182-3. For a detailed report of the case, which was tried before the Supreme Court of New South Wales, see *Sydney Herald*, 12 December 1833.

[16]*Launceston Examiner*, 14 January 1846. For a detailed account see Tom Dunning and Hamish Maxwell-Stewart, "Mutiny at Deloraine: Ganging and Convict Resistance in 1840s Van Dieman's Land," *Labour History*, 82 (May 2002), 35-47.

[17]These incidents are not included in the database as a form of collective action although they raise intriguing questions. The assaults often involved more than three workers and the role of employment conditions as the underlying cause is not only raised but in many cases widely acknowledged at the subsequent court proceeedings. For references to several such cases tried in the Supreme Court of New South Wales see *Australian*, 21 April 1829 (*R. v. Burgen, Allen, Mathews and Sullivan*); *Sydney Gazaette*, 11 November 1833 (*R. v. Smith and others*); and *Sydney Herald*, 6 August 1835 (*R. v. Cassidy and Bagley*).

[18]For general examinations of convict resistance see Alan Atkinson, "Four Patterns of Convict Protest," *Labour History*, 37 (November 1979), 28-51; Hirst, *Convict Society and its Enemies*, 28-77; W. Nichol, "Malingering and Convict Protest," *Labour History*, 47 (November 1984), 18-27; and Kirsty Reid, "'Contumacious, ungovernable and incorrigible': convict women and workplace resistance, Van Diemen's Land 1820-1839," in Ian Duffield and James Bradley, eds., *Representing Convicts: New Perspectives on Convict Forced Labour Migration* (London 1997), 88-105.

him to return seven to the government. Threkald sought better men while those he discarded hoped for a better job once they had completed a stint on a road gang.[19]

In recent years a growing body of research has pointed to extensive informal collective action among particular groups of free workers from outside the trades in a roughly comparable period, most notably construction labourers, railway navvies, and seamen and other maritime workers.[20] Thus, a scattered body of literature documents organized resistance on the part of European, American, and Australasian whalers and merchant seamen from the late 17th century onwards.[21] These studies indicate that collective action by seamen and whalers, ranging from go-slows and organized forms of mass desertion through to strikes, mutiny, and even piracy were a widespread phenomenon, shaping both regulatory intervention and court practices. For example, examining the 3,336 logbooks of US whaleships — the biggest whaling fleet in the world for much of the 19th century — Cooper Busch identified 230 work stoppages between 1830 and 1919 by what was essentially a non-unionized workforce.[22] The need to see the origins of collective action by seamen in terms of working conditions (including discipline) has been emphasized to the point where it calls for a re-evaluation of even the most extreme forms of protest, namely piracy. Rediker argues that piracy in the Caribbean was a phenomenon shaped by the prior work experiences of ex-merchant seamen who crewed pirate ships.[23] According to Rediker, pirates adopted a more participative and egalitarian command and reward system, and even sought the views of a captured crew when deciding the fate of their captain.

[19]According to Hirst, the amount, quality, and type of rations, was an area where convicts demanded standards that clearly shaped employer behaviour, including the ongoing provision of wheaten bread rather than maize cakes or hominy, despite the fact that Indian corn grew well in the colony. Hirst, *Convict Society and its Enemies*, 29, 48.

[20]With regard to maritime workers at least it can be argued that Morris prefigured this research. Morris devotes a chapter to maritime workers that highlights their importance in terms of the colonial workforce and the extent to which their industrial behaviour, both collective and individual — and all of it outside the auspices of formal union organization — commanded the ongoing attention of colonial legislatures. Morris, *Government and Labour in Early America*, 230-78.

[21]See for example Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700-1750* (Cambridge 1995); Briton Cooper Busch, *Whaling Will Never Do For Me: The American Whalemen in the Nineteenth Century* (Lexington 1994); and Michael Quinlan, "Making Labour Laws Fit for the Colonies: The Introduction of Laws regulating Whaling in three Australian Colonies, 1835-1855," *Labour History*, 62 (May 1992), 19-37.

[22]Busch identifies the major reasons for these stoppages as leave ashore, discipline, inadequate food, extra work, unseaworthy vessel, and insufficient hands. Busch, *Whaling Will Never Do For Me*, 53-4.

[23]Rediker, *Between the Devil and the Deep Blue Sea*, 254-87.

Other research has shown the act of desertion was not simply an individualized response to poor conditions on board a particular ship. Mass or collective desertion from a ship or group of ships was common and required some level of organization among seamen as well as crimps. In her detailed study of seamen in eastern Canada, Judith Fingard labels desertion and refusal to proceed as incipient forms of collective action and places them in the context of other common forms of collective action by seamen including refusals to work on ship, which were in no way connected to formal union organization.[24] Widespread desertion can be seen as a response to more general features of maritime employment and regulation (including lengthy articles) and was recognized by contemporaries as part of a bargaining process to secure better conditions (through cash advances or a new berth in a port where higher wages prevailed). Desertion by both groups and individuals was also sometimes linked to an ongoing dispute and collective action, such as refusal to undertake particular tasks.[25]

Some detailed studies trace a history of collective protest among predominantly non-unionized groups of canal builders, railway navvies, and other labourers. Thus, Peter Way, in his study of canal builders in North America, argues these workers rioted or struck on virtually every canal, although most activity occurred in Canada where they accounted for 15 per cent of all strikes in the period 1815-59.[26] Way identified 160 such incidents between 1780 and 1860 — a count he stressed was preliminary — with most incidents occurring between 1820 and 1850 and riots outnumbering strikes by a ratio of around two to one.[27] In addition to these specialized studies some researchers have sought to indicate a broader array of worker protests as part of broader accounts of the development of organized labour and the evolution of industrial conflict. Conspicuous here is Bryan Palmer's review of labour protest and organization in 19th-century Canada, which formally claims to only cover the period 1820-1890 but actually includes evidence of activity from the late 18th century.[28] Palmer does not restrict his consideration to strikes, and identi-

[24]Judith Fingard, *Jack in Port: Sailortowns in Eastern Canada* (Toronto 1982), chapters 4 and 5.

[25]For accounts of this and the struggle by regulators to control this see Fingard, *Jack in Port*; Michael Quinlan, "Industrial Relations Before Unions: New South Wales Seamen 1810-1852," *Journal of Industrial Relations*, 38 (June 1996), 264-93; Michael Quinlan, "Balancing Trade with Labour Control: Imperial/Colonial Tensions in Relation to the Regulation of Seamen in the Australian Colonies, 1788-1865," *International Journal of Maritime History*, 9 (June 1997), 19-57; and Michael Quinlan, "Regulating Labour in a Colonial Context: Maritime Labour Legislation in the Australian Colonies, 1788-1850," *Australian Historical Studies*, 29, (October 1998), 303-24.

[26]Way takes the latter figure from Bryan D. Palmer, "Labour Protest and Organization in Nineteenth Century Canada, 1820-1900," *Labour/Le Travail*, 20 (Fall 1987), 63-9.

[27]Peter Way, *Common Labour: Workers And the Digging of North American Canals 1780-1860* (Cambridge 1993), 203.

[28]Palmer, "Labour Protest," 61-83.

fies over 400 riots predominantly involving canallers, railway, ship, and other labourers, seamen, soldiers, and raftsmen. Palmer argues riots were sparked by a complex mixture of ethno-cultural (rivalry between French and Irish raftsmen), political, and socio-economic factors such as low wages, but were progressively replaced by less ambiguous forms of industrial protest as capital and labour consolidated.[29] Turning to strikes, Palmer identified 70 strikes by unskilled workers in the period 1815-1859 (or 53 per cent of the total strikes for the period) with railway labourers (22 strikes or 16.6 per cent of the total) and canal labourers (20 strikes or 15.1 per cent of the total) being most prominent. Palmer does not identify the number of cases where these strikes were linked to a formal organization but in the context of other comments in the paper it seems safe to presume that much of this activity occurred outside the auspices of a formal union.

Finally, we can point to a few studies that trace the development of worker organization in a particular industry, and in so doing examine the various organizational options open to workers as well as more informal activity. For example, using a labour process perspective, Greg Patmore's study of workers in the New South Wales government railways prior to 1878 traces their involvement in sickness/accident funds, friendly societies, and social groups, as well as temporary combinations.[30] The latter ranged from a petition for a pay increase by thirteen railway porters in 1857 to protests against wage cuts involving hundreds of workers in the early 1870s.[31] The broader organizational involvement of railway workers and temporary informal combinations over a long period provide a clear and important precursor to the emergence of railway unions. In a similar vein, Peter Sheldon charts the growth of informal combinations among water and sewerage workers in Sydney over the course of the 19th century, and how activists endeavoured to use informal organization to keep collective activity alive after the collapse of the first short-lived union in the depression of the early 1890s and until a new body could be reformed in 1899.[32]

With some notable exceptions, little of the research discussed explores the relationship between informal organization and formal organization. At the risk of over-generalization it can be argued that unlike free workers, slaves and convicts had no option to choose formal organization to represent their interests (though the pre-industrial literature does occasionally refer to the existence of secret societies). Yet, even where workers were free and had — notwithstanding punitive anti-com-

[29]Palmer, "Labour Protest," 62-6.

[30]Greg Patmore, "Labour history and labour process: the New South Wales railways before 1878," *Australian Historical Studies*, 23 (October 1989), 426-41.

[31]Patmore, "Labour history and labour process," 439-40.

[32]Peter Sheldon, "Maintaining Control: A History of Unionism Among Employees of the Sydney Water Board," PhD dissertation, University of Wollongong, 1989, 61-3. For a more general discussion of labourers' unionism see Peter Sheldon, "In Division is Strength: Unionism Among Sydney Labourers, 1890-1910," *Labour History*, 56 (May 1989), 43-59.

bination laws, master and servant laws, and the like[33] — some option to formally associate, informal association was not simply an insignificant precursor to formal organization. From the early 19th century onward seamen began to form unions while informal activity continued even after more or less permanent unions had been established. Hence it is possible to explore a connection between formal and informal organization, although we are aware of few studies that actually attempt to do this.[34] Another exception relates to more specialized research on the subsequent activity of workers convicted and transported for industrial dissent, such as the Tolpuddle martyrs and hundreds of machine breakers transported to Tasmania. By and large this research, most notably that of Rudé, has found that transported militants played little role in industrial activities in their new enforced "home" (and cursory analysis of activists in our database supports this interpretation).[35] Some, such as the Tolpuddle martyrs, preferred to distance themselves from "ordinary" convicts. Unlike slaves, convicts could expect to be freed after a set period (with possibly an interim period of semi-free status), and if they remained in their new home could, assuming some level of political liberty, join or even form unions. In Australia there has been a little research on the role of "ordinary" convicts in helping to establish early unions.[36]

In drawing the foregoing strands together it seems worthwhile to consider the relationship of formal to informal worker organization. To do this we will examine data pertaining to the Australian colonies in the period 1788-1850 — the period of early union emergence and formation — and relating the trends to subsequent developments over the remainder of the 19th century.

[33]Accounts of early unionism or strike activity frequently refer to the workers trying to evade these laws by disguising their unionate association in more innocuous organizational forms such as friendly or benefit societies, mutual aid or producers associations. In Australia, there is less evidence of early associations of workers trying to disguise their organization as something other than a union. It should also be noted that the database used in this article included all types of formal organization, not just those who used the term union or trade society, under the category of formal organization. See for example Shorter and Tilly, *Strikes in France 1830-1968*, 22.

[34]Quinlan, "Industrial Relations Before Unions."

[35]George Rudé, *Protest and Punishment: The Story of the Social and Political Protesters Transported to Australia, 1788-1868* (Melbourne 1978). See also Hirst, *Convict society and its enemies*, 77.

[36]A notable exception is a study of Peter Tyler, a printer by trade, who became secretary of one of the first typographical unions in Sydney in the 1830s. J. McDonald, "Australia's First Trade Union Secretary," *Bulletin of the Australian Society for the Study of Labour History*, 3 (November 1962), 44-52.

Methods

This article draws on information from a database currently being constructed of worker organization in Australia covering the period 1788 to 1900. The aim of the database is to include a record of every instance of formal or informal worker organization during this period. By informal we mean collective action by workers that is indicative of some level of organization but where evidence indicates no formal governing structure or union body with designated officeholders, written rules, and the like (whether or not it used this title or some other like committee, club, society, lodge, or institute) was involved or formed as an immediate consequence of this action. Examples include a spontaneous strike by seamen, a demonstration by retail workers, or a petition for a wage increase by civil servants. For each formal or informal organization we established a file that contained as much information as we could find on a range of factors including location, date of formation/collapse, occupation, industry, objectives, leadership, membership, and activities such as meetings, marches, bans, strikes, and other forms of industrial action, petitions/deputations, and court action involving members. Details of every instance of particular activities were entered in individual sub-files. The database contains both quantitative and qualitative or textual material and for the purpose of the current article original source documents were also used to obtain additional qualitative information.[37]

At the time of writing, the database included records relating to 2,686 organizations or instances of independent collective activity for the period 1788 to 1900. This is constituted of 560 instances of organizational activity identified in the then existing colonies (New South Wales, South Australia, Tasmania, and Western Australia) for the period 1788 to 1850, including regions that separated to form independent colonies (notably Victoria, which separated from New South Wales in 1851 and Queensland, which also separated from New South Wales in 1859). The remaining 2,126 instances of organization represent the almost complete records for three colonies (Queensland, Victoria, and Western Australia) for the period 1851 to 1900. On the basis of existing records that remain to be entered our best estimate is that this represents something over 30 per cent of the identifiable instances of organization across all colonies for the second half of the 19th century. In other words, the database covers all activity we have been able to identify in Australia from 1788 to 1850 and the organization identified in three colonies for 1851-1900. While the latter is not a random sample and excludes the largest colony (New South Wales) there is no reason to believe the overall pattern of activity differs substantially from the other three colonies, at least in terms of the analysis attempted in this paper. Both the three colonies included (Queensland, Victoria, and Western Aus-

[37]For a more detailed description of the database see Michael Quinlan and Margaret Gardner, "Strikes, Worker Protest, and Union Growth in Canada and Australia, 1815-1900: A Comparative Analysis," *Labour/Le Travail*, 36 (Fall 1995), 175-208.

tralia) and the three excluded (New South Wales, South Australia, and Tasmania) contain a mixture of small and large colonies (for much of the second half of the 19th century, Victoria exceeded New South Wales in terms of population), convict and free colonies, and as already noted two of the included colonies (Victoria and Queensland) were originally part of New South Wales.

The database was constructed from contemporary newspaper reports, government records (Colonial Secretary's Office, Register of Friendly Societies, government inquiries, and the like), union and employer records (such as minute books), theses and published research, as well as miscellaneous records (such as diaries). Research revealed that newspapers provided the most extensive source of information, as no formal records survive in relation to most unions and work collectivities, especially those formed prior to 1850. As might be expected, for some instances very little information survives but in the earlier period in particular, even small items of "local news" were reported and evidence of collective action can also be found in their generally extensive court reports. In the period up to 1850 it was possible to survey almost every colonial newspaper (aside from a handful of regional papers) and all surviving union records. Union records sometimes contain reports of strikes and other activity not reported in the press. Our research nevertheless clearly shows that for much of the 19th century newspapers reported the existence and activities of many unions and informal worker collectivities for which no union records survive or fill significant gaps even where some records are extant. Since we have comprehensively surveyed both sources in the period to 1850 the question of matching gaps in each source is not an issue. At the same time, some organization and action is not reported in either the press or union records. Although we searched government and other records and found strikes and other action, not otherwise reported, it is almost certain that a number of instances of collective action have escaped our attention.[38]

The careful sifting of newspaper records for evidence of worker activity has been undertaken by other historians, such as Palmer, but is not a favoured method of labour historiography.[39] This is partly because of justifiable concerns about sensationalism and bias in newspaper reporting (and the problem may be most profound in relation to the reporting of local events in remote colonial outposts starved for "news"). Another reason we would suggest is simply logistical. A search of

[38]With regard to government records most colonies kept contemporary subject indexes that aided searching but in the largest colony, New South Wales, early records were only identified by the name of individuals and the department involved. Even searching by department proved difficult because in more than few cases files had been moved to another department and could not be located. To some extent this problem was offset by the efforts of earlier researchers, especially Frank Crowley's prodigious investigation of early working-class conditions and activity. See Frank Crowley, "Working Class Conditions in Australia 1788-1850," PhD dissertation, University of Melbourne, 1949.

[39]Palmer, "Labour Protest," 61-83.

more than a few papers is a monumental task that would seem to be unjustified for research into a particular union, group, or even more general accounts (given the amount of other material available). To obtain all relevant information means looking in columns dealing with local news, editorials, court reports, advertisements for meetings, and even funeral notices. In our own case, even with help of research assistants, the data collection process from newspapers alone occupied more than five years (and the entry of a mass of material has occupied an even longer period since then). Given this, it is perhaps not surprising that even most general accounts of the growth of worker and union organization rely mainly on other sources. The Webbs pioneered the prodigious analysis of surviving union records and even historians highly critical of institutionalized accounts of worker activity generally make only sparing use of newspapers. Some, such as Thompson and Hobsbawm and Rudé, have used newspapers in conjunction with the innovative use of other records (like government gazettes) to highlight the broader character of plebian and worker dissent omitted by more institutionalist accounts of worker organization.[40]

Given problems already alluded to, contemporary newspapers need to be used cautiously (multiple reporting of incidents and verification from other sources assist), but they do help to provide a more complete picture of the extent and character of worker organization, especially in the earlier period when there are fewer alternative sources. Moreover, for many instances of informal organization, newspapers provide the only source of information because by their very nature these collectivities created no written record of their own. Even where other sources yield information of informal organization — some of it unreported in the newspapers — it is only when all these sources are combined that a potentially meaningful body of data starts to emerge. In the course of our research we found some evidence of this activity prior to 1800 and numerous instances of such activity throughout the 19th century. As the next section will endeavour to show, consideration of this evidence of informal worker organization, including comparing it to evidence of formal union activity, adds an important dimension to our understanding of the growth and nature of collective organization by workers.

Aggregate Data on Formal Organization and Informal Activity

Australia began as a series of penal colonies (the first established in 1788) taking transported convicts (ultimately totalling around 160,000) from the British Isles and was administered by the military. The Australian colonies quickly assumed an important economic role within the broader ambit of British imperialism (exporting wool, whale oil, and other products) and the modes of convict employment (and regulatory arrangements) accommodated this. The granting of freedom to convicts

[40]E.P. Thompson, *The Making of the English Working Class* (London 1977); Thompson, "The Crime of Anonymity," 255-344; Thompson, *Customs in Common*; and Hobsbawm and Rudé, *Captain Swing*.

(often in a series of stages) plus increasing levels of free immigration gave rise to a sizeable free population and labour market from the 1820s onward and accompanying moves to a free society (the introduction of local legislatures). In 1829 and 1836 free (non-convict) colonies were established in western Australia and South Australia, although the former small and struggling colony opted to receive convicts between 1850 and 1868. Increasing levels of free immigrants (often assisted) and the cessation of convict transportation to the eastern mainland in 1840 saw the transition of most colonies to societies based on free labour by 1850 (followed shortly thereafter by Tasmania, which halted convict transportation in 1852). As a crude generalization it can be argued that up until 1820 the colonial workforce was predominantly composed of convicts, but by the mid 1820s free workers (including both immigrants and time-served convicts) were sufficiently numerous to start forming combinations and unions and within a decade dominated most urban occupations. The database includes evidence of collective organization and activity by both convicts (including convicts assigned to private employers and semi-free convicts known as "ticket of leave" holders) and free workers. Convict labour played a critical role in the early development of capitalism within the colonies — a role only gradually supplanted by free labour. There is ample evidence that convicts, especially those enjoying some degree of freedom (such as assigned convicts and "ticket of leave" holders), were soon engaged in various forms of tacit and not so tacit bargaining with their employers over wages and other conditions of employment.[41] The first unambiguous reference to organized activity is a combination by reapers to raise wages in 1795 (as this is the only case known before 1800 the Charts presented in the paper only includes the years after 1801).[42]

Identifying collective action by convicts, or indeed free workers, prior to 1825 is difficult since there were few newspapers and surviving court or other records are fragmentary (and have to our knowledge not been systematically searched for this information).[43] Further, some surviving information is suggestive but difficult to interpret. For example, the list of prisoners punished at Newcastle between July 1818 and January 1821 records numerous instances of mass absconding by convicts and, more importantly perhaps, instances where a number are convicted of refusing work on the same day.[44] Where several convicts in the same gang refused work on the same day and received identical punishments it might be reasonable to

[41]See for example, Hirst, *Convict Society and its Enemies*, 28-77.

[42]David Collins, *An Account of the English Colony of New South Wales* (London 1798) 438, cited in R.W. Connell and T.H. Irving, *Class Structure in Australian History* (Melbourne 1980), 57, 74.

[43]Crowley's PhD dissertation is the most exhaustive investigation but it contains few if any attempts to count the number of cases identified. Aside from our own searches, we used Crowley as well as more recent studies that mention particular incidents.

[44]Reproduced in John William Turner, ed., *Newcastle as a Convict Settlement: The Evidence before J.T. Bigge in 1819-1821* (Newcastle 1973), 232-52.

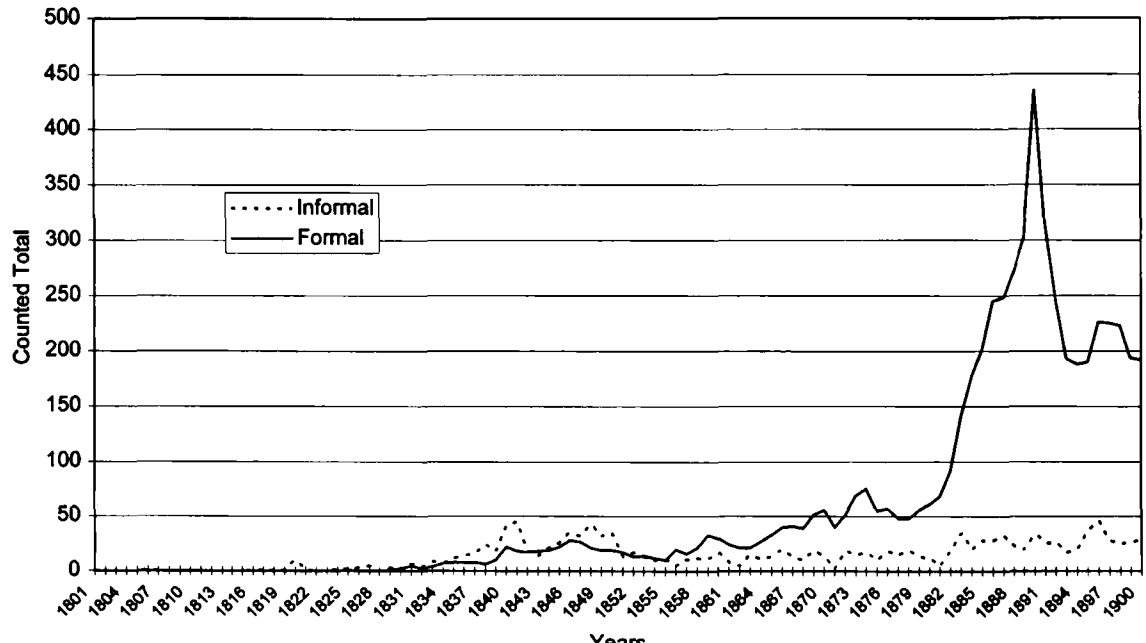
presume that, in some instances at least, a level of tacit collaboration was involved. Confidence in drawing such a conclusion is increased by instances where more detailed information is available that confirm this scenario. In October 1820, for example, Jeremiah Buckley and Thomas Burke, two members of a Sydney area work gang, were charged with refusing work and Burke was also charged "as being one of the leaders in encouraging them to strike their work."[45] We have tried to isolate those cases where the evidence strongly suggests collective action. Further research using every available source might shed more light on the extent of collective protest in the pre-1825 period, but it is likely to remain a shadowy terrain. Even after 1825 there are difficulties since the colonial press only reported collective action by convicts where a comparatively large number were involved, such as a case in Tasmania in 1833 where a magistrate sentenced 33 men to 100 lashes each for insubordination.[46]

With this note of caution in mind, it can be noted that Chart 1 records instances of formal and informal organization by year between 1801 and 1900. As can be seen, prior to 1850 there are more instances of informal organization than formal organization among workers (see also Table 1 below). Of the 560 instances of collective organization identified 458, or over 81 per cent, involved no formal structure. That informal associations outnumber formal unions in the formative years of the union movement should be hardly surprising, but what should be noted is that our data set indicates a significant level of informal activity after 1850. In the 30 years to 1880 our data set includes 357 instances of informal organization and 311 unions. After this time informal organizations become a minority, though not insignificant, with 195 instances in the period 1881-1890 (compared to 712 unions) and a somewhat higher number of 237 (compared to 615 unions) in the period 1891-1900. The latter increase reflects a temporary retreat by some groups to informal organization following the major defeats suffered by the union movement in the titanic struggles of the early 1890s. Another way of portraying this is to look at the overall trend as indicated in Chart 1. The higher absolute level of informal activity during the 1840s compared to later periods needs to be treated with some caution because after 1850 the figures represent something over 30 per cent of what we would expect to be the final counts. At the same time, it is fair to say that while formal organization gradually grows from the 1830s onward, it is not until the mid-1850s onward that the number of formal organization exceeds informal bodies and it is not until the 1880s that the gap dramatically widens.

[45]Cited in Paula Jane Byrne, *Criminal Law and the Colonial Subject: New South Wales, 1810-1830* (Cambridge 1993), 33.

[46]West, *History of Tasmania*, 245. Even here information is often sparse. In 1844 the military crushed a strike by convicts at Nobby's Island (Newcastle) but newspaper reports fail to identify the issue giving rise to the action. *Maitland Mercury*, 22 June 1844; and *Cornwall Chronicle*, 17 July 1844.

Chart 1: Number of Formal and Informal Organizations of Workers in Australia by Year, 1801-1900*



*Note: Data for the period 1801-1850 are based on all colonies while those for 1851-1900 are based on only three colonies (Queensland, Victoria, and Western Australia). The data are not strictly comparable and are only intended to indicate the relative proportion of formal and informal activity after 1850, not overall numbers.

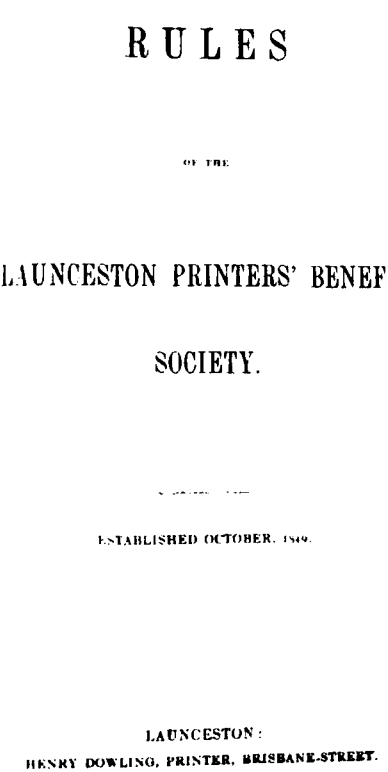
Table 1:
Number of Informal and Formal Worker Organizations and Activities in Australia by Period, 1795-1900*

		1795-1850	1851-1880	1881-1890	1891-1900
Organization	Formal	102	311	712	615
	Informal	458	357	195	237
Strikes	Formal	50	97	312	214
	Informal	252	184	88	105
Disputes	Formal	24	163	885	538
	Informal	195	146	78	103
Petitions	Formal	13	30	91	75
	Informal	41	26	18	32
Deputations	Formal	3	36	180	163
	Informal	2	27	14	34
Court Action	Formal	16	32	131	145
	Informal	358	183	63	50

*Figures for period 1795-1850 based on all colonies. Figures for periods after 1850 are based on three of the six colonies; Victoria, Queensland, and Western Australia.

Informal organizations were generally short-lived, lasting anything from a day or two to a few months in comparison to formal bodies, which might survive a period of years. This difference, however, while important, should not be exaggerated since in this period, and for a good many years thereafter, most formal bodies were short-lived. We gleaned information from available sources to determine when unions were first established or known to exist and when an organization is last mentioned or its collapse referred to later (not surprisingly few unions announced their collapse), but this may understate union longevity. We know the Sydney Stonemasons' Society survived in 1842 only because it wrote to its English counterpart warning about a shortage of work.[47] Our database also includes what appear to be failed attempts to form unions and overall we feel the database presents a representative picture. Our data indicates that of the 102 unions formed between 1826 and 1850 only 3 are known to have survived more than 10 years and even then not much longer, with one exception. The major exception was the Sydney Shipwrights (United Friends Society), which celebrated more than 30 years existence in 1861 (and via mergers/absorption in to other unions arguably survives up to the present). Of the remainder, 17 unions are known to have survived between 5 and 9 years (including societies established by clerks, water carriers and draper's assistants respectively). At the other extreme, 52 societies are known to have only been in existence for 3 months or less. Even taking the fragmentary nature of surviving

[47]Leeson, *Travelling Brothers*, 137, 191.



RULES

OF THE

LAUNCESTON PRINTERS' BENEFIT

SOCIETY.

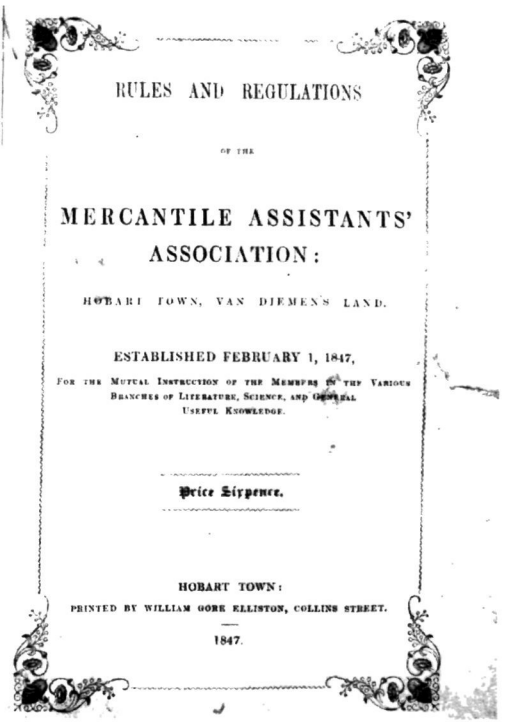
ESTABLISHED OCTOBER, 1849.

LAUNCESTON:
HENRY DOWLING, PRINTER, BRISBANE-STREET.

Figure 1. Cover page of the rules of the Launceston Printers' Benefit Society. The Society was an early craft body from the major northern town in Van Dieman's Land. The union is known to have survived until June 1854. Source: State Library of New South Wales.

records into account it seems safe to presume that probably around half these were indeed very short-lived or even still-born attempts at organization. With regard to the remaining 30 unions we know they survived more than 6 months and more often 2 or 3 years, being typically formed during periods of labour shortage (such as the late 1830s and 1840) and collapsing soon after a deterioration in the job market. While this volatility was especially pronounced in the early period, a cycle of formation and collapse is repeated in trades and other occupations over an extended period (with six or more attempts prior to permanent organization being by no means uncommon). Volatility rather than rather permanency was the norm for unions during the 19th century (see Chart 3). While the union movement slowly made gains, survival was the exception not the rule, especially prior to the mid-1880s.

Organizational turnover did not mean there was no continuity in terms of ideas or groups of workers associating over a number of years. The database includes the names of officials and other activists for each attempt at organization. While infor-



RULES AND REGULATIONS

OF THE

MERCANTILE ASSISTANTS' ASSOCIATION:

HOBART TOWN, VAN DIEMEN'S LAND.

ESTABLISHED FEBRUARY 1, 1847,

FOR THE MUTUAL INSTRUCTION OF THE MEMBERS IN THE VARIOUS BRANCHES OF LITERATURE, SCIENCE, AND GENERAL USEFUL KNOWLEDGE.

Price Sixpence.

HOBART TOWN:

PRINTED BY WILLIAM GORE ELLISTON, COLLINS STREET.

1847.

Figure 2. Cover page of the rules of the Hobart Mercantile Assistants Association. The Association was an early body of retail workers formed to pursue the early closing of shops. This body lasted longer than many craft unions, surviving over eight years until 1855. Source: State Library of New South Wales.

mation for the period prior to 1850 is patchy, it indicates (and later periods clearly confirm this pattern) a carryover whereby individuals and groups were often involved in a series of attempts to form a union over a number of years, even a decade or more.[48] On occasion there is other evidence of continuity such as the survival of an 1840s minute book of the printers chapel at the *Sydney Morning Herald* in the records of a much later printing union. Similarly, in 1854, James Coleman, a former official of the 1846 Sydney Friendly Society of Carpenters and Joiners, presented its records and funds to its successor — one of the group of Australian building unions (including stonemasons and bricklayers) that pioneered the Eight Hour Day.[49] These records reveal that after the 1846 union collapse, a series of unsuccessful at-

[48]Michael Quinlan, "Early Trade Union Organization in Australia: Three Australian Colonies, 1829-1850," *Labour and Industry*, 1 (October 1987), 86.

[49]Cited from the *Co-operator Eight Hour Souvenir of 1912* in James Sutcliffe, *A History of Trade Unionism in Australia* (Melbourne 1967), 32.

tempts were made to re-establish the union. A number of the same names appear again and again in the official and membership lists as part of these short-lived attempts to reorganize the union. While none of this is especially surprising, it deserves recognition. An obvious question is whether there is continuity in activists within informal associations or some carryover between them and later unions. The evidence here is insufficient to draw firm conclusions although it seems reasonable to presume it occurred on at least some occasions.

Another source of continuity in collective organization that deserves recognition is the early and overlapping involvement of workers in both industrial and political activities. Periodic downturns in the labour market that swept away many trade societies, as well as increasing hostility to convict transportation and punitive master and servant laws, provoked dozens of explicitly political mobilizations by workers from the mid 1820s onward. These mobilizations are found in all colonies. Most were small and short-lived, but some, like the South Australian Working Men's Association (1841) and the Mutual Protection Association in New South Wales established several years later, involved thousands of workers (both tradesmen and the unskilled). The only pre-1850 body, the Hobart Town Trades Union (1847-1852), lasted more than a couple of years. Though excluded from our database (though political agitation by unionate bodies is included — see below) these bodies indicate an ongoing level of collective worker organization and, as far as major towns are concerned, an identifiable group of leaders involved in a succession of protests as well as unions, in some cases for a decade or more. Most of these activists, such as William Jeffrey (a cabinetmaker), Samuel Buller (a sawyer), and John Williams (a tailor) in Hobart, Tasmania and George Dent (a baker) and George Wells (a bootmaker) in Adelaide, South Australia, were tradesmen. In their political activities, however, they often represented or spoke on behalf of the "working classes."[50] We can also identify hotels that served as general mobilizing points for workers, such as the Jolly Hatters Inn in Hobart, which was a hub for union and working-class activity in the 1830s and 1840s.[51] To this can be added the far more numerous pubs that were regular meeting places of particular trades and occupations and became focal points for formal and informal associations.

What is of interest, apart from the question of organizational survival, is the number of workers who were involved in formal and informal activity, both in the sense of the total mobilization at any given time, as well as the average per collectivity. Evidence on membership/worker involvement in collective organization, based on minute books, annual reports, and press reports of meetings, strikes, and the like is patchy (being only available for some organizations and some years), especially in the early period. All that can be said on the basis of this very fragmentary data is that the total number of workers engaged in informal collective activity is

[50]Sutcliffe, *A History of Trade Unionism in Australia*, 86-91.

[51]Michael Quinlan, "Hotels and Early Australian Trade Unions: The Jolly Hatters Inn," *Heritage Australia*, 5 (Winter 1986), 40-1.

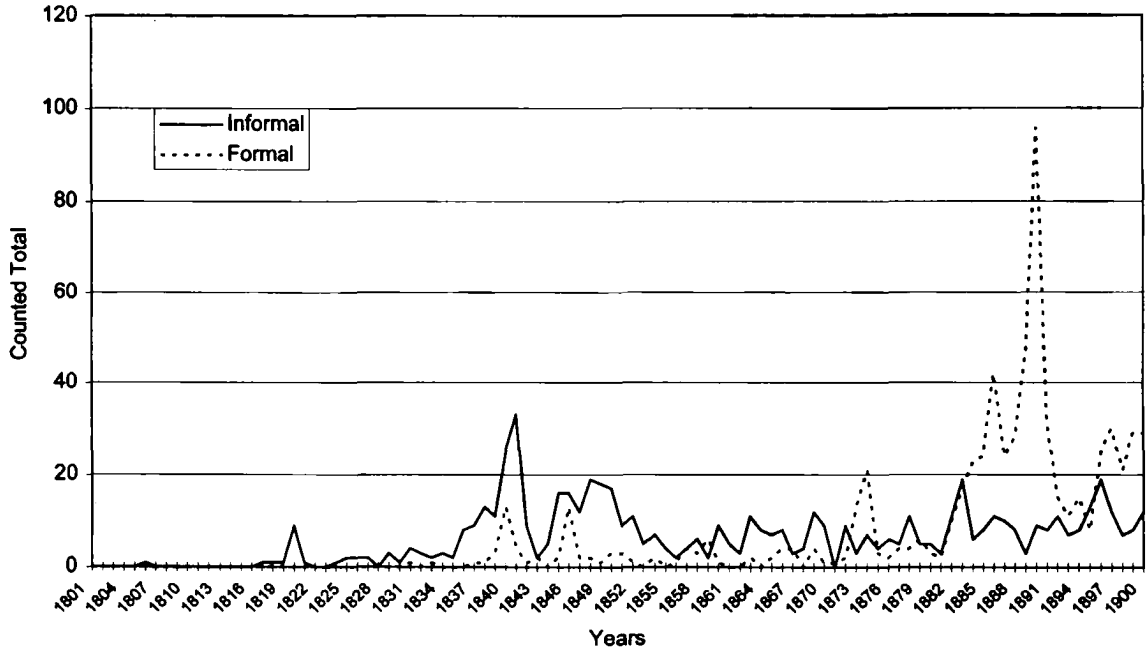
roughly twice the number reported as belonging to unions in the period 1825-1850 (no unions were identified prior to 1825). After this time, membership of formal organizations far exceeds the number of workers engaged in informal collectivities (by a ratio of almost 6 to 1 in the period 1851-1880, over 10 to 1 in the period 1881-1890, and by more than 30 to 1 in the period 1891-1900). Such ratios arguably understate the gap. It is reasonable to suggest that there is a significant difference between a worker who belongs to a union for one year and one who takes part in informal collective action that might only last a matter of days in the same year. Nonetheless, the data suggests that the total number of workers involved in informal activity was significant in the period up to 1850. While its significance declines after this time it is still arguably important as late as the 1880s.

The significance of informal organization is reinforced when we turn to the question of strikes. In the period 1795-1850 (see Table 1) there is evidence of 302 strikes, of which 252, or 83.4 per cent, occur outside the auspices of union organization. The data set indicates that strikes by informal collective associations of workers continue to outstrip those occurring through unions for 30 years after this (in 1851-1880 we have identified 184 strikes outside unions and 97 strikes by unions). In 1881-1890 the data set indicates a significant shift with 312 strikes by unions or more than 3 times the 88 strikes by non-unionized workers. The organizational setbacks of the 1890s diminishes the gap, with 214 strikes by unions and 105 strikes by non-unionized workers. Chart 2 indicates the situation on a year-by-year basis between 1801 and 1900, showing that some parallel peaks of activity in the early years, notably 1840 and 1846 (both periods of labour shortage), but no clear trend thereafter. Most notably, there is no corresponding wave of informal strikes to match the peak of union strikes in 1890, which in the context of the organizational surge in the same year (see Chart 1) seems to indicate that previously unorganized workers formed unions as well as striking. Overall, these findings bear similarities to those of Shorter and Tilly for France. They note that prior to 1860 the majority of strikes did not involve formal worker organization (ranging from 34 per cent in 1830 to as low as 5 per cent in 1835), but after this period unions gradually consolidated their control of strike activity notwithstanding temporary reversals in 1875-79 and 1895-99.[52]

If we contrast strikes with other forms of collective action (the imposition of bans, collective demands, court/tribunal, and other actions not involving the withdrawal of labour), and that we have labelled as non-strike disputes (or disputes for short) a rather different pattern emerges. In the period to 1850 there is evidence of 219 non-strike disputes, with all but 24 of these (or 89 per cent) occurring outside the auspices of union organization (see Table 1). In the next period, however, from 1851 to 1880, this situation has changed with union-based non-strike disputes outnumbering those outside unions by 163 to 146. After this time the dominance of un-

[52]Shorter and Tilly, *Strikes in France 1830-1968*, 187-8.

Chart 2: Number of Strikes by Formal and Informal Organizations of Workers in Australia, 1801-1900*



*Note: Data for the period 1801-1850 are based on all colonies, while those for 1851-1900 are based on only three colonies (Queensland, Victoria, and Western Australia). The data are not strictly comparable and are only intended to indicate the relative proportion of formal and informal activity after 1850, not overall numbers.

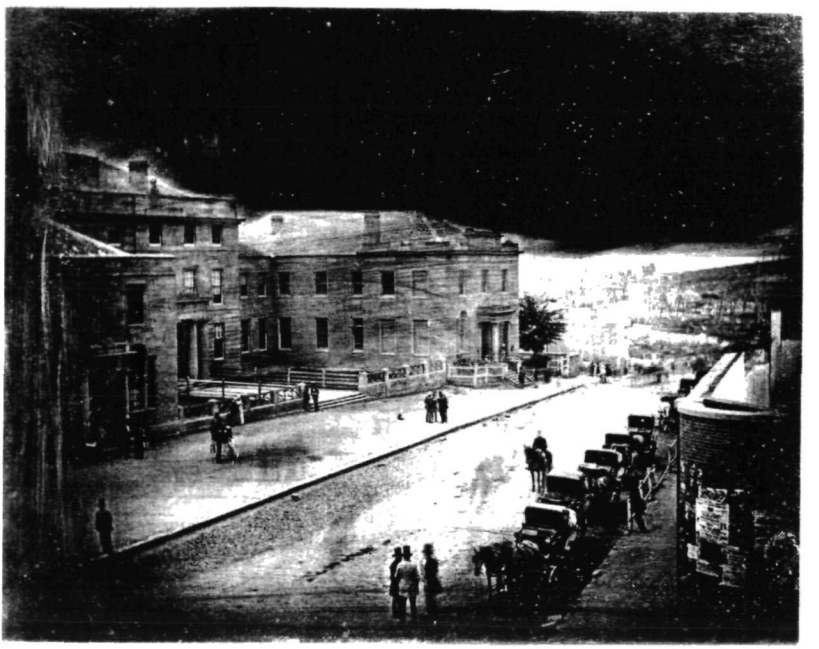


Figure 3. A row of cabs on Murray Street, Hobart, in 1848. This was the same year that cab drivers informally organized and went on strike. Tasmanian Museum and Art Gallery.

ion organized disputes becomes far more accentuated than is the case with strikes, with a total of 885 non-strike disputes involving unions compared to only 78 disputes by non-unionized workers — a ratio of over 9 to 1 — in the period 1881-1890. The gap only partly narrows in the period 1891-1900 with 538 disputes involving unions as compared to 103 disputes involving non-unionized workers. There are two overlapping explanations for the distinctive pattern between strikes and other forms of collective action. First, as workers became more formally organized they were able to use methods other than strikes to pursue their objectives. Second, in the second half of the 19th century, and especially after 1880, unions were formed by groups of workers (such as teachers, public servants, and retail workers) for whom striking (at least at this time) was either prohibited or not really a strategic option.

These two interpretations are supported by other evidence in the database, including an examination of organization, strikes, and "non-strike" disputes according to industry and occupation. The industry and occupational breakdowns also suggest that a wider array of workers engaged in collective activity at an earlier pe-

riod than is implied in most accounts of the development of worker organization. They include groups of workers (like government clerks) who are seen as only organizing at the very end of the 19th and early 20th centuries.

When organization, strikes, and non-strike disputes are broken down by occupation it reveals a breadth of collective organization for this period far beyond what is indicated in conventional accounts of the growth of the labour movement. Of the 560 worker organizations identified between 1795 and 1850, trade occupations that usually dominate discussions of early union organization accounted for 136, or 24 per cent of the total (the most prominent groups being bakers, bootmakers, carpenters/builders, printers, sawyers, stonemasons, and tailors). Of the remainder, the largest single group was merchant seamen and whalers with 287 instances of collective organization. This represents about half the total for the period! The vast bulk of activity by merchant seamen and whalers consisted of informal collectives on a single ship (there are some multi-ship actions, as well as one attempt by coasting seamen to form a union). The colonies, which required a large maritime workforce (augmented by a vigorous whaling industry in several colonies), were dependent on trade links, and there were a number of other factors that help explain this level of organized activity.[53] The predominance is not sustained in later periods with the number of organizations formed by seamen and whalers falling to 97 in the period 1851-1880, 34 in 1881-1890, and 42 in 1891-1900. Other groups making repeated efforts at collective organization include shearers and rural workers (37 instances), construction, wharf, and other labourers (37 cases), shop assistants (16 cases), miners (13 cases), road transport workers (7 cases), and, perhaps surprisingly, clerks (5 cases). In the succeeding period 1851-1880 our data set indicates that road transport, retail workers, and clerks are even more conspicuous in terms of organized activity.

As might be expected, journeymen and trade workers account for most of the 101 instances of formal organization in the period to 1850. It would be entirely wrong, however, to confine discussion of formal organization to this group. Our data indicates attempts at formal organization by a number of other occupations such as shop assistants, clerks, and rural workers (like shearers). Even among journeymen, by no means did all strikes and other forms of collective action (what we have labelled non-strike disputes) occur within the auspices of a union. It is true that craft unions account for almost all strikes in the period where a union is involved (47 out of 50), but this pattern does not carry over to non-strike disputes. There were 11 strikes by non-unionized tradesmen, and when we come to non-strike disputes involving journeymen, those occurring outside a union (23), slightly exceed those within a union (20).

[53]For a discussion of these factors and patterns of collective action among seamen in the period to 1850 see Quinlan, "Making Labour Laws Fit for the Colonies"; Quinlan, "Industrial Relations Before Unions"; and Quinlan, "Regulating Labour in a Colonial Context."

Of the 295 strikes identified between 1801 and 1850, merchant seamen and whalers account for 186 or over 60 per cent. They are followed by construction and other labourers (20 strikes), carpenters (13), shearers and rural labour (11), tailors (9), bootmakers (8), miners (7), sawyers (5), printers (4), shipwrights (3), wharf labourers (3), and coopers, cabinetmakers, stonemasons, and carriers (2 each). The pattern is a little different in relation to non-strike collective disputes, indicating a wider spread of collective activity. As with strikes, seamen and whalers account for more disputes than any other group with 106 or around 50 per cent of the total. They are followed by shearers and rural labourers (23 disputes), retail workers (13), tailors (10), miners (8), construction and other labourers (7), sawyers (7), printers (6), carpenters (5), carriers (4), stonemasons (3), and clerks (3), with all other groups being involved in two or less disputes. As can be seen, while there is considerable overlap, two groups (retail workers and clerks) that are conspicuous in the disputes list did not engage in a strike.

It could be argued that a simple comparison of numbers of strikes and disputes can lead to distorted interpretations unless account is taken of the relative size in terms of the number of workplaces/establishments and workers involved. As Shorter and Tilly demonstrated almost 30 years ago, the number of workers mobilized in strike activity and the profile of strikes has altered substantially over time, with the latter responding to changes in the average size of establishments as well as changes to the average number of establishments involved in a strike.[54] As has been noted for a number of countries, strikes in earlier periods are smaller because the average workplace was smaller (in terms of total employees) and fewer establishments were involved.[55] Drawing on our own data set we can note the following. While unions only account for 50 (or 16.6 per cent) of the 302 strikes recorded between 1795 and 1850, they account for 29, or 55 per cent of those involving more than one establishment. Hence, union organization had an effect on the size of strikes from the earliest period of worker mobilization. In contrast, the vast majority of informally organized strikes and disputes involving seamen or whalers are confined to a single ship.[56] At the same time, the data set also indicates that most strikes were confined to a single workplace not only during this period, but also later in the period when strikes by seamen and whalers exerted a far more modest influence on the overall outcome. Single establishment strikes constituted over 75 per cent of all strikes in the period 1795-1850, and a similar ratio applied to later periods, despite an increase in the number of larger strikes (multi-establishment, regional, and ultimately national) over the course of the 19th century. That is,

[54]Shorter and Tilly, *Strikes in France 1830-1968*, 58-66.

[55]Shorter and Tilly's data set presents a more cyclical and ambiguous picture in relation to the latter. Shorter and Tilly, *Strikes in France 1830-1968*, 65.

[56]There were instances of multi-ship strikes in pursuit of higher wages in Sydney harbour (among the whaling fleet) in 1837 and two years later in Lanceston. *Sydney Times*, 18 March 1837; and *Lanceston Examiner*, 28 February 1839.

throughout the 19th century three out of every four strikes were confined to a single workplace, but among the remainder there is a trend to strikes involving more establishments, more towns, and larger regions over time. Whether this pattern holds for other countries once informal organization is incorporated into data sets warrants investigation. Research undertaken by Shorter and Tilly covering a later period in France (1910-1935) indicates that strikes not involving a union on average involved fewer establishments, fewer workers, were of shorter duration, and more likely to fail.[57]

Our data set indicates that the pattern with regard to non-strike disputes is rather different to that pertaining to strikes. While formal organizations only account for 24 (or around 11 per cent) of the 219 disputes recorded between 1795 and 1850, one third of all multi-establishment disputes involved a union. Similar to strikes in the period 1795-1850, single establishment disputes accounted for 75 per cent of all disputes. Thereafter, however, the situation changes dramatically. In the period 1851-1880 the proportion of disputes confined to a single establishment fell to 44 per cent. It rises slightly to 49 per cent in 1881-1890 before falling to 35 per cent for the period 1891-1900. Thus, it appears that the growth of formal union organization had a comparatively greater effect on the number of multi-establishment disputes than is the case with strikes. This interpretation is reinforced when we consider the largest disputes, namely those that are colony-wide or inter-colonial. Only one dispute in the period to 1850 extended to all establishments in a colony and there were no inter-colonial disputes. Whereas in the period 1891-1900 the database records 121 colony-wide disputes (19 per cent of all disputes) and 6 inter-colonial disputes. It is worth mentioning in passing that the tendency to analyze trends in collective action only in terms of strikes has caused historians and other researchers to miss this apparently significant difference in the pattern of collective activity and worker mobilization. Nor is the growth of large disputes matched by the growth of similar size strikes (at least in terms of the number of establishments). In the period 1795-1800 there were no colony-wide or inter-colonial strikes and for 1891-1900 there were 9 and 5 respectively (although there were 29 inter-colonial strikes). The number of other (and smaller) multi-establishment strikes grew from 19 (or 6.2 per cent of all strikes) to 61 (or 19.1 per cent of all strikes) in 1891-1900, while the number of multi-establishment disputes grows from 24 (10.9 per cent of all disputes) to 154 (24.2 per cent of all disputes) in the same period. If this finding is matched by comparable research in other countries, and figures on the number of establishments involved do not misrepresent the overall number of workers involved (the dataset is as yet too incomplete to make meaningful estimates on this), then it would appear that it was not strikes but other forms of collective action that mobilized more workers during the 19th century.

[57]Shorter and Tilly, *Strikes in France 1830-1968*, 189-93.

Another measure of strike size is the number of workers involved, and here it might be expected that strikes involving unions would, on average, involve more workers than those occurring outside the auspices of unions. In many cases we do not have precise data on the number of workers involved in strikes or non-strike disputes. Further, there is a tendency for the press and other sources to quote actual numbers in smaller strikes/disputes than larger ones. In larger disputes it was more typical for sources to refer to the number of employers affected or, more frequently, to say a particular trade in the town had struck. Hence, the available figures may understate the average number of workers involved. With these caveats in mind the data set indicates that in the period 1825-1850 (there are no unions prior to 1825) the average number of unionized workers involved in a strike was about 70, while for a non-strike dispute the average was around 83.5. The average number of workers involved in strikes and non-strike disputes outside of the auspices of a union was, on average, 8.65 and 9 respectively. The large number of single ship strikes and disputes involving seamen and whalers has undoubtedly helped keep these averages low. Nevertheless, while there are strikes and disputes by miners and labourers in particular that involve far larger numbers of workers (the largest found for this period was around 400), many instances of collective action by rural workers and those working in a single urban workplaces were also small. In short, we can say that strikes and disputes outside the auspices of union organization tended to be a lot smaller on average than those involving unions. Further, the gap between strikes associated with informal worker associations and formal organization widens over the course of the 19th century as the average size of strikes increases. Nevertheless, informal activity does not vanish into insignificance; indeed, it becomes rather more important during the 1890s depression when formal union organization was weakened, with some unions collapsing entirely and (more particularly) substantial declines in union membership. Of the 31,809 workers the data set currently records as being involved in strikes or non-strike disputes between 1891 and 1900 (only a fraction of the total given difficulties getting this data), 5,446 or 17.1 per cent were acting outside the auspices of a union.

The typical establishment size in the Australian colonies during the period 1795-1850 was very small (almost certainly smaller than Britain, France, Canada, or the US), including those employing craft workers who dominated formal organization at this time. Hence, when we turn to median worker involvement in strikes and disputes, the gap between formal and informal organization narrows. With regard to formal organization, our data indicates the median number of workers involved in strikes and non-strike disputes as 12 and 52 respectively. With regard to informal collectivities, the median number of workers involved in strikes and non-strike disputes was six and five respectively. It should be noted that excluding seaman does not materially affect the latter figures. When six men refused to wash the remaining 300 sheep on Y.C. Yuille's property near Melbourne in November 1848, they were engaging in what may be viewed as a typical informal strike of the

period. In this case, like many others, we only know of the strike because the men were charged with disobedience before the Melbourne magistrate's court and sentenced to six months gaol.[58] Diaries and other sources make it clear that some instances of collective action by rural workers in this period and later were not prosecuted and went unreported.[59] Hence, as discussed, later reported instances understate — and probably significantly so — the actual level of informal collective action.

Overall, our conclusion is that while most industrial action involving both unions and informal worker organizations or associations was confined to a single workplace, informal activity was more likely to involve smaller numbers of workers. The small number of workers involved in many strikes and disputes reflect the scale of capital at the time. We would, however, suggest it also reflects the fact that in our database we have included instances of collective organization involving very small numbers of often non-unionized workers that are not found in official statistics (even for periods where these exist), and that have been largely ignored by labour historians. This activity seldom figures in discussions of worker organization even though, as we have tried to demonstrate, the aggregate level of organization is not inconsequential.

It is also worth looking at the use of court action in connection to organization and collective action by workers, including actions initiated by employers against workers (the vast majority) and also actions by workers themselves (most often attempts to recoup lost or unpaid wages). In the period 1801-1850 we identified 360 instances of court action, with all but 16 of these involving informal worker organizations (see Table 1). This imbalance carries over to the next period (1851-1880) where only 32 of 215 court actions involve unions. Thereafter the imbalance is in the opposite direction. In 1881-1890 131 of a total of 194 "collective" court actions involve unions and in 1891-1900 it is 145 out of 195. In terms of the occupations involved, merchant seamen and whalers account for 274 cases (most are prosecutions of collective action), followed by rural labourers (26 cases), construction/other labourers (12 cases), miners (9 cases), tailors (7 cases), sawyers (4 cases), and butchers, carriers, and cooks (2 cases each). It should be noted that the overwhelming majority of instances of collective action by seamen occurred in port, in part due to the fact that such action on the high seas could lead to a charge of revolt, mutiny, or

[58] *Port Phillip Gazette*, 27 November 1848; and *Melbourne Daily News*, 27 November 1848.

[59] For example, in his published reminiscences, Queensland Shearer's Union activist Julian Stuart referred to such collective activity at particular sheds prior to the successful establishment of the union in the 1880s, both those involving himself and others refered to by "old-timers" who had been working in the industry since the 1850s. Julian Stuart, *Part of the Glory* (Sydney 1967), 119-20, 135-6.

even piracy, and severe penalties of at least prolonged imprisonment and possibly death.[60]

On the one hand, it is perhaps not surprising that informal organization by workers was more likely to be the subject of employer initiated prosecutions (even excluding seamen and whalers) than workers formally organized into unions. Formal organization had the benefit of strengthening solidarity, prioritizing objectives, and protecting members from victimization, including it would seem, discouraging employers from resorting to the courts. On the other hand, this interpretation does not fit with most accounts of early worker organization and strike activity that emphasize the illegality or dubious legal standing of unions and their vulnerability to prosecution for striking even if, as Shorter and Tilly note for France, these powers were used selectively.[61] Again, this suggests the value of historians looking beyond formal union organization and strikes as the only form of collective action. A more detailed investigation of the patterns of court action by occupation, industry and period, and comparisons between countries, could further our understanding of the risks of collective action in terms of employer or government initiated legal action and the effect of formal organization on this. It might well be that formal organization had a more complex effect on the prospects of litigation than has often been portrayed.

In addition to industrial action, both informal and formal worker organizations that were formed to pursue employment related issues (as distinct from broad and purely political organizations excluded from the database) also engaged in political activity to purse the ends in relation to employment and living standards. One method of political activity used by workers to lobby legislatures and government officials was petitioning — a practice that can be traced back to the 17th century in North America and even earlier in England. In Australia, petitioning and deputations were a relatively popular method of political activity among workers through-

[60]In most colonial cases of which we are aware, seamen convicted of revolt on the high seas were not executed but subject to long prison terms, although Imperial Statute eleven and twelve William III, under which earlier cases were tried gave the court little discretion but to order the death penalty (this could be commuted by the Governor). In an effort to avoid this outcome, the New South Wales Attorney General chose not to continue to prosecute eleven of the twenty men charged with making a revolt on the whaleship "Harmony" in December 1831. At the same time, by no means did all such collective action result in a prosecution. Indeed, in some cases, such as on the merchant ship "Red Rover" in 1831 and the whaleship "Cape Packet" in 1834, we only know that a combination occurred because several aggrieved seamen chose to prosecute the master for assault or false imprisonment when the ship reached port. See the *Sydney Gazette*, 7 July 1831, 29 February 1832, and 6 March 1832; and *Australian*, 24 March 1835.

[61]Shorter and Tilly, *Strikes in France 1830-1968*, 21-32.

out the 19th century.[62] Some groups (notably government workers[63]) also petitioned as a method of negotiating with their employers but, overall, this only accounts for a small number of cases. More typically, in the period 1795-1850, petitions and deputations sought government help with jobs, urged the imposition of import duties, complained about convict competition, or asked for release from gaol in the case of seamen or whalers imprisoned for refusing to work or mass desertion. In March 1834, for example, 32 journeymen tailors in Hobart petitioned Governor George Arthur to stop the assignment of convict tailors that enabled master tailors to get work done "at much less expense." Governor Arthur refused the request following advice from the principal superintendent that: "[T]he free tailors will combine and demand of the masters higher wages — the result of which will be that the charges for work, which the assignment of tailors has been the means of keeping down, will be raised."[64]

This was no idle speculation as tailors had indeed combined the year before, as had a group of emigrant building mechanics.[65] In a sequel in July 1834, the Van Dieman's Land (Tasmania) Board of Assignment rejected a proposal to place a charge on convict mechanics loaned to private employers, arguing among other things that assignment was important in checking combinations of free artisans.[66] There is evidence that colonial authorities consciously used assignment, or the provision of convicts, to inhibit the bargaining power of free labour, including rural/harvest labour in New South Wales (see below) and Tasmania.[67] It was arguably more critical in Tasmania where convict competition continued to affect a wide range of free workers (even journeymen) well into the 1840s.

Our consideration of petitioning/deputations and other activity excludes purely political associations of workers (of which there were a number of bodies). In the period 1801 to 1850 our database includes evidence of 54 petitions, with the great majority of these (43) emanating from informal worker associations (see Ta-

[62]Morris traces the use of petitions by American workmen, particularly the attempts of white craft workers to preclude competition from black artisans. Morris, *Government and Labor in Early America*, 182-8.

[63]Our database reveals extensive evidence of petitioning and deptutations by civil servants and other government workers after 1850. See also Patmore, "Labour history and labour process."

[64]Van Dieman's Land Colonial Secretary's Office, 1/708/15494. For a protest against convict competition by 71 brickmakers later the same year see *Colonial Times*, 2 December 1834; Colonial Secretary's Office, 1/774/16539.

[65]*Tasmanian*, 14 March 1834; for evidence of three employers to the Immigration Committee see Van Dieman's Land Colonial Secretary's Office, 1/528/11502; and Governor's Dispatches, GO 38.

[66]The Board oversaw the assignment or placing of convict workers with private employers. Van Dieman's Land Colonial Secretary's Office, 1/528/11502

[67]Crowley, "Working Class Conditions in Australia 1788-1850," 375.

ble 1). Even in later periods petitioning remained a popular tool of informal associations of workers, accounting for 26 of the 56 petitions in the period 1851-1880, 18 of the 109 petitions presented in 1881-1890, and 32 of the 107 petitions presented in 1891-1900. In terms of occupation, seamen and whalers accounted for nine petitions, followed by bakers, printers, and construction/other labourers (four each), clerks, miscellaneous unskilled workers, sawyers, tailors, and wharf labourers (three each), and bakers, brickmakers, builders, cabinetmakers, carriers, and teachers (two each). Not surprisingly perhaps, deputations are more closely associated with formal organization; indeed, they appear to increasingly supplant petitions as the preferred method of political protest by worker associations over the course of the 19th century. In the period 1801 to 1850 we have identified only five deputations (two by informal associations), one each from bakers, brickmakers, miners, teachers, and retail workers. Deputations by informal associations account for 27 of 63 total deputations in 1851-1880, only 14 of 194 in 1881-1890, and 34 of 197 in 1891-1900 (Table 1).

As with strikes and disputes, we can see that the inclusion of petitions and deputations indicates a wider spread of collective activity than more narrowly institutional accounts would suggest. Further, our examination of later periods show that this early evidence of collective activity involving groups like carriers, clerks, retail workers, and others does not represent isolated precursors to much later mobilizations, but rather it is something that becomes far more prominent over succeeding decades. That it takes some time to translate into formal unions that are able to persist for a number of years is not in dispute. But what can not be ignored is that these formal organizations spring from a far longer engagement with collective activity than has been commonly recognized.

There is one final observation worth making in concluding this examination of the data. Formal organizations were clearly critical to enable workers to represent their concerns over a sustained period of time — something informal associations were generally incapable of doing. However, for just over 50 of the unions, or around half the number we identified in the period 1825-1850, including a majority of trade societies, there is no surviving evidence of collective action at all beyond the establishment of a House of Call or the provision of mutual insurance. It is perhaps not surprising that short-lived unions should leave little record of collective action/negotiations with employers and the sketchiness of surviving records, even for longer-lived unions, needs to be acknowledged. A claim that did not lead to a strike/dispute was less likely to get coverage even in a colonial press desperate for local news. We might also see the questionable legality of industrial activity to discourage publicity from unions themselves although our own observation is that this was less of an issue than might be imagined. Colonial newspapers occasionally urged that strikers or their union be tried for conspiracy but actual resort to the courts was by no means common. When prosecutions did occur they were largely based on master and servant legislation or common assaults arising from incidents

in the course of picketing. With all these caveats it can still be suggested that in this period a significant number of occupationally-based benefit societies engaged in little direct negotiation with employers over the terms and conditions of employment. Others evolved into trade societies and yet others were formed with an explicit employment-regulation objective. Rather than attempting to draw neat distinctions, what we are witnessing is a transitional stage of workers experimenting with different types of organizational structures and functions. While few trade societies formed after 1850 claimed to be only benefit societies, many retained friendly benefits, other unions (like those among miners) used mutual insurance to build their membership base, and some other groups (like public servants) began to organize initially on the mutual insurance principle.

The fact remains that half those unions formed between 1825 and 1850 did not, as far as we can tell, enter into one piece of collective action let alone provide for continuous employee representation to employers on the terms and conditions of their employment. On the other hand, every informal organization identified did undertake some conspicuous form of collective action because it is only through reports of these actions that we know such bodies existed. In many instances it appears that the collective action was the beginning and the end of an organization. In some cases, however, we have evidence that informal organization by particular groups of workers was by no means ephemeral. We see them, however, as part of series of interconnected, if not persistent, or ongoing struggles with their employers. For example, Turner uses the records of the Australian Agricultural Company to document an ongoing struggle with its coal miners with conspicuous strikes/disputes in 1836, 1840, 1842, 1844, and 1850.[68] This was interspersed with more tacit forms of resistance and a long-term struggle over whether miners were subject to the Master and Servant Act. Turner is able to trace the evolution of labour relations as the company shifted from convict workers, with whom it commenced operations in 1831, to their progressive replacement by free emigrant miners. In 1836 convicts took collective action. In 1840 the manager reported it was only a convict-produced stockpile of 5,000 tons that prevented a second strike by free workers,[69] but after this time reliance on free labour removed this option. Using company and court records, Turner is able to find an identifiable leadership amongst the emigrant miners.[70] As the company dominated mining in the Hunter Valley through to the 1850s, it seems reasonable to presume a connection between this struggle and the miners union formed in the early 1850s. Indeed there are direct carryovers between the "non-union" and "union" (and for that matter the convict and non-convict) periods not only in terms of the 1850 strike but also the fight, ultimately lost, to exclude miners from the Master and Servant Act.

[68]John William Turner, *Coal Mining in Newcastle 1801-1900* (Newcastle 1982), 40-3, 58-60, 142-3.
[69]Turner, *Coal Mining in Newcastle*, 42.
[70]Turner, *Coal Mining in Newcastle*, 42.

The case of the Australian Agricultural Company's miners is neither typical nor unique. There is evidence of sustained or persistent struggles among both convict and free labour. For example, in 1817 the NSW Chief Engineer (Major Druitt) reported that the Pennant Hills (near Sydney) convict sawyer gang had struck for two to three weeks in protest at an increase in their taskwork despite a corresponding half increase in rations. Taskwork set the minimum workload and by completing this early the men could hire themselves out for paid employment. The strike was broken after Governor MacQuarie ordered that the two strike leaders receive 100 lashes each. However, the men continued to pursue their objective by withholding productive capacity from the government and by 1820 it was "widely known that the sawyers were still completing their larger taskwork with time to spare ... and retained Friday and half of Saturday to be used in paid employment for themselves."[71] Nor should we rely only on evidence of disputes or a series of them to indicate ongoing bargaining. William Robbins' recent detailed analysis of the management of convict labour in New South Wales between 1788 and 1830 identified other evidence of the collective bargaining power of convict labour, including cases such as that of the grass cutters, where government administrators "deemed it prudent to offer concessions in exchange for an increase in taskwork."[72]

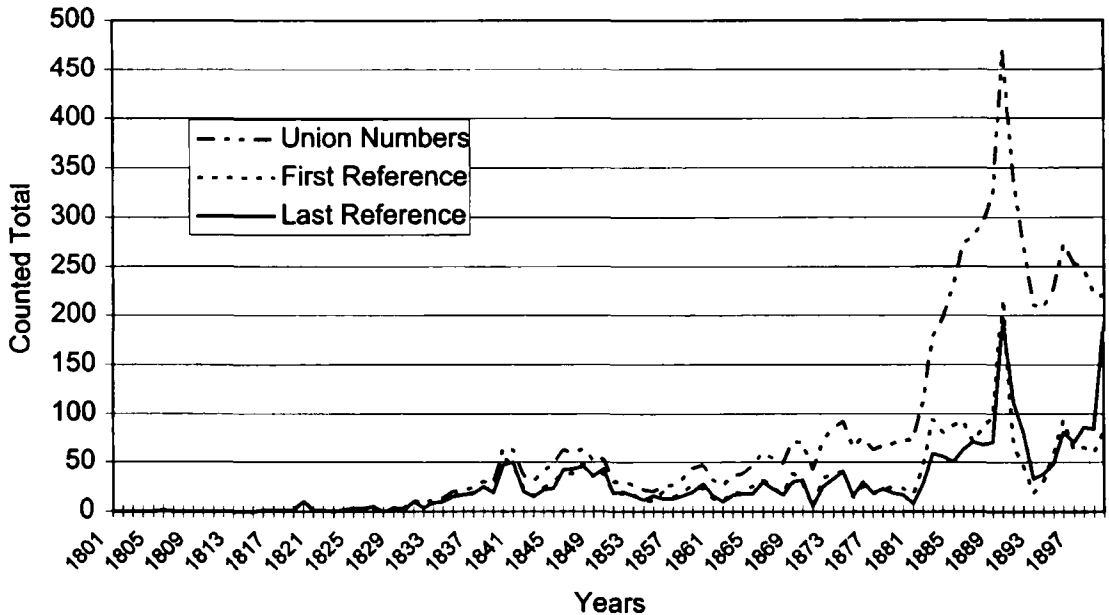
Further evidence of bargaining among informally organized free workers will be provided in the next section. At this point it is enough to note that the examples just cited (namely, the Australian Agricultural Company's Hunter Valley miners and the convict sawyers at Pennant Hills) demonstrate that informal organizations could engage in ongoing struggles over employment conditions. Formal organizations are clearly advantaged in this regard but care is needed to avoid exaggerating the differences between them and informal associations in this period.

Putting Formal Organization and Informal Associations of Workers into Context

The question needs to be asked as to what, precisely, is the value of identifying a significant level of informal collective action among workers, whether that be in Australia in the period 1795-1850 or in other countries like Canada, the US, or Britain during the same or different periods? If such organization was found to be overwhelmingly ephemeral with no link to formal organization or broader social movements, then the decision to ignore it might be seen as justified. A counterpoint to this is that organization, however informal, which was a both a response to and sheds light upon the work-life experiences of workers, is of importance to labour historians and those interested in the history of class relations. It is also arguable that ignoring informal organization has helped to perpetuate a distorted view of formal organization.

[71] William Robbins, "The Management of Convict Labour Employed by New South Wales Government 1788-1830," PhD dissertation, University of New South Wales, 2001, 138-9.
[72] Robbins, "The Management of Convict Labour," 139.

Chart 3: Number of Worker Organizations in Australia, 1801-1900 by Year of Existence, Formation and Collapse/Last Reference*



*Note: Data for the period 1801-1850 are based on all colonies, while those for 1851-1900 are based on only three colonies (Queensland, Victoria, and Western Australia). The data are not strictly comparable and are only intended to indicate the relative proportion of formal and informal activity after 1850, not overall numbers.

The picture of union development that is often painted or presumed is one where several failed attempts at organization are eventually succeeded by a permanent organization. The Australian evidence presented in Chart 3, which records collective organization/union formation and demise, paints a rather more complicated picture, where there are parallel trends in union formation and collapse. For much of the 19th century the vast majority of attempts to establish unions failed after a short period and, while there is a gradual increase in the number of unions in existence from the early 1830s onward, it is really only after 1880 that there is evidence of significant consolidation. In other words, the typical union formed in the 19th century survived only for a year or two. Without downplaying the importance of unions that survived longer, and in so doing helped reshape working conditions not only for their members but through various forms of solidarity, we best view early worker organization as a continuum between informal organization, short-lived formal bodies, and more permanent associations. Moreover, it can be argued that in order to understand the union movement at this time we need to examine both unions that survived and those that did not.

It is possible to generalize about the relationship between informal associations and formal organization, but our findings suggest that there are also important distinguishing features with regard to particular occupational groups. For example, with regard to craft workers, formal organization largely supplanted informal associations by the early 1850s. Miners achieved a similar outcome by the 1870s and in some regions a decade or more before this. For other groups, formal organization remained exceptional until the 1880s, although there is a fairly regular pattern of informal activity. This is the case with wharf labourers from the 1840s.[73] Likewise, from the 1840s onward we find groups of lower-grade civil servants such as post office clerks petitioning the government over wages, workloads, and other matters,[74] with two attempts at formal organization.[75] This remains the pattern up to the emergence of the first semi-permanent civil service associations in the 1870s, and petitions continue as a popular device both inside and outside these bodies for several decades. A somewhat similar pattern of activity, though entailing strikes, court ac-

[73]For evidence of collective action by wharf labourers in both Sydney and Launceston see *Australasian Chronicle*, 3 December 1840; *Cornwall Chronicle*, 8, 15 December 1849; and Van Dieman's Land Colonial Secretary's Office Records, 24/139/4752.

[74]For evidence of this activity see *Hobart Town Advertiser*, 21 February 1842; *Launceston Examiner*, 18 January 1843; *Cornwall Chronicle*, 17 January 1844; *Duncan's Workingman's Register*, 30 August 1845.

[75]The Australian Clerks Provident Society, formed in Sydney in 1844 and surviving until 1850, was not restricted to government officers but also included clerks working for banks. A Tasmanian benefit society for lower grade civil servants was formed with the support of the Governor in late 1849 but did not prosper. See *Australian Daily Journal*, 21 November 1844; *Sydney Morning Herald*, 19 October 1850; *Hobart Town Courier*, 26 December 1849, 20 March 1850.

tions, as well as petitions, can be found among government (free) labourers, customs boatmen, and pilots.[76]

The relationship between informal collective action and formal organization is perhaps most complex with regard to the most active of all groups, namely merchant seamen and whalers. In part, the high incidence of activity reflected the higher wages and bargaining power of colonial seamen. While this gave rise to at least one union of coastal seamen in 1839, it is really not until the 1860s that serious efforts are made to form unions.[77] Seamen onboard British and foreign (non-British and non-colonial) ships constitute a sub-category that accounts for a considerable amount of informal collective action in Australian ports. For obvious reasons their activity is unlikely to directly assist the formation of local unions. However, for a number of reasons elaborated elsewhere, they were not irrelevant to capital/labour struggles in the colonies.[78] Whalers form another distinct sub-category of maritime workers. While there is considerable collective activity among whalers (including bay whalers),[79] the decline of the industry from its heyday in the 1830s and early 1840s appears to cut short any prospect of union organization.[80] Finally, as noted earlier the growth of union organization in the colonies from the 1870s does not appear to supplant informal action on ships to the same extent it appears to do so among other groups of workers.

For some groups of workers even informal collective action appears exceptional and remained so for many years. This appears to be the case with collective action by female workers. Notwithstanding frequent complaints about the unruliness of female domestic servants, we could identify only one case of collective ac-

[76]For reports illustrating this see *Star and Working Men's Guardian,* 14 September 1840; *Port Phillip Patriot* 4, 7, 14 April 1842; *Australian,* 6 February 1844, 20 March 1844; *Argus,* 4, 18 August 1848.

[77]The Port Jackson (Sydney) Coasting Seaman's Mutual Benefit Society was formed in 1839. There is mention of a trade union of coasting seamen in 1845 but it is not clear it is the same body. *Sydney Gazette,* 17 December 1839 and *Port Phillip Patriot,* 20 August 1845.

[78]Quinlan, "Industrial Relations Before Unions"; Quinlan, "Balancing Trade with Labour Controls"; and Quinlan, "Regulating Labour in a Colonial Context."

[79]There is considerable evidence of collective action (mass desertion and strikes) among land-based bay whalers. For evidence of this activity at the Point Rosetta whaling station in 1837-1838 see South Australian Company records, GRG 24/90/366 and BRG 42. See also *Adelaide Chronicle,* 5 January 1842.

[80]In 1840 a Launceston Whalers Benevolent Society was established but it appears to have been short-lived. *Cornwall Chronicle,* 25 November 1840; and *Hobart Town Courier,* 1 December 1840.

tion by this group,[81] and the same applies to laundresses.[82] In 1846, Melbourne tailoresses formed a combination to raise their wages but it was to be another 25 years before we find another attempt by them to organize (this time a union which survived for several years) even though the town was a major clothing manufacturing centre.[83] Equally isolated instances of collective action can be found among waiters and cab drivers.[84] It is comparatively easy to understand why strikes by the military should not give rise to formal organization in this period or thereafter.[85] Yet it is worth noting that in addition to informal associations,[86] police made several attempts to form benefit societies (one in Sydney and one in Melbourne) prior to 1850.[87]

In some cases the evidence is suggestive of more than isolated collective action even where informal action is scattered and formal organization is not achieved for many years. With regard to shearers and rural workers, the few dozen instances of collective action by generally small groups of workers we have identified could undoubtedly be added to by a more extensive trawling of surviving magistrate's bench books, landholder/rural employer diaries, and other sources. We have evidence from employer diaries indicating attempts at collective action that failed, which were not reported elsewhere and also of incidents that were not just isolated outbursts but part of an ongoing process of negotiation and resistance (see below). As an example of the former point it can be noted that on 15 March 1830 Thomas Bowman, a free servant, was sentenced to a month's gaol by the Stonequarry magistrate's court in New South Wales for insolence and repeatedly refusing to obey his

[81] An attempt by a number of servants in Melbourne to "re-negotiate" constraints placed on them by the Master and Servant Act, detailed in *Port Phillip Patriot*, 14, 15 May 1845; *Star and Working Men's Guardian*, 31 May 1845.

[82] For a protest against convict competition by Sydney laundresses/washerwomen see *Australasian Chronicle*, 23 December 1843; *Star and Working Men's Guardian*, 4 January 1844.

[83] *Port Phillip Gazette*, 23 May 1846.

[84] In 1848 Hobart cab drivers struck. *Hobart Town Advertiser*, 3 November 1848; *Colonial Times*, 11 November 1848.

[85] Notably a strike by the Sydney garrison over poor rations and the grog allowance in December 1845. *Sydney Age*, 6 December 1845. In his study of Canada, Palmer also identifies strikes by the military.

[86] In 1816 Sydney police constables petitioned for a wage increase and 30 years later police in the same town struck in protest at overwork/understaffing. Byrne, *Criminal Law and the Criminal Subject*, 157, 201; *Will O' The Wisp*, 15 August 1846.

[87] The Sydney body, known to have existed in 1825 because it was mentioned in connection with a constable's funeral, was arguably the first attempt at occupation-specific, formal worker organization in the colonies. We are grateful for Barrie Dyster's assistance in identifying this body. In 1846 police based in Melbourne and surrounding districts formed a "benevolent" society. *Sydney Gazette*, 25 August 1825; *Port Phillip Patriot*, 13 March 1846, 23 April 1846.

master. The son of Bowman's employer told the Bench his father wanted to get rid of Bowman after learning he had tried to induce the men to refuse their rations.[88]

Illustrating the last point, in December 1831 western Australian landholder G.F. Moore recorded in his diary: "Great visitings among the neighbouring servants: seven or eight of them are patrolling about and all this is sure to end in drunkeness and mischief. They talk of forming a 'Club'! They have too much control over their masters already, and club law would be a terrible exercise and increase their powers."[89]

A year later Moore complained of wage demands by men he had just hired, their threat to leave, and the general dissatisfaction among rural servants with a discharge certificate system devised by a meeting of agriculturalists to restrict widespread absconding and other disruptive behaviour among their servants.[90] Shortly thereafter Moore again complained about the demands of his servants and his attempts to deter this through dismissal.[91] Even treating Moore's complaints with caution, it seems clear that some level of informal organization was occurring among his own servants and possibly more tacit collaboration among rural workers in the district. This interpretation is supported by regular instances across the colonies where workers engaging in informal types of collective action were prosecuted under the Master and Servant acts.

Similarly, it is not difficult to find suggestions about a level of collaboration among shearers and rural servants in the colonial press and other sources, especially at the peak of harvest or shearing activity when labour was in highest demand and the bargaining power of workers consequently enhanced. These reports often indicate tacit if not overt agreements among workers as to the minimum acceptable wage rates. In January 1848, for example, a rural report for a district in what was soon to become the colony of Victoria alleged: "[Those] extremely modest young men, the reapers, having, during the present week, refused to set to work even at exorbitant rate of sixteen shillings an acre."[92] Two years earlier the *Port Phillip Patriot* noted that "the rate of wages demanded by shearers is fourteen shillings per hundred sheep." And, in 1847 the *Argus* reported a considerable number of shearers who had departed for the Geelong district were demanding 16 shillings per 100 sheep for their services.[93]

[88]*Stonequarry Bench Book 1829-1831*, cited in Crowley, "Working Class Conditions," 276, 582.

[89]George Fletcher Moore, *Diary of Ten Years: Eventful Life of an Early Settler in Western Australia* (London 1984), 91, see also 60, 88, 101.

[90]Moore, *Diary of Ten Years*, 142, 157, 170-1.

[91]Moore, *Diary of Ten Years*, 176, 179, 184-5, 238.

[92]*Melbourne Albion*, 1 January 1848. A year earlier papers reported that farmers were staggering their plantings or importing threshing machinery in an effort to reduce the wage demands of reapers. *Britannia and Trades Advocate*, 11 March 1847; *Geelong Advertiser*, 23 November 1847.

[93]*Port Phillip Patriot*, 14 December 1846; *Argus*, 12 September 1847.

Using agricultural associations and the like, employers formed alliances of their own to hold down the price of labour. In Tasmania, for example, the Brighton Union Club (Agriculturalist) Committee sought to enforce a rate of eight shillings per acre plus board for reaping in the 1830s and in the following decade the Midland Agricultural Association was fixing wage rates for ploughmen, shepherds, and labourers.[94] Harking back to the direct regulation of wages for free and convict harvest labour in the first two decades of the 19th century (see below), in July 1843 a meeting of landholders at Ross petitioned the governor to directly regulate maximum wages. The governor rejected the request.[95] By early 1844 a broad coalition of employers was trying to establish standard wage rates for all categories of rural labour.[96] Press reports of repeated efforts by rural employers to set standardized wages for shearers and other groups can be found in all colonies.[97] While these actions may be seen simply as an attempt to hold down labour costs, perhaps below the "market rate," coincidence of these efforts with evidence of collective action at harvest time should not be ignored.[98] Further, there is some evidence of tacit negotiation. In September 1847 the *Port Phillip Patriot* reported that within 100 miles of Melbourne the wages of shepherds and hut keepers had assumed a fixed rate of 26 pounds per annum. It noted: "Employers will not go above this, and bushmen will not hire for less."[99] Two years earlier the same paper reported that the wages demanded by sheep shearers and generally acceded to by flock masters was throughout the district 12 shillings per 100 sheep, an increase of 2 shillings over the previous year.[100]

Government authorities in the "convict" colonies made convicts available to assist with the harvest. Convicts, too, engaged in collective action. In January 1835, for example, the Bathurst correspondent of the *Sydney Gazette* complained:

> The customary assistance rendered to settlers by Government, for the purpose of securing the harvest, has been much curtailed this season, owing to the reduced number of gangs on the road; and those who have been distributed, appeared to have entered into a combination to annoy their employers rather than assist them. Since the commencement of the harvest, the Bench of Magistrates have had a quadruple portion of daily duty to perform in trying whole squads of these idle rascals for insolence, negligence, and frequent positive refusals to labour. Although proverbially troublesome, no former season has been marked by such a display of obstinancy and disobedience as has characterised the road convicts in the present

[94] *Colonist and Van Dieman's Land Commercial and Agricultural Advertiser*, 8 January 1835; *Tasmanian*, 18 January 1838; *Hobart Town Courier*, 28 July 1843.
[95] Van Dieman's Land Colonial Secretary's Office Records, File 8/9/1897.
[96] Reported in the *Sydney Record*, 27 January 1844.
[97] See for example *Argus*, 8 August 1848.
[98] See for instance *Melbourne Daily News*, 4 December 1848.
[99] *Port Phillip Patriot*, 29 July 1847.
[100] *Port Phillip Patriot*, 4 October 1845.

instance, notwithstanding the scourge continues to be used unsparingly, and with all practical severity.[101]

As the last quotation implies, government authorities tried to use convict labour to moderate the demands of free workers and references have already been made to their role in restricting combinations. By the early 1840s, however, on the mainland and a decade later in Tasmania, this was no longer an option and it is arguable its effectiveness had been diminished a good deal earlier. There is evidence of the bargaining power of rural workers — both free and unfree — and other unskilled labour for that matter, from the earliest period of the colonies. Indirect evidence of this comes from repeated attempts by early governors to regulate the wages of agricultural/harvest labour. Shortly after the first known combination by workers (reapers) in 1795, the Governor of NSW (Hunter) responded to concerns about the "exorbitant" wage demands of free workers by calling on settlers to meet to determine the rates for all types of labour. This formed the basis for a General Order from the Governor specifying the wages (by piece and day rates with and without rations).[102] The promulgation of an order specifying the same wage rates for assigned convicts in 1800 is indicative of the bargaining position of even unfree labour beyond what their legal status would suggest.[103] By 1800 paid rates for many classes of labourer were over double the specified rates and efforts by Governor Bligh to impose prison terms and fines on masters exceeding these rates in 1806 failed to curb widespread evasion.[104] Governors persisted with these attempts at direct regulation until the 1820s whereupon colonial authorities shifted regulation to Master and Servant laws. It is an intriguing but unresolved (and perhaps unresolvable) question as to the extent to which informal collaboration between free labourers and convicts contributed to government attempts to specify wage rates and their subsequent failure. It is worth noting, however, Hirst's observation that convict workers successfully resisted repeated efforts by a number of early governors to ban taskwork and stop convicts working on their "own account" after completing their allotted tasks.[105]

The issue of regulation raises a final piece of evidence of informal organization among rural workers in the 1840s and 1850s. In virtually every colony there is evidence of collective organization among rural and other workers in the form of peri-

[101]Extract reproduced by the *Sydney Monitor*, 10 January 1835.

[102]Frank Crowley, *A Documentary History of Australia: Volume 1 – Colonial Australia 1788-1840* (Melbourne 1980), 77-8.

[103]Crowley, *A Documentary History of Australia*, 159; and Barry Dyster, "Why New South Wales did not become Devil's Island (or Siberia)," in Barry Dyster, ed., *Beyond Convict Workers* (Sidney 1996), 83-90.

[104]Sir Timothy Augustine Coghlan, *Labour and Industry in Australia: Volume 1*, (1918; Melbourne 1969), 57-8.

[105]Hirst, *Convict Society and its Enemies*, 40-5.

odic mobilizations against new punitive provisions in Master and Servant laws being proposed or introduced by employer-dominated legislatures. In 1847, for example, groups of rural workers from Barossa and other districts, along with miners and Adelaide-based workers, all sent petitions opposing the compulsory discharge certificate and other provisions of the Master and Servant Bill before the South Australian Legislative Council.[106] Even in the tiny colony of Western Australia, rural workers from the York, Toodyay, and Northam districts mobilized against the "dangerous powers conferred on magistrates" under that colony's 1842 Master and Servant Act.[107]

Overall, what can be seen with regard to rural workers in the Australian colonies is not the low wages, job threats, and poverty (verging on starvation) that caused seething unrest to erupt into "Captain Swing" outbreaks in England. Rather, we see a less conspicuous but widespread level of bargaining and protest, including small-scale collective action by better paid, better fed, but nonetheless subordinated workers.[108]

Conclusion

The establishment of a formal mechanism to collectively represent and pursue worker interests — namely unions — in capitalist societies was a significant achievement of working people. For more than 30 years, researchers have pointed to the limits a preoccupation with unions — to the exclusion of other aspects of or influences (such as community, gender, and ethnicity) on the work and life experiences of workers and their families — can have. Research has pointed to more informal patterns of collective action by free workers as well as various categories of semi-free and unfree labour in the 17th, 18th, and 19th centuries (and sometimes earlier). A parallel body of research has looked at rank-and-file protests and ten-

[106]See, South Australian Colonial Secretary's Office Records, A(1847), 467, 475, 1563; and the *South Australian Register*, 24 April 1847, 28 April 1847, 8 May 1847.

[107]*Perth Gazette*, 21 January 1843; *Inquirer*, 1 February 1843; and Crowley, "Working Class Conditions," 479.

[108]While not on the scale found in England, instances of arson (setting barns and hay stacks on fire) and other forms of sabotage (such as slaking wheat) by both free and convict workers were regularly reported in the colonial press. There are also recurring press reports on the problem of "incendiarism" in the 1820s, 1830s, and to a lesser extent the 1840s. That incendiarism (the firing of grass and shearing sheds) was used to impose a costly revenge on masters, and that it could involve collaboration on the part of workers was well-recognized. In 1834 the *Hobart Town Courier* recommended workers sentenced to road gangs be sent to districts far from their former employer because they not only absconded but induced others to do so in order to launch an attack on the property where they had been previously employed. *Hobart Town Courier*, 6 June 1834. Widespread incendiarism was a conspicuous feature of a much later struggle by unionized rural workers, namely the 1891 shearers strike. See Stuart Svensen, *The Shearers War* (St Lucia, QLD 1989).

sions within unions (such as the shop committee movement), community, race, and other influences on worker activity in the 20th century. Notwithstanding this we would argue that informal worker activity and its connection to union organization prior to the 20th century has not been subject to systematic investigation. While social movements and issues of racial/ethnic and gender-based exclusion have received belated recognition critical elements of early institutionalist accounts of worker mobilization, collective action, and union growth remain unchallenged.

Our reading of research on informal protest, plus the evidence presented in this paper, indicates that a case can be made that such activity is sufficiently widespread and significant to warrant a broader and more integrated assessment of collective worker activity — both within unions and outside them. Informal activity was so extensive — both in terms of the incidence and its spread across a wide range of occupational groups — that it can not be treated as a brief and passing phase or something that is exceptional and confined largely to a few groups. Certainly, some groups of workers like seamen and navvies account for a significant proportion of this activity.[109] Evidence presented in this article indicates that a far wider spectrum of workers were involved, and when a broader concept of collective action is used — one long accepted among industrial relations scholars — then such action can often be seen to be occurring on a fairly regular basis. This action not only preceded formal organization by a number of occupational groups but continued alongside it, at least while unions still strove to cement their position (and in some cases long after this). Thus, at one level, informal organization can be seen as prefiguring formal organization, sometimes by many years. At another level, informal activity when combined with prolonged volatility among formal institutions, presents a view that the collective impulse among workers was more widespread at an earlier period than is commonly acknowledged and the building of institutional permanency was more problematic than institutionalist accounts would suggest. As Price has observed the history of institutions is often the history of winners (ie. survivors).[110] However, there is a limited recognition of organizational volatility and informal organization in many accounts that claim to adopt a view from below, rank-and-file, or social history perspective. If Australia is not unique in terms of the incidence of organizational volatility and informal organization, then some re-assessment of the development of worker organization is in order.

[109]In Australia activity by navvies did not really become conspicuous until the 1850s and the commencement of widespread railway construction and so it falls outside the period addressed here. For reference to this activity see Quinlan and Gardner, "Strikes, Worker Protest, and Union Growth in Canada and Australia, 1815-1900." For discussion of activity by navvies and other construction workers in Canada see Palmer, "Labour Protest"; and Way, *Common Labour*.

[110]Richard Price, "'What's in a Name?' Workplace History and 'Rank and Filism,'" *International Review of Social History*, 34 (April 1989), 62-77.

Notwithstanding the limits in our own data, we identified a large number of strikes and other forms of collective protest involving very small groups of workers. Further comparative research is needed to determine whether this needs to be seen as an outcome of the peculiar socio-economic and labour market features of the Australian colonies (such as a relative shortage of unskilled labour). Our own suspicion is that widespread but small scale collective action is not unique to Australia in the early periods of union formation, but has simply not been explored using available records (most notably newspapers and court records, especially those relating to Master and Servant and merchant seamen laws). Indeed, available evidence on Canada and the US by Fingard, Palmer, Way, and Cooper-Busch referred to earlier, suggests further research could well reach a similar set of findings for these countries.

This is not to suggest that there are no differences between the various European "settler" colonies/societies and, more particularly perhaps, between these and the experience of various European countries. By and large, there is nothing comparable in Australia to the rural uprisings that occurred in the England during the early decades of the 19th century, but there is evidence of a less overt but widespread incidence of collective struggle. It is possible the apparent difference reflects significant disparities in the legal status and labour market position of rural workers in both countries, and comparisons with Canada and the US might be valuable here in helping to explain such differences. It is also possible that similar small-scale industrial action is to be found in England but has been overshadowed by more conspicuous events such as "Captain Swing." More intriguing perhaps, it might also have been presumed to be part of these protests when indeed it should be viewed as part of a more long-standing undercurrent of protest.

In terms of the spread of collective activity we can only speak with some authority in relation to Australia. It is possible the transplantation process of both enforced (convicts) and voluntary emigration undermined customary authority structures and this, combined with different labour market conditions favouring unskilled workers, encouraged a wider spread of collective action. On the other hand, even if the Tolpuddle martyrs and other transported militants played no conspicuous role in early worker organization, it is certain that the broader category of convicts and free workers both brought their previous experience of working and collective activity from Europe (mostly England, Scotland, and Ireland). Further research is required to indicate to what extent this extensive spread of informal activity is found in other countries, to what degree the white settler societies share some characteristics, and to reassess the evolution of collective worker action over a potentially longer time frame in England and elsewhere in Europe. Our suspicion is that this reassessment will indicate that, while there are country specific differences, the Australian experience is not so distinctive, and further, that the rise of what might genuinely be called collective worker organization began well before the 17th century in Europe. It is somewhat surprising that a more systematic assess-

ment of the latter has yet to be undertaken. If this project offers a guide, it is that an analysis of a particular country, or even region, is a logistically demanding task.[111]

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[111]That is not to say the basis for such analysis has not been laid. For an examination of different forms of worker organization in France from medieval journeymen's associations to 1848 see William Hamilton Sewell, *Work and revolution in France: The language of labor from the Old Regime to 1848* (Cambridge 1980). For a more general overview of early worker organization in Europe see C. Lis J. Lucassen, and M. Soly, eds., *Before Unions: Wage Earners and Collective Action in Europe, 1300-1850* (Cambridge 1994).