

INDUSTRIAL DISPUTES AT BROKEN HILL and Mr. A. Coull

Principal Library.

UP TO 1909



A thesis submitted to the
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Bruce John Pennay
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PREFACE

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I wish to thank the following who made possible access to some of the sources of information: N.S.W. State Archives Authority; the Mitchell Library; the Workers' Industrial Union of Australia for permission to read the records of the ~~Barr~~ Branch of the Amalgamated Miners' Association and the Combined Unions' Committee; the Broken Hill Mining Managers' Association for permission to read the minutes and letter books of the association; the Right Rev. D. Warren, D.D., Bishop of Wilcannia-Forbes for permission to consult the diaries of Bishop J. Dunne; Rev. B. Nicholls and Rev. B. Robins for permission to read the early records of Sulphide Street and Oxide Street Methodist Churches; and Mr. A. Coulls of the Broken Hill Municipal Library.

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INTRODUCTION
ABBREVIATIONS

- (i) Employers and employees in the metal mining industry at Broken Hill.
- A.G. Attorney General Papers in N.S.W. State Archives
- A.G. & J.I.L. Attorney General and Justice In-Letters in N.S.W. State Archives
- A.G. & J.P. Attorney General and Justice Papers in N.S.W. State Archives
- A.M.A. Amalgamated Miners' Association
- A.S.E. Amalgamated Society of Engineers
- B.H.P. Coy. Ltd. Broken Hill Proprietary Company Limited
- B.L.F. Barrier Labor Federation
- B.S.D. Club Barrier Social Democratic Club
- C.A.R. Commonwealth Arbitration Reports
- (ii) The largest and most successful company on the field until 1908
C.S.I.L.S.B. Colonial Secretary In-Letters Special Bundles in N.S.W. State Archives
- C.U.C. C Combined Unions Committee
- E.D. & F.A. Engine Drivers and Firemen's Association
- I.W.W. International Workers of the World
- M.M.A. Broken Hill Mining Managers' Association
- N.P.U. Barrier Non-Political Union
- N.S.W.I.A.R. N.S.W. Industrial Arbitration Reports
- (iii) The major part of this study is set in the two decades which
N.S.W.P.D. N.S.W. Parliamentary Debates
- N.S.W.V. & P. Votes and Proceedings of the N.S.W. Legislative Assembly
- S.A.P.D. South Australian Parliamentary Debates
- S.T.C. Silverton Tramway Company
- W.I.U. of A. Workers' Industrial Union of Australia, Broken Hill.

INTRODUCTION

(i) Employers and employees in the metal mining industry at Broken Hill determine wage rates and working conditions by collective bargaining which is carried on outside the framework of the arbitration system. This system of negotiation is uncommon in Australia and is the product of unusual circumstances which govern the industry. There is, for example, a combination of the mining companies so that wages and working conditions are uniform along the line of lode. Similarly, there is a combination of trade unions which has given an unusual strength to their bargaining power. In this study I have given an account of the early development of the combination of trade unions at Broken Hill.

(ii) The largest and most successful company on the field until 1908 was Broken Hill Proprietary Company Limited which later became Australia's greatest iron and steel enterprise. It has been said that B.H.P. Coy. Ltd. developed a legacy of an unhappy industrial relationship with its employees whilst it was primarily concerned with mining at Broken Hill. An account of the company's early industrial relations has been given and some reasons have been suggested for the lack of cordiality which sometimes existed.

(iii) The major part of this study is set in the two decades which span the turn of the century. These decades were important to the labour movement for in them a Labor Party was established, a compulsory arbitration system formed and the idea of 'a living wage' accepted. The industrial disputes at Broken Hill had wide repercussions and in some measure influenced, and were influenced by, these changes in the fortunes of the labour movement.

(iv) The most often cited sources of information on the early industrial disputes at Broken Hill are accounts given by partisans. George Dale, The Industrial History of Broken Hill (Melbourne, 1918) and Tom Mann, Memoirs (London, 1923) give the point of view of the employees whilst Roy Bridges, From Silver to Steel (Melbourne, 1920) and B.H.P. Coy. Ltd., 'Fifty Years of Industry and Enterprise' in B.H.P. Review (Jubilee Number) (Melbourne, 1935) give that of the major company. All these accounts are valuable: the first two were given by participants in some of the disputes; the latter two are based partly on company records which no longer exist. The availability of material which was not accessible to these writers (for example Government Records, the Mine Managers' Association minutes, and the Combined Unions Committee Minutes) has made possible a reassessment of the causes of the industrial disputes.

CHAPTER IThe settingBlock 17
(The Junction)

North Mining Company

Mining at Broken Hill

Block 40

Broken Hill Junction North Silver Mining

Finds of ore bearing silver and lead were made in the Barrier Ranges

in 1876. Prospectors were attracted to the area and a small settlement

developed at Umerumberka, later called Silverton, about 18 miles from the

South Australian border and 17 miles from the present site of Broken Hill.

In 1883 Charles Rasp, a boundary rider, pegged a claim at Broken Hill and

formed a syndicate of seven to manage the claim. The syndicate expanded into

the Broken Hill Mining Company with fourteen shareholders. The prospects looked

so promising that Broken Hill Proprietary Company Limited (B.H.P. Coy. Ltd.)

was floated on 15th August, 1885.

Rasp's original application for a mineral lease was for Block 12. The

ore vein, which ran for about three and a half miles, resembled a large bow

convex upwards. Consequently the best blocks were Blocks 11, 12 and 13 where the

ore was close to the surface and mining was relatively inexpensive. B.H.P. Coy.

Nevertheless, each manager remained responsible to his board of directors and

Ltd. leased Blocks 10 - 16, inclusive, and so had to pick of the field. Other

companies working the field met with little success before 1908.

During 1887-88 there was a boom in mining shares. William Knox, the

secretary and George McCulloch, a director who had been one of the original

syndicate of seven, both sailed to England for B.H.P. Coy. Ltd., to offer shares

in a new company, the British Broken Hill Proprietary Company, which was floated

on the London Stock Market. This company was to work Blocks 15 and 16. At the

same time as it was floated the Broken Hill Proprietary Block 14 Company and

Broken Hill Proprietary Block 10 Company were floated on the Melbourne exchange

as separate companies. These three smaller companies retained a close connection

with the parent company: directors were often on more than one of the three

boards: W.H. Patton, general manager of the Proprietary mine 1887-1890,

supervised the Block 10 works and was consulting engineer to the British and

Block 14 mines.

The companies established on the field in 1888 held the following leases:

Blocks 6, 7, 8 Broken Hill South Mining Company

Block 9 Central Broken Hill Silver Mining Company,

Block 10 B.H.P. Block 10 Company

Blocks 11, 12, 13 (The Proprietary Mine) B.H.P. Coy. Ltd.

Block 14 B.H.P. Block 14 Company

Blocks 15, 16 British B.H.P. Company

Block 17 of the law were made against it in the two major strikes of 1891 and 1903.
 (The Junction) North Mining Company

Block 40 Broken Hill Junction North Silver Mining Company Limited. Ties of kinship also to South Australia. A large number of Australian miners came there.

Block 39 Broken Hill Junction Silver Mining Company Limited.

In 1891 49% of Broken Hill's population had been born in South Australia (6).

The major markets for the ore were overseas so international competition made the companies act as a group rather than as competitors.

A Barrier Ranges Mining Companies Association was formed in Melbourne and a Proprietary Company alone and only 2,500 other men remained constant

Mining Managers' Association (M.M.A.) in Broken Hill. B.H.P. Coy. Ltd., as the most successful company, held great sway with both associations. Its secretary, William Knox, became secretary and chief spokesman of the Companies Association.

The M.M.A. was formed at the suggestion of S.R. Wilson, the Proprietary mine manager, and the inaugural meeting was at the office of his mine. (1) The M.M.A. assumed responsibility for fixing a uniform wage schedule to apply along the line of lode and was in general responsible for all conditions of labour, (2) nevertheless, each manager remained responsible to his board of directors and some did, from time to time, decline to be bound by the decisions of the association (3). Most of the managers followed the lead of the Proprietary mine manager with little dissension until 1908.

Broken Hill - the Town. Only temporarily for living conditions were not good.

J.A. La Nauze has complained that 'somehow the history of politics or of organizations which are undoubtedly physically centred in towns ... is written without consciousness of the town itself'. (4) It is, however, difficult to ignore the character of Broken Hill. Some aspects of the town's situation, climate and population have a bearing upon the industrial relations and disputes which developed from 1883 to 1909. hot, dry and dusty. The early dwellings were

Broken Hill has always been aware of its isolation and virtual detachment from the rest of New South Wales. At the turn of the century three days train travel through two other colonies separated it from the seat of government, Sydney. When a railway link to the outside world was established it was established through Cockburn to Port Pirie, which became the town's natural entrepot. Proximity was responsible for an economic bond with South Australia rather than New South Wales.

A sense of estrangement from the rest of New South Wales grew with what appeared to be the neglect of the Colonial Government. Private companies had to be formed to provide utilities, such as a railway and a water supply, for which the Government had been unwilling to assume responsibility (5). The Government in distant Sydney was regarded with suspicion so that charges of the

maladministration of the law were made against it in the two major strikes of 1892 and 1909.

Ties of kinship also linked Broken Hill to South Australia. A large number of South Australian miners from the copper fields found employment there. In 1891 45% of Broken Hill's population had been born in South Australia (6). The ties were greater than the figure suggests for a lot of people stayed only temporarily on the field. In 1904 6,000 to 7,000 men passed through the books of the Proprietary Company alone and only 2,500 other men remained constant employment (7). This circulation of people is also suggested by the large number of passengers carried by the Silverton Tramway Company which operated between Cockburn, S.A. and Broken Hill (8).

Year	Number of passengers carried by S.T.C.	Population of Broken Hill.
1888	49,551	n.a.
1889	47,057	12,569
1891	73,362	19,789

Many South Australians must have lived temporarily in the town and they were consequently sympathetic and generous when pleas for assistance were made in times of hardship.

People stayed only temporarily for living conditions were not good. Justice H. Higgins, as president of the Commonwealth Arbitration Court, visited the town in 1909 and commented, 'for the greater part of the year the workers in their iron sheds have to face an unbroken desert on all sides, and dull, dreary, desolate, grassless plains, with all the pervading dust and grime, with water scarce and dear and impure, and conditions unhealthy'(9). The climate is harsh for the city can be uncomfortably hot, dry and dusty. The early dwellings were of a temporary nature, and offered scant protection (10). Apart from the regular occurrence of the industrial diseases, pneumoconiosis and lead poisoning, typhoid fever was not unknown, especially in dry years (11). The cost of living was high for the aridity of the district made necessary the import of foodstuffs and building materials. Food prices and rent were higher in Broken Hill than in Sydney or Adelaide (12).

Peopled mainly from South Australia Broken Hill was as predominantly nonconformist as that colony. The 1901 census figures show the distribution of the largest religious denominations.

P.J. O'Farrell has suggested Broken Hill South Australia New South Wales

	<u>Broken Hill</u>	<u>South Australia</u>	<u>New South Wales</u>
Church of England	27.4	29	46.6
Roman Catholic	21	14	25.9
Presbyterian	5.2	5.5	9.9
Methodist	32.3	25	10.3

(These figures represent the numbers of those professing adherence to the denominations as percentages of the total population.)

A full union of Methodists was not realised until 1901. Wesleyans, Bible Christians and Primitive Methodists retained their separate identities until then. By repute the Wesleyan Church was not a church which working class people attended. The Primitive Methodists had broken from the official Wesleyan Church in England and had received a great deal of support from the working classes. The Bible Christian Church was not distinguished by any particular social composition (13).

An examination of the marriage registers of the Wesleyan, Bible Christian and Primitive Methodist churches at Broken Hill supports these views of the social composition of each (14). There is a similarity between the occupations of those who held some adherence to the Bible Christian and Wesleyan churches. Considerably more miners were attached to the Primitive Methodist church.

Years 1900-01

	<u>Wesley</u> Sulphide St.	<u>Bible Christian</u> Oxide St.	<u>Primitive Methodist</u> Blende St.
Number of wedding entries examined	43	28	36
Number of male occupations stated	129	84	108
OCUPATIONS			
Labourer	16	12.5	8.3
Miner	27	38	50
Skilled Tradesman	30	29	25
Farmer	12.5	6	5
Professional man or Business owner	7	9.5	2.7
Unclassified	7.5	5	9

(The figure for each occupation is given as a percentage of the number of male occupations stated for that denomination.)

A link with South Australian nonconformity can be established by regarding the large proportion of adherents to all three churches which were born in South Australia.

	<u>Wesley</u> Sulphide St.	<u>Bible Christian</u> Oxide St.	<u>Primitive Methodist</u> Blende St.
Number of birth places stated	86	56	72
South Australian Births	61.3%	78.5%	66%

P.J. O'Farrell has suggested that many N.S.W. workers from 1880 to 1910 left church-type denominations, such as the Church of England, Roman Catholic and Presbyterian churches, for the churches were socially conservative (15). He notes an increase in the number of adherents to sect-type denominations, such as the Methodist and Baptist churches and the Salvation Army. However these, too, ceased to be socially radical and O'Farrell relates a decline in religious adherence ^{to} with the growth of militant socialism.

In Broken Hill Methodism was unusually strong and criticism of its conservatism was often made in the local newspapers, but the evidence to show any decline in the number of adherents would be difficult to obtain for church records are sparse (17). The militant socialists of Broken Hill did ape religious forms and ceremonies and the Barrier Socialist Group appeared to be a quasi-religious organisation moved by the 'secularized sect impulse' of which O'Farrell wrote (18). In Broken Hill effective unionism did not exist and Broken Hill unionists expressed anxiety lest 'our institutions become Americanised ...' (26).

The relative homogeneity of the Australian population makes it tempting to seize on any oddity and regard it as significant. There is no statistical evidence of a large number of Cornish Miners at Broken Hill. There is, however, an old Cornish saying, 'wherever there's a hole in the earth you'll find a Cousin Jack down it.' A large number of Cornishmen had worked on the South Australian copper fields (19). Between 1888 and 1892 the price of copper was low and the general movement from South Australia to Broken Hill was strong. It is not unreasonable to presume that the Cornish metal miners found their way to Broken Hill, too. Cornish pronunciations such as [pasti] instead of [pa'sti]; Cornish words such as 'crib' and 'stope'; and Cornish word patterns such as 'where is it to?' have survived in the speech of Broken Hill people. Cornish family names such as Trevorrow, Trevithick, Tresize and Penrose still recur. (20).

The Cornish were not good trade unionists. The Cornish system of tribute survived in South Australia until at least 1889. Miners would bid against their fellows to work an area. The tributer regarded himself not as a labourer but as a farmer renting a field (21). Trade unionism developed slowly in Cornwall and slowly amongst the Cornish in Australia. They were used on the coalfields as strike breakers in 1888 and a meeting of Cornishmen at Broken Hill expressed indignation 'at the action of certain Cornishmen in going on to the mines' during the 1892 strike (22).

Cornish managers were called 'captain'. Their paternalism, for which they were renowned sprang from the Cornish system of making up for small wages with gifts

and bonuses (23). The paternalism of the mining companies after B.H.P. Coy. Ltd. left the field follows that tradition.

When B.H.P. Coy. Ltd. sought a mine manager it sent W.R. Wilson to America rather than Cornwall. G. Blainey has seen this as 'perhaps the most momentous decision in Australia's industrial history' for the Cornish managers used traditional methods whilst those from the New World were prepared to experiment boldly (24). W.R. Wilson secured as general manager W.H. Patton who was Superintendent of the Consolidated Virginia Silver Mining Company; as metallurgist H.H. Schlapp of the Pueblo Smelting and Refining Works, Colorado; and as assistant metallurgist W.J. Koehler, also from the Comstock lode. They were the first of a line of managers each of whom had experience of American mining (25).

Old fashioned and conservative as their industrial techniques might be the Cornish managers had less trouble with workers than did managers with American experience. In America effective unionism did not exist and Broken Hill unionists expressed anxiety lest 'our institutions became Americanised ...'(26).

CHAPTER II

THE DEVELOPMENT OF UNIONISM AT BROKEN HILL

secured a standard wage rate of 10/- per eight hour day but the

- THE BEGINNINGS OF THE BARRIER BRANCH OF

is formal and no attempt was made to enforce it.

THE A.M.A. AND ITS EARLY FORTUNES

CHAPTER II

was formed at Broken Hill the principle of seeking legislative enactment of
The development of unionism at Broken Hill - The beginnings of the Barrier
 Branch of the A.M.A. and its early fortunes.

On 20th September 1884 a meeting was held at Silverton to organise a Barrier Ranges Miners' Association which was 'to establish a close union and co-operation for the purpose of mutual support amongst the classes more particularly concerned' (1). Mr. Freer, who addressed the meeting of two hundred, claimed to have experienced trade unionism on other fields. He believed that 'this association was promoted not for selfish ends, and would equally benefit all classes of the community, whether miners, carpenters or anyone else'. All branches and members when unjustly dealt with by their employers and managers.

Within a few weeks a complaint was made that the purpose of the association was not clear (2). This prompted the members to formulate an objective. The association was to be 'a friendly society to afford succor to members who may sustain personal injury through any mining accident' (3).

It was not uncommon for workers to form friendly societies for employers were not obliged to compensate/employees for injury. The Barrier Ranges Miners' Association appears to have been little more than a friendly society. It did recognise a standard wage rate of 10/- per eight hour day but the recognition was formal and no attempt was made to enforce it.

A little over twelve months later the formation of a branch of the Amalgamated Miners' Association of Australasia was proposed by miners who were evidently dissatisfied with the Barrier Ranges Miners' Association. A branch of the A.M.A. was established at Silverton on 12th January, 1886. (4). After a meeting at Broken Hill on 16th January it was decided to form a Barrier Branch of the A.M.A. which came into existence with an initial three hundred members on 25th January 1886. (5). The office of the Barrier Branch of the A.M.A. was moved from Silverton to Broken Hill in July 1886.

The Barrier Branch of the A.M.A. was not a trade union in the sense that the A.M.A. was more than a friendly society. It was an established, intercolonial mass union. In 1886 it was the largest union in Australia for its secretary, W.G. Spence sought 'to unite all miners - gold, silver, copper and coal in one body with an Intercolonial Council'. (6).

In forming a branch of this existing union Broken Hill miners were drawing upon the experiences of miners elsewhere. The rules and objectives of the National Miners' Association of Britain had been used as a guide when a Bendigo conference of Miners established the A.M.A. of Victoria in 1874 (7). The British association had endeavoured with some success to improve wages and conditions for its members by pressing for appropriate legislation (8). At Bendigo Conference a similar method of securing improvements was approved. By 1886 when the Branch

was formed at Broken Hill the principle of seeking legislative enactment of reforms was still official policy of the union. The unions acted collectively as

The objects of the union were:

- (i) To raise funds by contributions, levies, fines and donations for the purpose of mutual support.
- (ii) To obtain legislative enactments for the more efficient management of mines, whereby the lives and health of the miners may be preserved.
- (iii) If necessary to take steps to obtain compensation for accidents when the employers are liable.
- (iv) To assist all branches and members when unjustly dealt with by their employers and managers.
- (v) To assist all local branches and members when locked out or on strike, sanctioned by the association.
- (vi) To make the hours of labour not more than eight in twenty four for all miners in Australasia.
- (vii) To encourage local associations in raising funds to assist its members when permanently injured in the mines, by which they are rendered unable to follow any kind of employment.
- (viii) To secure the prices and wages the members may at all times contract for.
- (ix) To obtain legislative enactments providing for the cessation of work in all mines between the hours of 6 p.m. on Saturdays and 7 a.m. on Mondays, cases of emergency alone being excepted.
- (x) To assist Kindred Organisations in upholding their rights and privileges (9).

The union could envisage strike action but preferred to co-operate with employers. 'Give capital to understand we are not aggressive', secretary W.G. Spence wrote to the Barrier branch. 'Our principles are the settlement of all difficulties by conciliation. We do not believe in strikes and must have a good cause and have exhausted all other means before resorting to such an extreme' (10).

The Barrier Branch of the A.M.A. was not a trade union in the sense that its members were of a particular trade. It was a mass union seeking to embrace all the unskilled workers in the mining industry at Broken Hill. Indeed, until the first craft union (the Amalgamated Society of Engineers) began in 1888 the A.M.A. was the only union on the field for skilled and unskilled workers so it was initially an industrial union. It remained the largest union on the field even after other unions were formed in 1889.

The Barrier Branch of the A.M.A. held with the other unions a similar position to that which the B.H.P. Coy. Ltd. held with the other companies. It was the oldest and the largest union on the field. It sometimes acted independently of the other unions to determine working conditions which applied to all. For example, it was the sole union party to the agreements of 1889 and 1890. It

presented complaints to the N.S.W. Industrial Arbitration Court in 1903 and the Commonwealth Arbitration Court in 1909. When the unions acted collectively as they did by forming a Combined Unions Committee in 1906 and 1908 the Barrier Branch of the A.M.A. had the greatest influence.

The Barrier Branch of the A.M.A. was not always spokesman of the other unions. They disagreed with it and sometimes approached the M.M.A. independently of it. Union separatism was not overcome by the A.M.A. engulfing the other unions but by their agreeing to co-operate with each other. They preserved their integrity so that when a collective organisation was established it was a federation of unions rather than a merging into one (11).

Union leadership was important in attracting members. In its first year of existence the Barrier Branch of the A.M.A. was unfortunate in having a tactless permanent secretary, D. Griffin. In July, 1886 Griffin reported that 'the Association was meeting some opposition from the general manager of the Proprietary mine but at all the other branches things were working smoothly' (12). The opposition hardened after Griffin attended the annual conference of the A.M.A. of Victoria and urged shorter hours for engine drivers. Griffin's complaint was legitimate for an inspector of mines visited Broken Hill shortly afterwards and drew the attention of the mine managers to the fact that engine drivers were at their posts twelve hours instead of eight, as they should have been in accordance with the Inspection of Mines rules (13). Although his complaint was legitimate Griffin lacked the diplomacy to present it in such a way as to have the position remedied. He was censured by the quarterly meeting of the Barrier Branch of the A.M.A. in October and over one hundred members of the union seceded when a mine manager present at the meeting complained of Griffin (14). S. R. Wilson ordered him to keep off the Proprietary mine but two days later Griffin appeared there. He and Captain Piper had 'a personal encounter' and had to be separated (15). At the end of the year Griffin was re-elected secretary but resigned because 'Mr. Wilson had stated that he had no objection to the association and would support it if he [Griffin] were out of it'. (16).

An energetic president, J. Neil, was credited with inspiring a new enthusiasm in the first six months of 1889 (17). Union membership after 1886 remained at about 300 until April 1888. In February, 1889 there were 1,763 members. Under Neil the union appointed to every mine in the district one steward for every twenty five miners employed whether they were unionists or not. The policy was successful for the number of recruits mounted. There were, of course, more men

working on the field to be recruited. The following figures show the growth of the labour force at the Proprietary mine. (18)

Total number of men and boys employed by B.H.P. Coy. Ltd.

Nov. 1886	375;	Nov. 1887	898;	Nov. 1888	1,666
May 1887	664;	May 1888	1,231;	May 1889	2,127

W.G. Spence maintained that there had been a concerted effort by the mine managers to retard the development of the union in 1887 by blacklisting eight unionists (19). The M.M.A. records show that managers had been requested in November 1886 to inform the secretary of dismissals so that the secretary could circularise the other managers (20). In August, 1887 five men were reported to the M.M.A. for 'violation of contract system' and their names were posted (21). No mention was made whether they were unionists or not and it seems unlikely that the mine managers would gain very much by persecuting the members of a union which had less than three hundred members.

Harmonious industrial relations depended upon mine managers as well as union leaders. S.R. Wilson was appointed general manager of the Proprietary mine a few months after mining operations began and remained in charge for two years. His appointment was a temporary one for during it his brother W.R. Wilson was overseas seeking out another competent man (22). No major disruptions occurred whilst S.R. Wilson was manager so that at the end of his term of office he was able to speak well of his 898 employees. 'They have one and all worked well and harmoniously in the company's interest' (23). Some of the credit for the co-operation must be given to his Cornish underground manager, Captain Richard Piper, who was formerly at Wallaroo. It was the job of the underground manager to set the contract prices and most disputes with the management usually arose from a disagreement with him. (24).

W.R. Patton, who took over from S.R. Wilson as manager of the Proprietary mine in November 1887, had a more difficult time than his predecessor. His troubles began when miners at Umberumberka mine went on strike for one day on 27th November 1888 rather than continue the practice of relieving the old shift at the face. The Barrier Branch of the A.M.A. supported the men and the executive committee resolved 'that the eight hours of work should start from the time a man left the surface to descend the mine until he reached the surface again' (25).

W.H. Patton and the M.M.A. would have nothing to do with such an arrangement. The M.M.A. agreed to Patton's motion 'that the ordinary custom

of the colonies with reference to miners changing shifts be strictly adhered to - viz - that all miners change at the faces and that no deviation from this custom be allowed in any mine' (26). A fortnight later Patton announced that he had received instructions from his board of directors that 'every man shall be instantly dismissed who refuses to comply with the company's existing rules' (27). Neither he nor the company were going to be conciliatory.

The Barrier Branch of the A.M.A. proposed a conference between delegates from their union and from the M.M.A. to discuss (i) changing shifts, (ii) Sunday work, (iii) working in lead, (iv) working in wet shafts (28). It is an indication of the growth of the union and the willingness of the mine managers to live peaceably with it that the M.M.A. agreed to hold the conference.

The unionists were reasonably satisfied with the results of the conference. No changes were made in the manner of changing shifts but as the issue was not pressed again unionists must have been content. It was determined that men working in wet shafts were to receive 5/- per week extra. More important was the concession 'that six hours at 10/- constituted a day's work on Sundays for miners only. Eight hours to be paid for as two hours extra' (29). The modification 'for miners only' was unacceptable and the Barrier Branch of the A.M.A. pressed unsuccessfully for the next few months for the inclusion of truckers (30).

At the April meeting of the union when another approach to the M.M.A. was being discussed it was proposed that the truckers simply work six hours as from the next Sunday and that the M.M.A. should be acquainted with the new arrangements. The proposal was rejected but it shows something of the militancy of its maker - Richard Sleath (31).

Richard Sleath was an aggressive unionist. Although he had only been in Broken Hill a few months he was elected president of the Barrier Branch of the A.M.A. in July and again in January, 1890. As president he was vigorous but domineering. His vigour as a union executive made him a natural leader so that in the strike of 1892 he, more than anyone else was the strike leader. He was a bumptious person and it was his pugnacity rather than any personal charm that won him supporters.

It was under the able leadership of Sleath, as president, and Neil, as secretary, that the Barrier Branch of the A.M.A. sought to supplement its strength by insisting on full union membership.

CHAPTER III THE DEVELOPMENT OF UNIONISM AT BROKEN HILL
THE WINNING OF UNION RECOGNITION AND THE
STRIKES OF 1889 and 1890

CHAPTER III

The development of unionism at Broken Hill - the winning of union recognition in the strikes of 1889 and 1890.The 1889 Strike

The strength of a union is determined not only by the number within its ranks but also by the number that are outside it. A closed shop, that is a place of work where all employees are unionists, gives the unions greater bargaining power when negotiating with the employer for all employees are within the unions' discipline. In 1889 the Barrier Branch of the A.M.A. tried to secure full union membership.

Coercion had been used to secure new union members who were not attracted by the wide range of benefits offered (1). On 12th March, 1889 a new tack was tried when the union appealed to the M.M.A. 'asking the co-operation of the Managers to carry out Rule 56 of the association, that union men shall not work with non-union men' (2). The M.M.A. replied that they could not take any action in the matter. 'This being a free country we cannot see our way clear to coerce any man either way'. (3). The union persisted and in July, when Sleath became president, issued, in the form of a circular an ultimatum saying that after 5th August members would enforce the by-law which prevented them working with non-unionists (4).

On 5th August at a special mass meeting no steps were taken to insist upon the by-law being heeded. 'A strike like an amputation should be resorted to as the very last measure', one speaker declared (5). A spokesman of the Barrier Branch of the A.M.A., commenting on the meeting thought 'that taking us all together we are a sensible lot of men, and we always mean to try and gain our just ends by fair and well considered means' (6).

The last resort was apparently reached in November. The ultimatum was re-issued in October and approaches were made to the M.M.A. and B.H.P. Coy. Ltd. which replied that 'the position of the men who are willing to continue in the company's service whether members of the A.M.A. or not is to be maintained and every protection and encouragement be afforded them' (7). These approaches to the employers had failed so another mass meeting on 4th November decided not to work with non-unionists after 7th November.

At all the mines except the Proprietary only unionists were employed by the scheduled date (8). On 7th November union stewards at the shafts of the Proprietary mine told the men to come out. By noon only 25 were working there and none reported for the evening shift. As this was a quarrel amongst the men rather than

a quarrel with the employers the smelters continued working until the furnaces were blast out (9).

There had been a remarkable change between August and November in the union's attitude to strike action. The town had shown its sympathy for the striking London dockers at two big public meetings in September. There had been a ready response to the call when singing 'Rule Britannia' to 'shout it - and think of the tailors and seamstresses, the victims of the ungodly sweating system! Shout it - and think of the dockmen down on their knees before the millionaire dockowners praying for a penny an hour more wages' (10).

Impassioned singing was not the only demonstration of sympathy. Over £1,000 of the £30,000 sent from Australia to the dockers ^{came from} ~~was raised at~~ Broken Hill (11). Hopes of union loyalty, which had yet to be tested, must have been raised by such demonstrations.

This was a strike called by the union executive. The union executive committee conferred with J.B. Burton, the president, and W.G. Spence, the secretary of the A.M.A. of Victoria when they visited Broken Hill in September (12). Both these visitors had had experience of strikes on the coalfields and supported whole-heartedly the decision to enforce the rules.

Sleath was the moving force on the executive. He acted on his own initiative in writing to the B.H.P. Coy. Ltd. to ask the company to help the union insist on full union membership (13). At the mass meeting on 4th November which called the strike Sleath was the chief, if not the sole, speaker. He could be a convincing speaker and he had little trouble in getting the meeting of 200 to unanimously agree to strike (14).

To ensure that work was disrupted sufficiently to inconvenience the employers unionists posted pickets who dissuaded men from reporting to work. On the observations of the pickets a list of one hundred 'blacklegs' was compiled and circulated on 11th November. 'These men had to be shunned and avoided by the members of the Association, but no threats held out to them either in speech or otherwise' (15).

Five days after the strike started one police sergeant and eleven constables arrived from Sydney to ensure that the peace was kept (16). The only violence, however, occurred on 14th November when a large number of women tarred and feathered men on their way to work (17). The Barrier Branch of the A.M.A. disclaimed responsibility.

For the mine proprietors the strike had come at an inconvenient time. Both silver and lead prices were high in November, 1889 and this was certainly

at the time to stop production (18). William Knox, for B.H.P. Coy. Ltd., condemned the strike as, 'thoroughly unwarrantable and unjust'; the men had gone on strike 'without any consideration of their employers' interest' (19). Within seven days a party of directors representing all the companies arrived in Broken Hill with a list of proposals for the Barrier Branch of the A.M.A. to consider (20).

At one conference an agreement was reached (21). Unionists hailed it as a triumph. Unionism was recognised and the companies even undertook to collect union dues on pay day. George Dale in 1918 claimed this as 'Australia's finest industrial achievement' (22). T.A. Coghlan, also writing in 1918, thought that it 'was probably the greatest triumph ever won by a Union in Australia' (23).

W.G. Spence viewed the agreement more cautiously. He sent by telegram his objection to the clause in the agreement which stipulated that union rules should be approved by the managers. 'It was giving away a great deal to allow managers to have approval of rules' (24). There is, nevertheless, no record of the managers modifying any of the union rules.

The organisation of the A.M.A. was loose and affiliated branches were free to pursue independent policies. Spence and Burton had expressed approval of the district becoming independent when they visited Broken Hill in September. They, therefore, probably approved of the companies' stipulation that a Colonial district of the A.M.A. be formed at Broken Hill so that the local union would have complete control of its own affairs.

The 1889 strike stimulated the growth of trade unionism at Broken Hill. A branch of the Amalgamated Society of Engineers and an Engine Drivers and Firemen's Association had been formed prior to the strike (25) and during the strike several other unions were founded: (i) an Amalgamated Society of Carpenters and Joiners (26); (ii) a Mechanics and Assistants Association (27); (iii) a Masons and Bricklayers Society (28); and (iv) the Barrier Ranges Smelting and Concentrators and Surface Hands Union (usually known as the Surface Hands Union) (29). Several of these unions sought affiliation with the Sydney Trades and Labour Council and formed a local Barrier Trades and Labour Council on 7th March, 1890 (30). The Sydney connection was an important one for under the terms of the 1890 agreement the A.M.A. was precluded from affiliating with the Sydney Trades and Labour Council. This council's help for the strikers in 1892 was most valuable (31).

The fragmentation did not weaken the A.M.A. or detract from its status with

the companies for it was with the Barrier Branch of the A.M.A. that the mining companies made the 1889 agreement. Of all the unions the Amalgamated Society of Engineers remained the most aloof and most frequent dissentient. It did not, for example, call its members out on strike in 1889. In 1893 the secretary expressed the society's disparagement of unskilled workers in a letter which was critical of mine officers 'who seem to delight in putting up laborers, pipe-fitters, gardeners, etc., to do our work, these men in time become very handy and thus stand too seriously in our way in the event of any dispute. There is a rough and ready lot of work in a mine that an ordinary intelligent laborer can get a good start on and so nibble away until he even considers himself a first class tradesman and would like to proposed a member of the A.S.E. ... it looks as if these mines are going to supply many jumped-up fitters to keep legitimate tradesmen who will not blackleg out of work' (32).

The Barrier Branch of the A.M.A. kept on good terms with the other trade unions but the Trades and Labour Council expressed its independence by bringing complaints to the mine managers directly and not through the A.M.A. (33). Two incidents illustrate the rivalry that sometimes existed in the union camp. (i) The other sizable craft union, the Engine Drivers and Firemens' Association, had an outspoken president W.J. Ferguson who became secretary of the Trades and Labour Council. Ferguson led the opposition to an A.M.A. proposal that what was left of the Strike Fund should be used to construct an A.M.A. Hall. Meetings were held and the Government, which was to supply the site, was petitioned. Ferguson was successful because the Premier, Sir Henry Parkes, laid a foundation stone for a Trades Hall on 23rd March, 1890 (34). (ii) W.J. Ferguson nominated as the Trades and Labour Council candidate in the Legislative Assembly election of July 1891 when the A.M.A. arbitrarily decided that J.H. Cann would be the labour candidate for the district (35).

The 1890 Stoppage

From 1873 to 1890 Australian wage earners had been in a good position: employment had been abundant and real wages had risen modestly but steadily. Industrial relations had for the most part been cordial (36). The maxim 'the collaboration of labour and capital' had been promulgated by both parties. The 1889 banner of the Barrier Branch of the A.M.A. was a typical expression of this sentiment 'on the one side with the Proprietary mine in the background is a representative of each of Labour and Capital clasping hands ... Beside one are various volumes - presumably bank books - while lying beside the miner (who is in

his working dress) is an assortment of mining tools . . . (37). This spirit of co-operation fell into abeyance with the onset of a severe depression which ^{helped} produce industrial conflict from 1890 to 1894.

The 1890 Maritime Strike was the biggest strike yet in the Australian colonies for no other had included so many men or so many unions. Although it began on the waterfront it eventually involved shearers, transport workers and miners. The Intercolonial Labour Defence Committee which had charge of the strike received £37,000 in donations made to assist the strikers. Broken Hill trade unions contributed £1,063 of this money and had pledged even more but they were unable to redeem their pledge for the mines closed down from 8th September to 3rd October (38).

The accusation that the closure was part of the organised employers' strategy to stop the supply of assistance to the strikers appears groundless. Both the Employers' Union and the Mining proprietors denied any connection between the two (39). Moreover, the closure had been forced on the mining proprietors who were reluctant to stop production.

The mining proprietors insisted that the closure of the mines had been made necessary by the restrictions to shipping caused by the Maritime Strike (40). The disruption of supplies of timber, coal and coke had hampered mining and smelting operations. The Barrier Branch of the A.M.A. challenged this claim that there was too little timber. Since timber was used extensively in stoping it was not unusual for companies to hold timber reserves which would last as long as six months (41). Moreover, an A.M.A. delegation to Port Pirie reported that there was no timber for Broken Hill held up at Port Pirie or Port Adelaide (42). The shortage of coal and coke was not questioned.

It was, however, not so much the lack of supply of materials that closed the mines but the accumulation of bullion which could not be shipped to the overseas markets. B.H.P. Coy. Ltd., in particular, had been caught by the Maritime Strike at a bad moment. In July the directors had sought the shareholders' approval to a scheme of maintaining a stock reserve (43). They argued that a big reserve could be drawn upon to equalise weekly returns. If the flow of ore to the port could be made more even transport would be made easier. Complaints about the uneven flow of traffic were often made by the South Australian Railways and the Silverton Tramway Company (44). They were frequently inconvenienced by having too few or too many ^{rail truck} ~~carriages~~ at Broken Hill. The directors' proposal to establish a reserve was shutting the gate after the horse had bolted for H. Patton had already ^{established one} ~~done so~~ and whilst the directors were talking of a

reserve of 100,000 ounces there were 218,000 ounces in reserve. The directors pointed this out to the shareholders but hastened to commend the advantages of having so much in reserve at that time. Although the surplus was valued actuarially at £47,000 the rise in silver prices made its real value £67,000. On the eve of the Maritime Strike B.H.P. Coy. Ltd. was holding in reserve the greatest volume of bullion that it had ever held. To continue mining whilst little ore could be smelted and no bullion could be shipped would be foolish.

On 5th September the mining companies announced their intention to curtail operations as from 10th September. (45). B.H.P. Coy. Ltd. indicated that it would not completely close until the furnaces had been blast out. A mass meeting of the Barrier Branch of the A.M.A. on 7th September decided to go on strike and as a retaliatory measure called the smelters out with the others on 8th September. The directors, nevertheless, stipulated that the

The companies were anxious that operations should begin as soon as shipping returned to normal for silver prices were at the highest they had ever been (46).

1890	Silver	Lead
7 th Aug.	4/3 $\frac{1}{8}$	£12.16.0
14 th Aug.	4/3 $\frac{1}{4}$	£12.16.0
21 st Aug.	4/4	£12.18.0
28 th Aug.	4/5 $\frac{1}{2}$	£12.18.0
4 th Sept.	4/6 $\frac{1}{8}$	£13. 3.0
11 th Sept.	4/6	£13. 6.0
18 th Sept.	4/5 $\frac{3}{8}$	£13.13.0
9 th Oct.	4/2	£14.13.0

The unionists' refusal to run out the furnaces was taken as an act of hostility so that when a conference was arranged between delegates from the various boards of directors and officers of the various trade unions an attempt was made to placate the unionists.

An agreement which was quite favourable to the unionists was reached and would come into operation as soon as the Port Pirie Workingmen's Association agreed to ship the bullion (47). The union negotiators won a notable reduction in working hours - from 48 to 46 per week. They had also established a machinery for arbitration in case of future disputes and had won approval to their condition that 'the decision when given [was] to be final and binding on both sides'. Much of the credit for these concessions was given to J.H. Cann, who, as president of the Barrier Branch of the A.M.A., was leader and chief spokesman of the party of

union delegates which negotiated the agreement. J.H. Cann and W. Greenhalgh, representing the Amalgamated Society of Engineers, were the more moderate and more tactful members of the party whilst R. Sleath (A.M.A.) and W.J. Ferguson (Trades and Labour Council) were more aggressive. ~~ted front to the employers.~~

The 1890 strike was never a sympathy strike, but, as a precaution, the directors insisted on the A.M.A. forswearing any sympathy strikes in the future. The workers at Broken Hill had demonstrated their sympathy for the Maritime Strikers by giving generously to the Strike Fund. They had even threatened the Banks that they would withdraw all their deposits in gold if the banks gave monetary or other support to the shipowners (48). When, however, it was first suggested that the mines might close an A.M.A. delegation had gone to Port Pirie to try and secure supplies for Broken Hill so that the mines might continue to function (49). The directors, nevertheless, stipulated that the A.M.A. should formally renounce the sympathy strike in case circumstances were different in the future (50). ~~their company was anxious to recommence work.~~

Conclusion

By the end of 1890 several unions were firmly established on the Barrier Mining field. The largest union, the Barrier Branch of the A.M.A. instigated a strike in 1889 and won formal recognition for unionism from the employers. The successful strike inspired the A.M.A. members with a confidence in the ability of their union to conduct a strike and in strike action itself as a method of winning better working conditions.

Unionism was being challenged elsewhere in the Australian colonies in 1890 but in Broken Hill the unions were able to use a stoppage, which was forced upon the reluctant employers, to win shorter working hours for their members. The state of the metal market was more persuasive in winning this concession than any pressure brought to bear by the strikers or arguments presented by their negotiations. However, to the unionists it appeared as another victory won after another successful strike.

This confidence of the unionists partly explains their uncompromising approach in the dispute about stoping by contract which sparked off the 1892 strike.

One of the results of the Maritime Strike of 1890 was the development of employers' associations. In Broken Hill the Master Builders' Association, (51), the Chamber of Commerce (52), and an Employers' Union (53) (which consisted of the M.M.A., the Licensed Victuallers' Association, the Master Builders, builders and contractors) were formed during 1890 and 1891. The mining companies had acted

jointly in negotiating the 1889 agreement and formed a Barrier Ranges Mining Companies Association, to which each board appointed delegates, to negotiate the agreement of 1890.

Similarly the trade unions presented a united front to the employers. In 1889 the Barrier Branch of the A.M.A. acted for all and was the sole union party to the agreement. In 1890 the party of union negotiators which went to Melbourne included representatives of the Amalgamated Society of Engineers and the Engine Drivers and Firemen's Association (54). The actual agreement drawn up was binding only on the Barrier Branch of the A.M.A. which was regarded by the employers as sufficiently representative of all.

The importance of individual mine managers and union leaders is to be stressed. S.R. Wilson, the manager with local experience did not have the trouble of his successors. W.H. Patton and John Howell (manager of the Proprietary mine since July 1890) did little to conciliate or open negotiations in 1889 and 1890 even though their company was anxious to recommence work. Their attitudes to the miners were partly the product of their experience on American fields. Within the unions the militancy of Richard Sleath and W.J. Ferguson was only partially offset by the fact of J.H. Cann.

CHAPTER IV concerned with things other than the efficient management of one mine.

The defeat of the unions - the 1892 strike is something of his attitude to labour

The strikes of 1889 and 1890 lasted eight and twenty five days

respectively. They were minor strikes which resulted in the employees winning union recognition and a reduction in working hours. The strike of 1892 lasted

~~125~~ ¹²⁵ days and ended with the defeat of the unions which completely lost recognition by the employers. This was a different kind of strike, prompted

by the mining companies who pursued policies related to experiences with unionism elsewhere in the Australian colonies.

In reviewing the strike George McCulloch, chairman of B.H.P. Coy. Ltd. directors, ^{spoke} of two principles which guided the mining companies: 'the

principles for which we have striven during the past strike, namely freedom of contract and the right to manage the mines as we please, irrespective of unions and union agitators'(1). The application of the two principles bears

critical examination.

First, 'the right to manage the mine as we please' meant that a company reserved the right to change any working conditions which ceased to be

satisfactory. Endeavours by the B.H.P. Coy. Ltd., to have the terms of the 1890 agreement altered so as to allow stopping by contract had met with

unsatisfactory responses so it became necessary to terminate that agreement. A month's notice of the companies' intentions to be no longer bound by it was given on 30th June (2).

The agreement had been for no fixed period but a company could be tied down unalterably in an industry where fortunes fluctuated so rapidly. B.H.P. Coy. Ltd. reported that metal prices were so low that it was impossible for the June dividend to be paid 'without encroaching too closely on our cash reserves'(3).

In an effort to cut costs and increase production the companies had in May proposed the introduction of stopping by contract and a wage reduction. The M.M.A. had unanimously rejected the proposed wage reduction 'seeing the general high rate of living . . . any reduction in the present scale would meet the most determined opposition and be fought out . . .'(4). There had been complaints of men idling and sleeping on the job (5) but if contract work was made the general rule there would be more chance of the companies securing a fair day's work for a fair day's pay.

Howell who succeeded W.H. Patton as Proprietary mine manager in June 1890 gave his impressions of how the agreement had failed. Neither he nor Patton had showed much concern for improving relations with their employees. S.R. Wilson, on the other hand, attended M.M.A. meetings often and thus displayed a wide interest

~~which~~ ^{for he} was concerned with things other than the efficient management of one mine. Howell's criticism of the agreement reveals something of his attitude to labour and industrial relations (6).

The truth is the mine managers at Broken Hill were so hampered and controlled by what I may call socialistic labour rules, that it was utterly impossible for us to get anything like the amount of work from the men that we were entitled to expect from the good wages and constant employment the men were receiving. Something had to be done, some change had to be made, and the only thing under the circumstances that could be done was to break the agreement between the companies and the miners (or the unions) which then existed, and which in practice had proved to be a very one-sided affair. From my point of view, I think the agreement could only be regarded as an experimental one. It contained no consideration of any kind that would bind any party to recognise it any longer than they saw fit; in fact, the miners themselves had come to consider it more in the light of a cloak to cover and encourage idling and loafing in the mines than anything else.

It is clear that the companies did violate the agreement when on 17th June they announced their intention to introduce contract stopping (7). They declared, moreover, that they had no intention of putting the dispute to arbitration, as they were ^{obliged} ~~bound~~ to ~~do~~ by the agreement, for an arbitration ruling would be against them (8).

The companies' arguments that their mode of operation had been rendered uneconomic is debatable. It was in May that the companies first proposed the change yet in that month B.H.P. Coy Ltd. announced a profit which was not surpassed until 1937. There appears to have been some book juggling for the cash reserves which would have been adversely affected if a dividend were paid in June had not been established until after May.

A summary of the financial position of B.H.P. Coy. Ltd. (9)

<u>Year ended May</u>	<u>Net Profit.</u>	<u>Dividend.</u>	<u>Depreciation</u>	<u>Reserves.</u>
1889	292	240	25	
1890	879	816	86	
1891	1,143	1,104	45	
1892	1,157	1,152	52	
1893	569	480	54	70
1894	853	600	60	125

(All figures represent £ thousands)

The metal prices, apart from a fall in August, are not as poor as one might expect especially if one views them in the perspective of prices prevailing in other years (10). It is difficult to understand why the companies announced their intention on 16th August to reopen on 25th August if and in defending ourselves, to say - "The banner we must have in future prices were really so adverse. contract". (Cheers). After a protracted struggle,

1892	<u>Silver</u> £.s.d.	<u>Lead</u> £.s.d.		<u>Silver</u> £.s.d.	<u>Lead</u> £.s.d.
15 March	3.5 $\frac{1}{4}$	10.17.0			
21 April	3.4	10.12.0			
10 May	3.3 $\frac{15}{16}$	10.11.0			
9 June	3.4 $\frac{3}{4}$	10.15.0	4 Aug.	3.2 $\frac{15}{16}$	10. 8.0
16 June	3.4. $\frac{7}{8}$	10.10.0	11 Aug.	3.1 $\frac{7}{8}$	10. 5.0
23 June	3.4. $\frac{1}{16}$	10.10.0	18 Aug.	3.1 $\frac{7}{8}$	10. 5.0
30 June	3.4. $\frac{3}{16}$	10. 7.0	25 Aug.	3.2 $\frac{1}{4}$	10. 5.0
7 July	3.3 $\frac{3}{16}$	10.10.0	6 Oct.	3.2 $\frac{1}{2}$	10.10.0
14 July	3.3 $\frac{3}{4}$	10.10.0	13 Oct.	3.3 $\frac{3}{4}$	10. 8.0
21 July	3.3 $\frac{3}{8}$	10.11.0	20 Oct.	3.3 $\frac{7}{16}$	10. 7.6
28 July	3.3 $\frac{1}{16}$	10.10.0	27 Oct	3.3 $\frac{1}{16}$	10. 5.0

The second principle the companies fought for was 'freedom of contract' that is the right of the employer to employ whom he wishes. In mining most work is done by contract because it is ~~so~~ difficult to supervise the men; so stopping by contract was a common enough practice. The A.M.A. objected to it because it might be unsafe and it might lower wages (11). Some miners might do hasty work to fulfil a contract and so endanger themselves and others.

This became their chief contention when they argued the issue before a Royal Commission in 1914 (12). In 1892 their main objection was that non-unionists might accept contracts at a lower rate of pay than unionists who were obliged to respect certain rates. The unionists would consequently be deprived of contracts and the rates of pay generally lowered. The A.M.A. claimed that it never rejected the companies' proposal to introduce contract stopping; it had insisted on knowing how the contracts were to be offered to the employees and if there would be any preference for unionists but the companies would not tell them (13).

The principle of 'freedom of contract' had been established by employers during the Maritime Strike. A director, John Darling, at the B.H.P. Coy. Ltd. shareholders' meeting in July 1892 alluded to the lessons of that strike as he explained that this dispute at Broken Hill was one of a series which threatened their rights as employers (14).

We were compelled in our own self defence, to act aggressively, and in defending ourselves, to say - "The banner we must have in future must be freedom of contract". (Cheers). After a protracted struggle, and having endured many difficulties, we were able to get for ourselves and for our own workmen the emancipation that many of them desired from such tyranny. (Applause). We do not wish to combat unionism in any

s hape or form. (Hear, hear). It is the usurpation of our just fights as free British subjects that we will fight against ... we have felt it imperative to say that those mines cannot possibly be re-opened unless under freedom of contract. (Hear, hear.)

J. Darling was supported by another speaker, F.A. Keating who related the dispute to other such struggles in the colonies (15).

... if Mr. Sleath, on his return to Broken Hill, refuses to withdraw his pickets, and determines to fight this battle, a de l'outrance, all I can say is, he is knocking the longest nail into the coffin of the New Unionism that it has ever received. Unionism is on its trial now all over the world, and if it destroys as it has destroyed, industry after industry, then the great patient long suffering public will rise, and will sweep it away, and instead of Unionism obtaining what it now claims, a monopoly of employment, it will obtain no employment at all'.

There was an abundance of labour in 1892 which was to the employers' advantage. At the memorable shareholders' meeting (July, 1892) which Sleath attended on the right of the one share he held, J.L. Purves reminded him that 'there are thousands of men not merely in Broken Hill, but in Tasmania, in New Zealand especially and in New South Wales, who are just as good miners as Mr. Sleath or his comrades who are the Board of Advice (or whatever they call themselves to these miners), who will go there and work on contract' (16). In Melbourne, from whence men were eventually brought to work the mines 8,000 men were registered at the Government Labour Bureau as being unemployed on 1~~st~~ July (17).

The Conduct of the Strike

The mining companies retained the initiative throughout the strike. The ~~two~~^{three} manifestoes issued by the Barrier Ranges Mining Companies Association punctuated the movement of the strike.

The first manifesto of 30~~th~~ June announced that 'all agreements between the mining companies and the Barrier Colonial District No. 3 of the Amalgamated Miners Association will terminate on 30th July' (18). The announcement was not unexpected. The Proprietary mine on 7~~th~~ June and the M.M.A. a week later announced intentions of introducing contract stoping (19). On 17~~th~~ June prior to the formal repudiation of the agreement by the association of companies which were party to it the M.M.A. had announced that 'the different companies decline to be further bound by the agreement' (20).

In spite of the assurance that a month's notice had been given so that another arrangement could be made the companies anticipated a strike. Men had been employed for some weeks in strengthening the drives and stopes so that the mines could be left unworked (21). On 2~~nd~~ July, the day before the strike was declared, Knox, as secretary of the Barrier Ranges Mining Companies Association

sent a telegram to the Colonial Secretary requesting 'prompt additional police protection of the properties' (22).

The A.M.A. responded to the challenge. In May it had an inkling of the intention to introduce stoping by contract and had let it be known that it would have nothing to do with contract work (23). No approach had been made and no formal refusal made. When the manifesto was issued a mass meeting was called for 3rd July. Sleath had rejected any proposal for a ballot to see if the members were in favour of a strike and he simply put the proposal to strike to the meeting of 3,000 after he had monopolised the speaking platform (24). It was decided to strike on 4th July. The night shift reported in the evening after the meeting but was sent home (25).

A Labour Defence Committee with representatives from all the unions was formed and on its instructions Josiah Thomas went to Adelaide and then Queensland recruiting funds (26). A labour manifesto issued on 11th July called for help from the workers of Australasia (27). The Sydney Trades and Labour Council pledged support and recommended affiliated unions to strike a 2½% levy on their members. Altogether it forwarded £5,000 of the £27,000 - £28,000 received from the outside organisations (28). It also proved a powerful champion of the strikers in lobbying for their cause when the strike was ~~raised~~^{discussed} in parliament (29).

Strike pay was distributed in the form of coupons which were redeemable locally and at a co-operative bakery and a supply store established in late July. The pay was ~~sealed~~^{sealed} according to ~~marital~~^{marital} state and number of dependants (30). It was only paid when sufficient picket duty had been done.

Pickets were well organised. Two hundred men were enrolled for each shift of four hours. They were governed by a list of published rules which advised against using violence. Nevertheless, they regarded themselves as besiegers and denied access to the mines to anyone not possessing a pass issued by the Labour Defence Committee. On the very first day of the strike, 4th July, they overturned a trolley manned by Southcombe and Drew, two merchants who were taking provisions to the mine (31).

The Companies' refusal to negotiate.

The Barrier Ranges Mining companies Association refused all attempts at conciliation. They demanded by telegram, 'Imperative that all pickets be withdrawn and all obstructions and violence to our officers and men be discontinued before mining companies can negotiate in any way' on 9th July (32). That demand was at least courteously directed to the Barrier Branch of the A.M.A. but

request for an interview. Mr. Knox called to disclaim any discourtesy on two days later another company manifesto, in which the directors expressed their intention of dealing directly with their employees rather than through 'labour agitators', was issued publicly (32). The unions had lost their recognition as representatives of the employees.

Dr. John Dunne, Bishop of Wilcannia-Forbes, and J.H. Cann, the district's member in the Legislative Assembly, both tried unsuccessfully to approach the directors.

The most audacious move to get the ear of the directors was made by Bishop Dunne had been appointed to his see through Cardinal Moran and he had been suffragan to the province of which Moran was Archbishop. Patrick Ford, a Catholic historian, has suggested that in 1892 Dunne was possibly emulating Cardinal Moran's activity of 1890 (33). The bishop, however, had been involved as a member of citizens' deputations in the previous disputes of 1889 and 1890. He is reported to have moved a strongly worded motion at a public meeting in 1890 (34). 'This meeting expresses its dissatisfaction with the action of the directors of the mines along the line of lode in their decision to cease operations as this action on the part of the directors had embittered the feelings between the masters and the men, and would have the effect of deferring the day of reconciliation'.

His experiences on previous deputations give weight to his assessment of the people and situation in 1892.

On 2nd July Bishop Dunne attended a citizens' meeting and was appointed to a deputation which waited on the executive committee of the A.M.A. the day before the mass meeting which called the strike (35). The deputation to union leaders 'warned them of the consequences of precipitate action'. Sleath would not agree to hold a ballot or delay the matter for a few days. 'They claim that this is all the mines require - a few days more to fortify them. That otherwise they cannot last'.

A week later the bishop headed another deputation, on which unionists were represented, to wait on Howell, the manager of the Proprietary mine. The bishop implied that the failure of this deputation was partly due to Ferguson being 'impertinent' and he decided there was 'no hope of a speedy reconciliation' (36).

On 12th July Bishop Dunne, the Mayor, T. Coombe (a businessman) and Rev. S. Gray (Primitive Methodist) met with some of the directors and spoke to a meeting of shareholders in Adelaide. The bishop recorded that (37) 'I was heard fairly - others obstructed'. Larrikinism - not creditable to Adelaide'. The next day the delegation went to Melbourne where the directors did not reply to

their request for an interview. 'Mr. Knox called to disclaim any discourtesy on his part or Directors to me personally - Told him I thought Directors had treated delegates discourteously' (38).

Similarly J.H. Cann had journeyed from Sydney to Melbourne a few days earlier and he, too, failed to meet the directors (39). Both Cann and Bishop Dunne reported back to Broken Hill that Mr. Knox had told them negotiations would begin when the pickets were withdrawn.

The most audacious move to get the ear of the directors was made by Sleath. He bought a single share in B.H.P. Coy. Ltd. and went to Melbourne to take part in the shareholders' half yearly meeting on 27th July. He tried fairly successfully, 'to put clearly and correctly' the position as the men saw it (40). His audience was unsympathetic but reasonably patient and he was able to make his main point. He claimed that the dispute was not over stopping by contract but over 'an agreement being entered into by two parties which has been dishonourably broken'. He put it to the meeting that it 'should consider well whether it would not be advisable to come to some terms or some arrangement with the employees and have a mine re-opened'. He won two converts: Mr. Searle and Mr. Gibson, amidst cries of protest, moved at the end of the meeting a motion urging the holding of a conference as soon as practicable. Messrs. Searle, Gibson and Sleath were the only voters to support the motion.

Sleath's appearance before the shareholders and directors was regarded as 'plucky' but J.L. Purves made such a biting speech, in which he attacked Sleath's arguments by ridiculing the man, that Sleath's effort at first sight appears less creditable than it was

... [Sleath] is not standing on a waggon here under the burning effigy of a decent man; he has not a squad of slobbering boys following him about here. (Laughter). But he says he comes here to ask you for honest and just treatment. He tells you one reason, and his main reason, that the wages are not sufficient; that 10s. a day is not enough; that £3 per week kills miners because they suffer from lead poisoning. Well, gentlemen, he is a miner. I do not see any signs about him of lead poisoning. He is a working man; why, gentlemen, his hands are whiter than mine! He is one of those indolent people who make a great deal of noise in order to obtain a living; and, he tells you, forsooth - and this is one of the ways in which he humbugs and bamboozles ignorant people - he tells you that he comes here with his own money, and paying his own way. Gentlemen, he comes here with the money of poor starving women and helpless children. (Hear, hear, and applause). He is one of the Chevaliers d'Industrie - one of the Knights of indolence who live and prey upon the real working man and prevent him doing his day's work. (Loud and prolonged applause).

The resumption of work

On 16th August the Barrier Ranges Mining Companies Association issued a

third manifesto. The drop in the price of silver had resulted in a fall in the nominal value of shares in four of the principal mines and this apparently made

the directors determined to persevere in lowering the cost of production (41). In this third manifesto they declared for freedom of contract and expressed their intention to reopen the mines on 25th August. Preference would be given to former employees who were efficient workmen but 'if within a reasonable time ... a sufficient number of men had not returned to work the companies will be reluctantly compelled to make other arrangements' (42).

The Defence Committee rejected the manifesto and was informed that the 'miners who have delayed so long to comply with the request of the owners for the removal of pickets have lost the opportunity of obtaining a conference' (43). There was now no longer any condition placed on the companies' refusal to hear of conciliation. They would not negotiate with the unions.

On 23rd August advertisements for workers were placed locally. The old schedule of wages was to continue but 'it is the opinion of the managers that the greater portion of the work will be let by private agreement between the managers and the men' (44).

The mines were reopened on 25th August but few men risked the anger of the picket lines and only about one hundred men were re-engaged (45). On 9th September ^{the} companies began to import labourers as they had threatened. The strike leaders, at a mass meeting on Central Reserve, suggested violent reprisals and were subsequently arrested on 15th September on charges of conspiracy. After their arrest the strike fell apart for on the same day the pickets were dispersed on the instructions of the police magistrate as they now constituted an unlawful assembly (46). The companies continued to import large numbers of men and by 7th October the Proprietary mine had 827 men and smelting operations had resumed (47). Many of the locals returned to work for fear that their jobs would be taken if the influx of outside labour continued. One member of the Labour Defence Committee itself was reported to have sought re-engagement (48). Baxter and Saddler, the contractors who hired the incoming men, called locally for 500-800 men but the Labour Defence Committee refused to co-operate (49). This prompted the formation of a new union the Barrier Ranges Workers Co-operative Union which proposed to be less truculent. It was stillborn for the M.M.A. refused to recognise it (50).

By the end of October the Proprietary mine was employing 1400 men and 2250 were back at work along the line of lode (51). The Bulletin advocated a

return to work (52) and so did Bishop Dunne (53). On 6 November the Labour Defence Committee took the advice and called the strike off.

CHAPTER V

The defeat of the unions - The Role of the Government in the 1892 strike.

In the Legislative Assembly on 7th September J.H. Cann moved for the adjournment of the House 'for the purpose of discussing a matter of urgent public importance, namely the Broken Hill Strike' (1). Cann saddled the companies with the responsibility of the dispute for they had repudiated a binding agreement. His speech in the Legislative Assembly was not, however, to condemn the companies but rather the Government. The Government had not acted properly throughout the dispute Cann claimed and he attacked it on three grounds. First, Cann regretted that the Government 'have not been more expeditious in bringing the Courts of Conciliation and Arbitration Act into force, that is if the law is going to be of any use whatever'. Second, the Government had acted in the interests of the companies by suspending the labour conditions attached to the leases. Third, they had failed to ensure that justice was being administered at Broken Hill.

The discussion warmed with Labor members Nicholson (Illawarra) and Walker (Northumberland) widening the grounds of criticism established by Cann. The Labor members asked why the mines were not nationalised instead of leased 'to these Melbourne people' and why the government had not made arbitration compulsory.

In his reply to Cann's criticisms, E. Barton (the acting Premier) presented a view of the role of the state which contrasted sharply with that of the Labor members. In the eighties the norms of parliamentary government were that the parliament should see that the administration was efficient, roads and railways constructed, and, from time to time, pass legislation which regulated and improved society (2). The principles of English liberalism were held high. Barton looked with distrust upon any endeavours of the state to assume responsibility for industrial tranquillity. The state should remain neutral in such conflict as this, Barton declared (3).

I am not going to make a speech in advocacy of either the men or the masters. That is not the function of the government. It is not even the function of the government to consider through whose fault the dispute arose any more than it is to consider whether there is moral blame attaching to one side or the other for the dispute not being yet finished. What we have to do here is to uphold the laws which we came here to maintain.

Barton maintained that the government had been neutral throughout the dispute. Other speakers questioned that neutrality but it was Haynes, the Labor member for Mudgee, who attacked the neutrality itself as 'masterly inactivity'. (4). 'The government stand here and say, "What have we to do with this

matter? It is our duty to occupy a position of unchallengable impartiality - to maintain law and order", whereas their only duty is to alter conditions which produce these troubles, or give place to others who will do so.' 'The country demands an alteration of the conditions which produce strikes'. It was an attack by the party of reform on prevailing attitudes.' (11). The Government was in agreement with the idea expressed by J.L. Purves that for it to enforce labour. The Trades Dispute Conciliation and Arbitration Act had become operative on 31st March 1892 and its Council of Arbitration had been fully constituted in September. The Act provided for a Council of Conciliation to which employers and employees could refer a dispute. If no settlement was arrived at here the disputants could refer the matter to a Council of Arbitration. No compulsory powers were given to the councils; in cases of dispute application was optional and awards were not legally binding. As Barton pointed out the tribunal could not act if only one side was willing to elect its representatives to it. The unionists claimed that they were prepared to submit the matter to arbitration and nominated R. Sleath and W.J. Ferguson as their representatives on the Council of Conciliation (5). The companies remained adamant that they would not confer or submit the dispute to arbitration. Even after the pickets were withdrawn on 15th September and a new, more amenable union offered to negotiate, the companies continued to refuse.

Dr. Andrew Garran, after he had been appointed chairman of the Councils of Conciliation and Arbitration wrote to Barton suggesting an approach to Knox (6). The Premier Dibbs, now back from an overseas trip, followed up the suggestion and had the Colonial Secretary write on 5th November (7).

It seems to this Government that, under the existing circumstances, the mine owners might, without any loss of power or dignity, hold out the 'olive branch'. You are aware that under a recent Act of Parliament there is now established a State Tribunal for dealing with such disputes, and I desire earnestly to press upon you whether it would not be wise for you and your colleagues to avail yourselves in some way of this Agency. Everything seems to point to the fact that if you were now to hold a conference fairly representative of the employees, it would be practicable to arrive at terms of settlement in which both parties would concur.

The Labour Defence Committee had called the strike off on 9th November so Knox was able to reply promptly. (8).

The Mining Companies are satisfied that you will concur with them that no good object will be served by having any conference now, inasmuch as the Mining Companies are firmly resolved to adhere rigidly to the rates of wages and terms and conditions of employment which were published on the 16th August.

This approach and its refusal confirms the opinion of N.B. Nairn that the mine proprietors had behaved obdurately. Nairn has said that 'more than anything else their intransigence wrecked the 1892 Act, made a compulsory

system inevitable, and provoked a reciprocal cynicism from trade unionists which has affected the arbitration system ever since' (9).

The strikers were hopeful that when parliament met in September arbitration might be made compulsory (10). The Government rejected the suggestion for 'you cannot impose a court upon anybody' (11). The Government was in agreement with the idea expressed by J.L. Purves that for it to enforce labour covenants would be 'a new order of things' which was, as yet, unacceptable to society (12).

Cann moved on 5th October, 'That leave be given to bring in a bill to amend the Trades Disputes Conciliation and Arbitration Act of 1892, and to provide for compulsory arbitration and enforcement of awards of conciliation and arbitration' (13). He proposed that either side might force the case on to arbitration without first going to conciliation at all. He was given the privilege of moving the second reading of the Amending Bill but the Bill was not acceptable to the House.

The Neutrality of the Government

Cann had criticised the way in which the law was being applied in Broken Hill. He claimed that the Dibbs government had not been impartial. He cited, for example, the suspension of the labour conditions of the leases. It was one of the conditions of the leases that the mines were to be worked continuously on pain of forfeiture. The leases became liable to forfeiture on 4th August and again on 20th August. On both occasions the Government suspended the conditions.

Barton pointed out that the conditions were a formality for the only labour conditions attached to Broken Hill mines required four men to be employed on each block. If the conditions had not been suspended on 4th August then non-union labour may have been imported to see that they were fulfilled (14).

From the letter Knox wrote to the Inspector General of Police on 12th August it may be surmised that there was some connection between the extension of the suspension of labour conditions and the publication of a notice to resume work (15).

We presume the notice of extension of the suspension will be announced tomorrow, and I now send you herewith amended copy of notice as to the resumption of work which has been, you will observe, altered as suggested.

Cann's claim that justice was not being administered at Broken Hill can be considered under the charges that were laid against the Government: first, there may have been collusion between the companies and the Government; second,

the arrest and trial of the strike leaders were unjust; third, 'the police magistrate in charge acted in the most glaringly partial manner by using his powers to help the wealthy mining companies'(16).

(i) The Conspiracy

Brian Dickey after an investigation of the original files on the strike in the records of the government departments concerned, concluded that there was 'no evidence to support the view that the Government deliberately set out to crush the striking miners'(17). He explained in an article presenting some of the documents which revealed the attitude of the Government that the Labor men were keeping Dibbs in power in 1892 and disagreement with them would have been disastrous for the Dibbs government. Dickey has suggested that 'the Government behaved with diplomatic circumstances during the strike, perhaps with a sense of constitutional propriety, but certainly with an awareness of the dangers in the political situation'.

I have similarly investigated the files of the departments of the Colonial Secretary (controlling Police), Attorney General (in charge of Crown Prosecutors) and Justice (in charge of Magistrates) and confirm most of the conclusions (18) reached by Dickey.

There is no evidence of any conspiracy between the Government and the mining companies. Such a conspiracy may have seemed to exist because of the apparent rapport between the two. The mining companies, on the suggestion of the police, let the police know developments and this appears wise(19). For example, the police arranged for the first labourers from Melbourne to arrive at 1.45 a.m. Even though it was early in the morning several shots were fired into the train. Major disorder would have occurred if the police were not kept informed of when outside labourers would arrive.

The Government was not at the beck and call of the companies. When Knox asked on 2nd July for more police to be sent to Broken Hill the Government did not rush them to the town. They believed there was 'every hope miners will prove as law abiding as on previous occasions'(20) and warned Knox 'undue causes of irritation must be avoided'(21). They ascertained the position from responsible officers and even then proceeded cautiously. For instance, Police Superintendent E. Grainger's caution is illustrated in his communication with the Inspector-General of Police. 'Saunders [Sub-inspector of Police at Broken Hill] expects trouble ... Have wired him for further confidential report. Can scarcely act on vague supposition of possible breach of law ...'(22).

(ii) The arrest and trial of the strike leaders

By 6th September it was apparent that the companies intended to import labourers from Melbourne and at a mass meeting the strike leaders suggested retaliatory measures clearly but discreetly (23) by of riot. They were in a

I am satisfied now some will have to get three years or so before this trouble is over. (Bennett)

It is very likely that some of the leaders will have to go to gaol, but I am confident there are plenty of men in the ranks ready to carry the fight on, and there is no dishonour in going to gaol in a just and righteous cause, just as in the case of the Queensland strike. (Polkinghorne)

You know how the strikers acted in America; they believed in law and order, and gave them some of it, and fought them with their own weapons. I want to say something, but I do not know how to say it safely. You can imagine it is said, and that something has been done, and we are all in gaol. (Ferguson)

Geo. Herbert, Secretary, Coal Lumpers Union, who is a man after my own heart, suggests the way to settle this difficulty is for every man to throw down his tools and take up something else. Another gentleman named Butcher is writing to the paper and gives excellent reasons why you should be drilled men. The idea is a good one. (Sleath)

No arrests were made until after police reinforcements had arrived.

Eight men were arrested on 15th September and charged with conspiracy.

They were:

- George Hurn, President of the Surface Section of the A.M.A.;
- E.J. Polkinghorne, Assistant Secretary of the Labour Defence Committee;
- H. Heberle, President of the A.M.A.;
- R. Hewitt, Organiser of Pickets;
- J. Bennett, Member of the Labour Defence Committee;

W.J. Ferguson, Secretary of the Labour Defence Committee;

and Charles Butcher.

They appeared before A.N. Barnett, the magistrate from Silverton for some had subpoenaed the police magistrate, Whittingdale Johnson, as a witness in an attempt to make sure he was not on the Bench (24). Barnett imposed as a

condition of Bail that the accused 'will not by word, act or deed take part, engage in or in any way whatsoever do anything in what is now known or called

the Broken Hill strike' (25). The condition of bail was novel and drew complaint.

The accused stood trial on the charge of 'conspiracy to solicit, incite, and procure a large number of persons to unlawfully combine, conspire and agree

whether by divers unlawful means to deter, prevent, molest, intimidate and obstruct certain liege subjects of Her Majesty the Queen' (26).

on the suggestion of the Crown Prosecutor (26), who feared that a Broken Hill jury might be coerced and the trial unfair. Similar action was taken in 1909 when Albury became the venue for the trials of several men charged with crimes

associated with that strike (27).

It is, of course, debatable whether a Broken Hill jury would have behaved improperly. In 1894, for example, a Broken Hill jury found eight unionists involved in the Grassmere incident guilty of riot. They were in a party of unionists which had gone to Grassmere to have the shearers join the Australian Workers Union and had been involved in a riot in which shots were fired and three unionists wounded. However in the same year a river steamer, the 'Rodney', which was to have carried non-unionists to a station was burnt and sunk. Eight men stood trial in Broken Hill and were acquitted. 'The verdict of "not guilty" was received with considerable cheering from the very large crowd outside the court, and although it was after nine o'clock at night one or two impromptu speeches were delivered in the roadway' (28).

It seems reasonable for the Crown Prosecutor to have anticipated similar demonstrations in 1892 which might have influenced the jury. There had been a great crowd ('infuriated mob' - Whittingdale Johnson (29)) outside the courthouse when a picket D. Sullivan was arrested for preventing a mines officer going to the mine (30).

The choice of Deniliquin as an alternative Venue was not a happy one for it was thought that a jury drawn from a pastoral community was more likely to convict (31). J.S.T. McGowen complained in Parliament that one of the jurors had boasted of his antagonism to the accused (32). The Bulletin noted that eleven farmers and one fell monger constituted to jury after the Crown had challenged thirty three jurors to get a jury 'sufficiently conservative' (33).

Complaints were made not only of the change of venue but also of the very charges which were made against the men. They were said to be based on the statutes of George IV which were already regarded suspiciously for their association with the Masters and Servants Act (34). However, E. Barton had instructed W.H. Coffey, the Crown Prosecutor to avoid antiquated Statutes (35).

Take every care all cases conducted with absolute fairness and no proceedings taken under any statute which may be contended to be antiquated or disused. Continue rely on common law as much as possible.

The accused stood trial on the charge of 'conspiracy to solicit, incite, and procure a large number of persons to unlawfully combine, conspire and agree together by divers unlawful means to deter, prevent, molest, intimidate and obstruct certain liege subjects of Her Majesty the Queen' (36).

Judge Backhouse expressed astonishment at the evidence presented. 'Such a state of things evidently prevailed in Broken Hill as I could hardly have believed possible in a civilised country' (37). He endorsed Johnson's views on

picketing for he had 'serious doubts as to whether picketing in any form was legal'. He advised the jury to dismiss the charge against Butcher, who had written letters to the paper advising strikers to drill, for Butcher had not conspired with any person. Hurn was found not guilty; Bennett received 3 months hard labour, Heberle, 9 months hard labour; Polkinghorne and Hewitt 18 months hard labour; Sleath and Ferguson two years hard labour.

The sentences were regarded as severe for it was as the Bulletin noted:

'The charge against the seven prisoners apart from the accusation re picketing, was not that they actually did anything, only that they said something which might have led, but which, as it happened, did not lead to something being done'

The Crown did exercise its prerogative of mercy by releasing Hewitt, Polkinghorne, Sleath and Ferguson before their full terms had been served.

(iii) The partiality of the police magistrate - Whittingdale Johnson.

On four occasions those to whom Whittingdale Johnson was responsible had to defend him from charges of failing to administer justice impartially as police magistrate in Broken Hill in 1892.

(a) The Minister for Justice, E.E. O'Connor, had to deal with complaints made by J.H. Cann, the Labour Defence Committee and the Sydney Trades and Labour Council when Johnson refused to accept £5,000 bail for D. Sullivan, a picket, who had prevented a mines officer going on to the mines by pushing him back with his hands. Sullivan's language and behaviour had been temperate and the offence appeared a minor one. He had said to the mine officer, 'We are not going to kill you, but we must know what you are going to do on the mine'. Apart from pushing with his hands he had moved from side to side to prevent the man passing.

There seemed to be some inconsistency in Johnson refusing to grant bail for this offence and yet imposing only a small fine on E.B. Cotton, a bank manager, who attacked Sleath with a ruler saying, 'I will kill you, you bastard'. Cotton had refused to accept Sleath's signature as sufficient endorsement of a cheque for £1,000 made out to the A.M.A. When Sleath argued the assault had occurred. Johnson made light of the incident and had Cotton pay £3.0.0 fine, 5/- costs and £1.13.0 witness expenses.

(b) J.H. Cann, provoked by the reports of armed police parading when the mines reopened on 25 August asked in Parliament if Broken Hill was under martial law. Barton dealt cursorily with the question and simply explained that the law was being administered there as in any other place.

(c) On 15 September a vote of no confidence in the Government was

moved and Cann was able to add an amendment 'that this House desires at the same time to express its disapproval of the way in which the Government have administered the law at Broken Hill' (44). This amendment moved beyond a criticism of Johnson alone (45).

(d) Again in Parliament, Cann presented on 4 October a report from the Barrier Miner complaining of the severity of sentences imposed on two strikers and the leniency given a non-unionist in a third case. The Under Secretary of Justice had a report compiled and called for the depositions from Broken Hill (46)

McGrath had pleaded guilty to assaulting a non-unionist and was sentenced to three months imprisonment. Henry Vogel was fined 5/- for booing at workers entering the Proprietary mine. Wheelwright, a non-unionist, was fined £1.0.0 (he had also to pay £2.17.0 court costs and £1.0.0 witnesses expenses) for assaulting a unionist. Vogel had produced several witnesses who testified that he was coughing not booing. Johnson, however, said that, 'Boohooing and groaning and coughing at persons in public appeared to me to be not only riotous but indecent behaviour under the Towns Police Act'(47). Johnson treated the testimony of witnesses in Wheelwright's case with caution. 'It was against all reason from the position that the workers hold as regards the unionists on strike that [Wheelwright] should be the aggressor'(48).

Whether Whittingdale Johnson had behaved impartially or not is, perhaps, not as important as the fact that he created the impression that he had not. Justice must not only be done it must seem to be done. The strikers could only assess his impartiality from his words and his conduct on and off the Bench. Some of his communications with Sydney were released when Cann called for 'all correspondence, papers etc., received by the Government on the Broken Hill Strike' to be tabled. These appeared to confirm the strikers' opinion that Johnson was more interested in ending the strike than dispensing justice (49).

From the Bench when sentencing Sullivan, the picket, Johnson attacked the Labour Defence Committee (50).

It is an assault in law to stop any one in a public highway. I see it publicly stated that these pickets are placed around the mines to prevent the people going up there, and I say that for them to interfere in any way is an illegal act, and that those who post pickets there are aiding and abetting in an illegal act. I take into consideration that this man is merely a tool of designing men...

To the strikers Johnsons behaviour on 25 August and 8 September appeared improper. He explained that of 25 August on the grounds, which seem reasonable, that he might be required to read the Riot Act. He did not explain that of

8 September but it was presumably for the same reason.

On 25 August the mines were reopened. Johnson had advised Sydney that 'the whole strength of the police force here will be in readiness to force a passage to the mines through the picket line if any forcible obstruction is ever offered to those prepared to go to work. I will be on the spot to act not as a magistrate if the necessity should arise for reading the Riot Act'(51).

Just before 8.00 a.m. a shift boss was refused entry to the mine, a smelter boss was chased off the lease and a clerk was attacked. Johnson with Police Superintendent Grainger and Sub-inspector Saunders led a force of twelve mounted troopers armed with swords and revolvers and fifty two constables armed with rifles and bayonets to the main entrance at 8.00 a.m. The crowd which had gathered was restive but strike leaders, Sleath and Ferguson succeeded in having the crowd disperse (52).

Police reinforcements and outside labour was expected on 9 September.

On the night of 8 September Detective Goulder wired, 'It is expected that within the next few hours an attempt will be made to rush the Proprietary Mine and take out all the men working there. Pickets and foreign element greatly excited. Know positively many foreigners are armed with revolvers. All available police with arms and ammunition are now on the mines with Mr. Johnson, Stipendiary'(53). On the mine barricades of timber and stone were erected to help repulse the attack which was never made. Johnson spent the night behind the fortifications. He, too, expected an attack as 'we have now to face a desperate and unscrupulous body of men smarting under defeat'(54).

This was too much for the Bulletin which, wrongly, thought Johnson in charge of police operations (55).

Let it be conceded that [Johnson] is an unconcerned machine, a police magistrate whose sole aim is to hold an absolute equipoise between the two parties and to give both sides fair play and an unchallengeable justice ... Yet ... the whole military defence is under his supervision and direction ... Will Whittingdale Johnson, as "general" directing, or even partially controlling, directly or indirectly, one party of combatants, and thus necessarily constituting himself a fighting partisan, be expected to dispense undefiled and dispassionate justice? Is Mr. Johnson god-like that he can perform this miracle? ... Mr. Johnson's proper place is on the Bench, and on the Bench only.

Johnson's words and actions, then, made him appear to be more an ally of the mining companies than an impartial magistrate. On a number of occasions his words express a desire to have work re-commenced and this seemed to be beyond his province. To Johnson his task was to deal with a situation rather than judge cases. He believed he had been sent as on 'a mission'(56) 'to control the unchecked disorder that previously reigned'(57). He was to maintain law and order

leadership and it was boycotted out of existence. An alternative union was not where there had been none. He speaks, as a crusader, of the 'moral effect' (58) of his sentences designed to control the situation.

A.N. Barnett, the Silverton magistrate who heard the cases of 1909, never won the whole-hearted approbation of the strikers but at least he seemed not as engrossed with controlling a situation which was just as volatile. When sentencing a young man, Thomas Payne, found guilty of assaulting a policeman Barnett said, 'I must support the police if they do their duty ... I am not here to inflict indiscriminate punishment regardless of the facts. Instead of sending you to gaol - you are a young man and it would disgrace you for life - I will fine you £5, in default two months imprisonment on each charge. But I want it to be known that I will not exercise the same leniency in similar cases' (59).

Picketing to Johnson was an infringement of liberty and therefore illegal (60). He ordered the dispersion of the pickets on 15 September for they were 'assemblies for criminal purposes' (61). Another infringement of liberty was the exercise of 'moral coercion' by which the strikers 'intimidated' their fellows (62) 'Those willing to work dare not make any move in that direction' (63).

Johnson's opinion of Sleath reveals his hostile attitude to the strikers generally. To Johnson he was 'a very dangerous man and the chief cause of all the trouble here' (64). He was 'an unmitigated ruffian' (65), 'a foul mouthed ruffian' (66) of 'insolent demeanour' (67). The strikers when they were not 'an infuriated mob' (68) or 'a desperate and unscrupulous body of men' (69) were 'misguided men' (70).

Sleath and Ferguson became the strike scapegoats. They were vilified by the Silver Age (71) and Knox announced that the associated companies 'decline to deal with Mr. Sleath or recognise him in any way' (72). Detective Goulder in a confidential police report spoke of Sleath and Ferguson (73). 'These men are Atheists and Socialists of an extreme type, and gamblers, and there is no doubt they with several other professing similar principles are the causes of the whole trouble'. To Sub-inspector Saunders it appeared early that '[Sleath's] false and reckless statements are paid little attention here, and the police are just respected by the bona fide miners generally' (74).

Reports that there might be a defection from Sleath were made frequently (and hopefully) by the police and Johnson but appear to have been made without grounds (75). It was reported after Knox announced that the companies would not deal with Sleath, that the Amalgamated Society of Engineers asked for a conference with Sleath excluded, however, Knox denied that any approach had been made (76). Only the Silver Age carried stories of dissatisfaction with Sleath's

leadership and it was boycotted out of existence. An alternative union was not proposed until a month after Sleath's arrest so it seems that Sleath remained a popular strike leader.

Johnson felt the strain of living in the midst of hostility. Quite early he complained, 'This is no bed of roses' (77). He was subjected to personal abuse and the columns of the Barrier Miner left no doubt as to what that paper thought of him. This 'scandalous' newspaper annoyed him so much that he applied to the Attorney General for permission to prosecute it for libel (78). He complained of 'mental worry and annoyance' (79). When he left only the Silver Age raised a cheer. In a leader the editor offered him 'our warmest congratulations on his fair and impartial administration of justice' (80).

The Effect on the Labor Party

The Government's administration of justice, impartial or not, had important consequences on the fortunes of the inchoate Labor Party. The Party had divided into factions when Dibbs wrested power from Parkes in October, 1891. Some measure of unity was regained when the Party members found common cause in supporting the Broken Hill strikers.

On 15 September, G. Reid had moved a motion of censure against the Dibbs Government. His motion was not related to the arrests of the strike leaders which had occurred on the same day (81). Cann moved as an amendment 'that this House desires at the same time to express its disapproval of the way in which the Government have administered the law at Broken Hill' (82).

The debate occupied seven nights and when the vote was taken on 29 September the Labor Party re-united to vote solidly for Cann's amendment which was defeated 37 to 99. When the vote was taken on the no confidence motion the Government was very nearly toppled. Sixty four voted for the motion of censure and sixty eight voted against it. Four Labor Party members voted so that the Dibbs Government was saved. They explained that Reid and the majority of his party voted against Cann's amendment so 'with regard the Broken Hill strike Reid and Dibbs were as one' (83). To offer a choice between Dibbs and Reid was 'just the same as assuming that because a man is hungry he must want either a statue or a mile and a half of barbed wire' (84). The support of the four for the Dibbs Government was, nevertheless in opposition to a request of the Sydney Trades and Labor Council and led directly to a tightening of the discipline which was exercised over Party members (85).

The Sydney Trades and Labour Council had shown a keen interest in the Broken Hill Strike. Affiliated unions had contributed £5,000 of the £27,000-£28,000 received in the Strike Fund. Frequent reports from Broken Hill were made at meetings outlining the progress of the strike (86). The Council tried to exert an extra-parliamentary control over the Labor Party on the Broken Hill issue. On 15 September the executive committee of the Trades and Labour Council went to Parliament House and interviewed the Labor members after a motion was passed 'That this Council views with indignation the action of the Government in causing the arrest of the leaders of the Broken Hill Strike and considers such procedure is totally indefensible and unnecessary' (87).

A determined effort to control the Labor Party vote on 29 September was made in a motion on that day 'that this Council is of the opinion that the Labor Party would be false to the cause they were returned to represent if they do not use every endeavour to oust the present Government, after the latter's action in regard to the Broken Hill Strike' (88). Once again the meeting adjourned as the executive committee moved to parliament House to lobby the Labor members. The decision to devise a pledge which would bind Labor Party members more closely was related to the fact that four members did not heed the council's decision and voted for the Government.

CHAPTER VI

The defeat of the Unions - the aftermath and lessons of the 1892 strike.Facing the problems of the aftermath.

Labourers from Melbourne were imported in such great numbers that many local unionists had returned to work for fear that they would not be re-employed after the dispute if their places were taken (1).

<u>Arrival date in Broken Hill.</u>	<u>Number of labourers contracted by companies.</u>
9 Sept.	19
16 Sept.	32
11 Oct.	115
19 Oct.	50
21 Oct.	120
22 Oct.	26
25 Oct.	160
28 Oct.	62
2 Nov.	73

Their fears were justified for at the end of the strike B.H.P. Coy. Ltd. announced that it would as a matter of policy retain the services of the new arrivals (2). Many loyal unionists had to leave the district for the mines exercised discrimination in re-employing men. E.J. Horweed, the unpopular underground manager of the Proprietary mine, and James Hanson, the surface manager, were particularly relentless in rejecting union men (3). In January, 1894, the local shipping agent reported fifty departures per week for Western Australia (4).

The departures of many good unionists together with the influx of men unsympathetic with unionism weakened the unions. The membership fee of the A.M.A. was lowered from 2/6 to 6d. to induce membership (5). To regain strength the Surface Hands Union amalgamated with the A.M.A. in 1894 (6) and an even larger 'Labor Federation of Amalgamated Unions' was mooted by Sleath but did not eventuate (7). Membership sank to 300^{and} in 1897 less than half of the work force belonged to the A.M.A. (8).

In 1893 there were reductions in wages on all sides throughout the colony (9). At Broken Hill the reductions were not quite as drastic as elsewhere but the companies took the opportunity of increasing the working week from 46 to 48 hours and making Sunday rates the same as those on weekdays. A 10% reduction gave miners 9/- instead of 10/- per shift and surface workers 7/6 instead of 8/4. Elsewhere skilled workers were earning 8/- to 9/- having had wages reduced by nearly 3/- and unskilled workers were earning 6/- after a

reduction of 2/- (10). No significant protests were made by the enfeebled Broken Hill unions for the reduction was not unexpected in spite of the boast by Zebina Lane, manager of Block 14 mine, that the new contract system had achieved 'wonderful economies' (11).

Actual experience since the strike is showing that the contract men are earning better wages than formerly and the most striking proof of the justice and necessity of the action of the mining companies exists in the statement in the General Managers Report, "that we are now making as large an output of ore as at any time in the past, and are yet 500 men short of the number we had underground when the strike took place".

The depression had lowered the value of labour generally and metal prices in July 1893 were very poor indeed (12).

After the strike the Labour Defence Committee became the Relief

Committee administering assistance to the unemployed and distressed. For some time now the strikers had been receiving little financial help from outside Broken Hill. The Sydney Trades and Labour Council's representative at Broken Hill reported the need for donations of boots and clothes. 'The men were very hard up for clothing - some of them being confined to their homes, whilst others got about by borrowing boots etc. and in a few cases one goes out while the other stopped at home' (13).

Schemes to build railways to Menindee and Wilcannia were proposed to the Government as measures to relieve unemployment and Bishop Dunne went to Sydney to see the Premier about what could be done (14). When Dibbs had train passes issued to the unemployed so that they might find jobs helping with the harvests in South Australia, he was met with a firm rebuke from the South Australian legislature.

The South Australian Government had shown its displeasure of the manner in which the New South Wales Government was handling the dispute in a vigorous exchange of telegrams when its permission was sought to transport police through its colony to Broken Hill. The Police Commissioner in Adelaide had rejected the approach from Sydney. 'Have received peremptory instructions to observe the strictest neutrality, which precludes my rendering you any assistance in connection with your telegram of to-day' (15). It was later explained that the Police Commissioner had refused to act as agent in purchasing horses for the mounted police (16). Nevertheless, no arrangement was made for breakfasting the police in Adelaide and a Citizens Committee was formed to provide the entertainment its Government declined to proffer (17).

Having expressed its disapproval the South Australian Government was not

prepared to solve Dibbs' unemployment problems for him. It protested that the issue of rail passes was 'unprecedented and unfriendly' (18). Dibbs regretted that such a protest should be made about his Government's efforts to help men 'who despite their folly in striking are yet entitled to live' and reminded the South Australians of the 'vast benefits' they received from the mines of his colony. The chief secretary (Sir J.W. Downer) dourly replied that, 'Broken Hill is yours, and you receive its revenues' (19).

The Lessons of the Strike

George Dale, writing in 1918, was one of many concerned with finding the reasons for the failure of the strike. Unlike W.H. Greenhalgh, President of the Amalgamated Society of Engineers, Dale was not prepared to place all the responsibility on the workers. According to Greenhalgh, 'They were defeated not by the other side but by their own class' (20). Dale, on the other hand, emphasised that pressure had been brought to bear upon the Government by the mine proprietors and the 'capitalist paid press' (21).

This emphasis on the role of the press in winning public sympathy was typical of the labour movement. At the outset of the strike the Bulletin had commented, 'That their [the strikers'] resources are really limited to the moral and economic pressure which they are able to bring to bear' (22). Moral pressure could be exerted if the press were sympathetic. However, the Hummer noted that only the country press reported the strikers' case favourably (23). George Dale complained 'If ever men rendered faithful service to their employers it was the visiting representatives of the city press during that strike: they were sent to lie in the exploiters' interests, and BY HELL! THEY LIED TO SOME TUNE' (24). The strikers showed their hostility to the reporters by sometimes chasing them through the streets (25). It was the behaviour of one 'Argus' reporter which incensed the crowd of 25 August more than anything else. Standing on the verandah of the Proprietary Mine office he applauded any man who crossed the picket line to return to work (26).

Locally the Silver Age after 19 August began to urge a return to work. Its columns carried many anonymous letters which urged the acceptance of the companies' conditions. When the companies kept importing labour so that the local men must have feared of ever being re-employed its headlines 'Abundant Labour Forthcoming' was often repeated.

In 1898 Jabez Wright, Charles Maley and J. Shinnick began publication of a worker's news sheet the Barrier Truth which proclaimed itself 'official Organ of the Political Labor League'. George Black became editor for a few months in 1899

and the Barrier Truth assumed a newspaper format. The Australian Labor Federation controlled the paper after 1900 and unions subsidised its upkeep (27).

The Barrier Truth was partly responsible for a new interest in unionism at the turn of the century. In 1901 for example, the membership of the A.M.A. was about 1,300(28). The paper publicised union activities and often carried articles which depicted the advantages of union membership (29).

Criticism for the failure to bring moral pressure to bear upon the mine proprietors and the Government was voiced not only against newspapers but also against the churches. In Broken Hill it was the Methodist churches which were charged with 'being out of sympathy with the workers'(30). It was prominently reported for example that the president of the Wesleyan Church in New South Wales had disapproved of the church 'taking upon herself the burden of work of elevating and improving the material condition of the masses'(31). The Barrier Miner made frequent defences of 'political parsons' and approved of Josiah Thomas, the Circuit Steward ^{and} popular lay preacher at the Wesleyan Church, who was a keen A.M.A. member. Thomas, from the pulpit, advised the Wesleyans that they should not look for their reward in the next world but should concern themselves with improving the conditions of their fellows in this world (32). He was not the only unionist to develop his oratory in the pulpit; J.H. Cann was a lay preacher in the Primitive Methodist church(33).

Josiah Thomas expressed his dissatisfaction with the conduct of the New South Wales Government in this speech which commended such radical remedies that it lost him his commission as Justice of the Peace (34).

The workers of New South Wales must make similar arrangements [to those of Queensland] for the next election, and then perhaps the Government would not be able to oppress them with laws which consisted of Gatling guns, Acts of Parliament, and Johnstonian verdicts. They must get into power and put their own men on the Bench and then they would get verdicts as they wanted and not as were given now; and then when they got Gatling guns and troopers who trampled the people down in the streets on their side, they would trample down just as remorselessly to the class that now oppressed them as that class was now treating them.

Thomas had commended the ballot box as a means of changing the administrators of the law. Cann within Parliament had sought to change the law itself. It was in political action that the unionists of Broken Hill now became increasingly interested.

Conclusion

In 1892 B.H.P. Coy. Ltd. repudiated the 1890 agreement and so precipitated a strike. The directors developed a determination to have nothing to do with unionism, refused all offers of conciliation, and were able to force the strikers back to work when they introduced non-union labour. Throughout the dispute the

N.S.W. Government remained neutral. However, the police magistrate, Whittingdale Johnson did not always speak or behave with the propriety that became an impartial magistrate.

The trade unionists united to form a Labour Defence Committee and remained united in their adversity but they were so weakened by the defeat that it took the next ten years to reconstruct their unions. The reconstruction differed from their original formation for henceforward ^{many unionists} ~~they~~ were reluctant to accept the defeated Barrier Branch of the A.M.A. as their champion.

The 1892 strike had far reaching consequences. It discredited the system of voluntary arbitration which had been established in the 1892 Trades Conciliation and Arbitration Act. In Broken Hill more emphasis was placed on political endeavours to have the Government accept more responsibility for industrial peace. The Labor Party had found some measure of unity on the Broken Hill strike and was strengthened by gaining four able and energetic members from the Barrier in 1894.

CHAPTER VII

A Decade of Industrial Peace, 1893-1903

From 1893 until 1903 the A.M.A. and the trade unions of Broken Hill had little say in what the conditions of labour were to be on the Barrier field. When the M.M.A. issued a schedule of wages in 1898 neither the men nor the unions were consulted (1). Before the unions could have influence they had to win again that recognition as the representatives of the employees that they had lost in 1892.

The Amalgamated Society of Engineers made the first approach to the M.M.A. since 1892 when they asked if payment of the rate of time and a quarter could be re-introduced for Sunday Work (2). The M.M.A. advised the various boards not to comply with the request but shortly afterwards it was decided to pay the members of the Amalgamated Society of Engineers the penalty rate for all Sunday work they did whilst erecting a new mill. The decision was made 'because they had taken the refusal in such a friendly spirit' (3).

The A.M.A. followed up this approach by the craft union with a request for a conference with the M.M.A. over Sunday work which 'violated the religious scruples' of many men (4). G.D. Delprat had become general manager of the Proprietary mine in 1899 and on his suggestion the M.M.A. agreed to meet a deputation of employees and ministers. The meeting was conducted amicably but nothing was conceded to the unionists (5).

The truckers at the Proprietary Mine stopped work for one day in September, 1899 as a protest against contract work. Delprat agreed to meet them in conference but once again the company conceded nothing (6). The A.M.A. tried to remedy the truckers' complaints by presenting them again to the company but Delprat's reply to their suggestion of a conference was this time curt. 'Your association is well aware of the fact that in the mine no distinction is made between unionists and non-unionists, and that we neither know whether an employee belongs to a union or not' (7). He was prepared to meet any men with grievances - unionists or not but he 'must decline to discuss such matters with those who have no direct connection with the company'.

The companies ignored the Unions again in 1901 when there was a move to introduce mining apprentices. The A.M.A. objected to the scheme but the M.M.A. thought it unnecessary to confer with the union for not all the men whom the scheme affected were members (8).

The companies were not alone in ignoring the A.M.A. for employees, too, failed to see it as an effective spokesman of their cause. In 1901 metal prices were extremely low and the malaise which gripped the metal mining industry was

reflected in a sudden drop in the town's population (9). Delprat spoke of a time of crisis but promised that although B.H.P. Coy Ltd., was taking all the economies the last one would be to reduce wages (10). Block 10 Company shareholders agreed to their directors' suggestion that wages should be reduced by 10% (11). The Block 10 employees held a meeting on 8 December and arranged for a protest meeting of all employees in the Town Hall (12). This meeting unanimously refused the reduction and the Block 10 mine was obliged to close for a few years.

The role that the A.M.A. or any trade union could play was severely restricted whilst the employers chose to withhold their recognition of the unions as representatives of the employees. It was only after the N.S.W. Industrial Arbitration Act of 1901 came into force that the unions were able to participate effectively in industrial bargaining again.

Political Endeavours

The possibility of securing improved working conditions by manipulating the political machine had been realised by the A.M.A. of Victoria in 1874. The objectives of the A.M.A. which provided for encouraging legislative enactments of improved conditions had been accepted by the Barrier Branch of the association (13). A move to seek direct labour representation in the Legislative Assembly of New South Wales was made in January, 1890.

After the 1889 strike Sleath complained of the inactivity of the member of parliament who represented the workingmen of Broken Hill. Wyman Brown repudiated Sleath's suggestion that he was, as the district member, a representative of labour. 'If Mr. Sleath means that I ever professed to represent simply one class he is much mistaken, and I say that I would not accept a seat in the legislature of the colony as a representative of any particular section of an electorate' (14).

The rebuttal appeared in the same copy of the Silver Age as a report of the A.M.A. half yearly meeting at which W.R. Rowe moved, 'That this district sends a labour representative to represent us in the New South Wales parliament'. Strong support was given to Rowe's motion by J.H. Cann and J. Neil. It was decided that 'Executive officers of this branch call a meeting of all the labour organisations on the Barrier together to select a candidate'.

The election of a labour representative was not without complication. A preliminary ballot was taken on 8 November 1890 with the following results (15).

J.H. Cann	298
G.T. Taylor	92
R. Sleath	82
W.J. Ferguson	72

However, only 550 of the 2,000 eligible voted.

When announcement of an election to be held in June, 1891, was made with little warning, a parliamentary committee of the A.M.A. decided there was not enough time for another ballot and declared J.H. Cann the Labor candidate (16). A deputation to the parliamentary committee from the Trades and Labour Council tried to secure a final ballot. Their application was rejected so they returned to the Trades and Labour Council which passed the following protest (17):

1. That the action of the Parliamentary Committee of the A.M.A. in refusing to put the candidates to the final ballot of the labour organisations is unsatisfactory to the council inasmuch as it practically ignores Mr. Ferguson as against Mr. Cann.
2. That unless the candidates are submitted to a final ballot of the labour organisations of the Barrier district, this council reserves to itself the right to nominate a candidate to contest the elections.

W.J. Ferguson was nominated on 15 June but it was J.H. Cann who was elected.

An electoral redistribution endowed Broken Hill with three seats - Sturt, Alma and Broken Hill - to be contested in July 1894. They were won by W.J. Ferguson, Josiah Thomas and J.H. Cann. The neighbouring seat of Wilcannia was won by R. Sleath. Until the turn of the century the district was represented by these four Labor members who had no small influence on the inchoate Party (18).

J.H. Cann remained a member for the district from 1891 to 1917. His ability and his loyalty to the Labor Party won him cabinet rank before he eventually resigned his seat. Josiah Thomas transferred to the federal sphere in 1901 and was a member of the House of Representatives until 1917, ~~his ability and his loyalty to the Labor Party won him cabinet rank before he eventually resigned his seat. Josiah Thomas transferred to the federal sphere in 1901 and was a member of the House of Representatives until 1917 when he became a senator. He, too, attained cabinet rank.~~

R. Sleath and W.J. Ferguson both broke with the Labor Party. They were re-elected as independents in 1901 but after an attempt to found a Country Party in 1902 they did not gain re-election in 1904.

It is perhaps ironical that two of the foundation fathers of the Australian Socialist League branch at Broken Hill (19) should have helped lead the opposition to the socialist plank adopted by the Labor Party in 1897. At the Political Labor League Conference it was moved that: 'This League considers the time has arrived when the functions of Government as an employer should be extended. We, therefore, propose (as a principle of the Party) the "Nationalization of land, and the whole of the means of production, distribution and exchange"' (20).

W.J. Ferguson supported W.A. Holman in opposing the proposal as electorally inopportune (21). At the conference in the next year Sleath expressed similar sentiments to those of Ferguson. He was he said, a socialist 'but if they attempted to hurry on socialism they would do infinitely more harm to the principle than they could possibly imagine. The people ... were not favourable to socialism in the lump, and they should pick out and fight for those principles most acceptable to the people' (22).

It was not the gradualism of Sleath and Ferguson which lead to their break with the Party. Their opposition to the socialist plank was voiced at Party conferences and was therefore a move from within the Party to modify its objectives. In contrast their support for Federation in 1899 was ~~in~~ direct opposition to Labor Party policy and was public. Ferguson had one particularly rowdy meeting at Balmain after which it was requested that he be expelled from the Labor Party. Sleath at least 'had the decency not to parade his defection upon any and every occasion that offers' (23).

Broken Hill had surprisingly rejected the proposal of federation at the referendum of 1898: 1190 yes, 1351 no. The opposition of the Labor members, Cann, Ferguson, Sleath and particularly Thomas was an important factor which helps to explain that rejection. Thomas was firmly opposed to the proposed bill and it was the Railwaytown Booth in his district of Alma which had most overwhelmingly voted 'no' (96 yes 209 no) (24). Sleath and Ferguson were the only two Labor Party members who supported Federation in 1899 and their re-election as independents in 1901 indicates the endorsement of their constituents. Lest too much be claimed for their efforts it must be noted that 15 other Labor Party members opposed federation and 13 of their electorates voted 'yes' (25).

The Industrial Arbitration Act of 1901

The Labor Party played an important part in encouraging Parliament to accept the Bill of 1901 which provided for compulsory arbitration (26). The Bill provide for preference to be given to unionists so that collective bargains could be made by responsible parties who ^{would} be liable to penalties if agreements were broken. The unions were now to function as part of the state's machinery for maintaining industrial peace. B.R. Wise speaking to his Bill envisaged a new role for unions to play (27). 'A trades union can never fulfil its proper functions if it is a mere machinery of menace, ... it must also become an instrument of industrial peace, by obtaining from Parliament the power to make a collective bargain with an employer, which shall not only be binding in honor, but will have behind it a legal sanction ... At present the [unions] are powerful as a strike association,

about the ability of the less successful companies to pay wages as high as those but they need to be something more'. If unions were to change so, too were B.H.P. Coy. Ltd. could afford to pay. 'We are driven back to the vital employers. 'I say to the employers that they will have - some of them - to change their views; that they can no longer regard themselves as entitled to do as they like with men because they pay them wages; but that they must rise to the higher conception of an industrial partnership between themselves and their employees'.

The Broken Hill mine proprietors were reluctant to enter such an industrial partnership. The A.M.A. registered under the Act in March 1902 and by June had prepared and filed a claim for increased wages, a decrease in working hours, and a change in the system of contracting. The B.H.P. Coy. Ltd. disliked the appeal to an Arbitration Court. Delprat refused permission to A.M.A. stewards to collect union dues on pay day because the A.M.A. 'was not friendly by stating a case before the Arbitration Court involving him and the Company in expense'(28).

The 1903 Arbitration Award

B.H.P. Coy. Ltd. had been named as respondent in the claim lodged by the A.M.A. which was heard before the N.S.W. Arbitration Court presided over by Justice Cohen. B.H.P. Coy. Ltd. disputed all the claims and lodged a counter claim that the existing rate of wages should be reduced by 10%(29).

The overall effect of the award was to allow conditions to remain as they had been before. The A.M.A. however, regarded itself victorious.

(i) Throughout proceedings the company had insisted that the A.M.A. was not a proper employee representative for only 2,000 of the 6,000 employed on the extract zinc from the huge dumps of tailings which surrounded the mines, Justice given to unionists when men were employed and bound the company to recognise the method of extraction had yet been devised and a market for zinc had yet to be A.M.A. for it was not to alter wages unless the union agreed to such an alteration.

(ii) A few years before the company had refused to consider modifying the contract system. Now it was made more palatable to the employees without losing its incentive value for the employers. When contracts were made the managers were to ensure that contractors received about 11/- per shift. If a miner refused a contract he was to be given an option on another. He was, thus, not required to accept work under unsatisfactory terms or go without.

The principles which guided the court acted against the unionists. They bear examination for the contrast which they offer to those which Justice Higgins used to guide him in 1909.

(i) Although B.H.P. Coy. Ltd. was named as respondent the A.M.A. claimed that any award should apply to the other major mining companies working on the field. A uniform wage schedule was agreeable to the court but it expressed concern

about the ability of the less successful companies to pay wages as high as those B.H.P. Coy. Ltd. could afford to pay. 'We are driven back to the vital consideration whether the wages fund is sufficient to stand [higher wages]' (30).

The company had to produce evidence which would convince the court of its inability to pay the men more. It made much of the adverse metal prices prevailing in 1903 and of the problems of extracting metals from the deeper sulphide ores that were now being mined. In fact the level of the metal prices had less bearing on the fortunes of the mining company in 1903 than it made out. Since 1898 the Eastern market had improved markedly so that B.H.P. Coy. Ltd. was able to expand its operations at Broken Hill and even extend its enterprise beyond that town: Baxter and Saddler had taken a big contract to extend the open cut in 1898; a new extraction mill at Broken Hill was constructed in 1899; land was bought in 1896 on the Hunter River to supply smelters with coal; coke ovens were established in 1896 near the Illawarra coal fields; leases on Iron Knob and Iron Monarch to acquire iron ore for use as flux had been negotiated with the South Australian government in 1896.

By 1903 97% of the ore being mined was sulphides and only 3% oxides (31). A lot of money had been spent on experimenting to find economic ways of extracting the ore from the sulphides. In February, 1901, B.H.P. Coy. Ltd. reported that several processes for desulphurising the ores had been found but none was yet satisfactory (32).

When the A.M.A. raised the matter that the company hoped to profitably extract zinc from the huge dumps of tailings which surrounded the mines, Justice Cohen accepted the company's argument, which was then quite true, that no economic method of extraction had yet been devised and a market for zinc had yet to be secured (33).

(ii) To demonstrate the need for higher wages the A.M.A. claimed that the cost of living was exceptionally high at Broken Hill. The argument was rejected by the court on two grounds. First, the company was able to produce figures which showed that in comparison with miners elsewhere those at Broken Hill were not badly off (34). Second, even though a higher cost of living might be established the ability of the companies to pay higher wages was the prime consideration.

(iii) The court felt free to recommend charges which were not suggested by the respondent or the claimant. Neither side proposed establishing a sliding scale according to the price of metals but the court recommended it as worthy of consideration. The recommendation was not unanimous. One of the tribunal, Cruickshank, opposed it for the miners had none of the gamble of investors and,

therefore, profits should be of little concern to them (35).

The A.M.A.'s claim for a reduction in working hours to 46 per week was rejected by the court but it suggested that the times of beginning and ending shifts might be altered by mutual consent.

The court commended the management, and the men for the obviously good relations between the two, for there had been no friction for a long time.

G.D. Delprat was singled out for special commendation not only by the court but by the men themselves (36).

CHAPTER VIII

The Resumption of Conferences, 1905-1906.

Guillaume Daniel Delprat had arrived in Broken Hill in 1898 as assistant manager at the Proprietary mine. In 1899 he became general manager of B.H.P. Coy. Ltd. and retained that post until 1921. As mine manager he encouraged experimentation and was partly responsible himself for the development of a successful flotation process. He was the most proficient president that the Broken Hill M.M.A. had had. A good negotiator, he was often the sole management spokesman at conferences with unionists. He listened keenly, praised good arguments and discredited weak ones. He built up a reputation of being straightforward which won him the respect of the unionists. His influence on the other mine managers, and indeed on his own company, can be seen in the negotiations which preceded the 1906 conferences between the mining companies and the specially formed Combined Unions Committee.

The 1903 award was to terminate on 30 October 1905. Delegates of the A.M.A. were hopeful, when they met the M.M.A. in conference to negotiate a new agreement, that the existing award would be changed to allow employees a share in the new prosperity of the mines. Their hopes were soon dashed. Delprat at the very first meeting told the men 'in a nice way' (1) that the managers could not raise wages nor could they deal with the three major claims which the A.M.A. had presented. The mine managers were executives and could make no significant changes without the authorisation of their boards of directors. Such authorisation was apparently withheld in 1905 (2). The M.M.A. announced it was powerless to deal with the A.M.A.'s claims: (i) men earning 7/6 per shift to receive 8/6; (ii) the hours of work on Saturday to be decreased; (iii) double time to be paid for Sunday work. The conference continued to meet, however. The schedule of wages was amplified and permission was granted for the men to smoke at crib (3).

Dissatisfied, the A.M.A. filed a claim with the N.S.W. Arbitration Court on 29 December 1905. It was a 'friendly suit' (4) and the A.M.A. stressed that good relations existed between labour and management. However, the High Court had ruled in Brown's Case that before the Arbitration Court had jurisdiction there must be an industrial dispute so the A.M.A. claim was shelved.

It was an approach initiated by B.H.P. Coy. Ltd. which led to the resumption of negotiations for a conference. Delprat reported to the M.M.A. meeting on 3 October that, 'on the previous Friday, when in Melbourne, he had to place before his Board, about the fifteenth application from the men on his mine since the expiration of the Arbitration Award. His Board had considered the matter

and thought that it was now desirable to approach the men with a view to meeting them in conference on the question of wages. He would be glad to know what the members of the Association thought of the matter' (5).

The M.M.A. approved of the proposed conference and drafted a notice which was to be posted at the mines. The managers were still reluctant ^{to recognise unionism} for the notice was not sent to any union directly. Instead it was circularised amongst the men and posted on the mine notice boards (6).

The members of the Broken Hill Mining Managers' Association have recently given very careful consideration to the question of the wages of their employees, and I am now desired to ask the men to appoint delegates to meet the Committee of this Association to consider this question. The opinion has been expressed that the Boards of the various Companies would consider a scheme by which a general increase of wages during the present prosperous conditions of the industry could be brought into force.

I am to say that the Association hopes that the Mine employees will give the matter careful consideration and that the result will be a mutually satisfactory arrangement.

W.E. Wainwright. Hon. Sect.

If the level of wages was to depend upon the company's ability to pay, then the 'present prosperous conditions of the industry' constituted a change in the fortunes of the mining companies which would justify an increase in wages. This change in fortune was partly the result of the development of new methods of recovering the residual metallic content of the discarded tailings.

In November, 1902, Delprat had written to F. Dickenson (the B.H.P. Coy. Ltd. Secretary since Knox left in 1893) that he had developed a flotation process which was meeting with some success (9). From 1898 German Magnetic machines had been used to collect garnet and rhodonite from zinc and had thus been obtaining 75% of the zinc from the ore. Delprat in his letter to Dickenson claimed that by using a flotation process he had recovered 94.6% of the zinc, 83.9% of the silver and 77.7% of the lead contents of the ore. Consequently the Proprietary mine installed a flotation plant in 1904 and began extracting the wealth from the huge mounds of tailings which were estimated at 6,582,000 tons (10).

The new process was not the only thing responsible for the change in the industry's fortunes. The Chinese and Japanese markets continued to expand (11) and the prices of silver and lead were increasing.

	<u>Silver</u> s.d.	<u>Lead</u> £.s.d.		<u>Silver</u> s.d.	<u>Lead</u> £.s.d.
May 1903	2-0 $\frac{5}{8}$	11- 7-6	May 1905	n.a.	n.a.
Nov 1903	2-4 $\frac{1}{4}$	11- 2-6	Nov 1905	2-6 $\frac{5}{16}$	n.a.
May 1904	2-1 $\frac{3}{8}$	11- 9-4 $\frac{1}{2}$	May 1906	2-8 $\frac{27}{84}$	14-18-0
Nov 1904	2-3 $\frac{1}{4}$	12-17-6	Nov 1906	2-9 $\frac{47}{64}$	16- 5-5

The M.M.A. notice of the proposed conference reached the trade unions indirectly. It was also clear that the managers had resolved to have non-unionists represented at the conference as well as unionists (12). The reaction in union circles was hostile for these were obviously attempts to evade recognising unionism. Until now the trade unions had been prepared to accept the A.M.A. as the champion of the employees. It had been the complainant union in the 1903 Arbitration Case and it had sought to negotiate a new agreement in 1905. Now the unions decided to present a united front to the management for they all stood to lose if recognition was to be denied them.

A meeting was held to which the trade unions connected with the mining industry sent delegates and a combined Unions committee was formed (13). The societies represented at the meeting and on the committee were the A.M.A.; the Silverton Tramway Employees Society; the Engine Drivers and Firemen's Association, the Masons and Bricklayers Society, the Iron and Brass Moulders Society, the Sailor Gang Union, the Boilermakers Union, the Amalgamated Society of Carpenters and Joiners, and the Amalgamated Society of Engineers. The Combined Unions resolved unanimously, 'That the delegates of the Societies represented on this conference refuse to sit with non-union delegates at the proposed conference with the M.M.A.' (14).

Delprat reacted firmly and promptly. A special M.M.A. committee meeting drafted the following letter to the secretary of the trade union delegates, (W.C. McPherson).

Dear Sir,

On my return this morning I have come into possession of your favour of the 20th inst. from which I gather your definitely expressed decision that your delegates will not sit in conference with those nominated by the non-unionists, a number of whom have signified their intention to be present.

This altered position has had the careful consideration of my Association. We have decided not to hold the conference which was fixed for tomorrow night but instead to give an increase of 12½% to all our workmen, to date from Monday the 22nd inst. and we will continue same until the price of lead comes below £16.

G.D. Delprat
President (15).

A notice to be posted promptly on the next day was also prepared at the meeting (16). 'An increase of 12½% on present rates of wages, dating from Monday 22nd Oct. will be granted to all workmen and will continue in operation while the price of lead remains above £16'.

Neither the announcement nor the letter was greeted with enthusiasm by the Combined Unions. The A.M.A. claims for shorter hours and higher penalty rates had been ignored probably because of the scarcity of labour in the district.

The Combined Unions were suspicious of the condition attached to the increase and felt, moreover, that the refusal to confere with them was an affront. This did not seem the industrial partnership for which the State had legislated.

There was talk of strike action. Delprat went, unannounced and uninvited, to the Trades Hall on 1 November and had an 'unofficial chat' with the trade union delegates (17). As a move it was as audacious as that of Sleath going to the shareholders' meeting in 1892 but it was far more successful. Two other lone representatives attended meetings of the other camp to similarly prevent strikes. In 1890 F. Chapple, a mine manager, had attended a special A.M.A. committee meeting which resolved to call the men out on strike. He stated that 'he had interviewed Mr. McCulloch and he wished that the miners would not withdraw the men from the mine until he had interviewed his company directors ...' (18). Sam Coade, president of the Engine Drivers and Firemen's Association, came to a special meeting of the M.M.A. on 19 October 1908 and asked if the M.M.A. could avert a strike. When they insisted on their course of action 'he retired much agitated' (19). Personal diplomacy, unsuccessful as it may have been in these cases, was of prime importance in the collective bargaining situation.

Delprat told the meeting of trade union delegates which he attended that he had heard of their strong speeches on the Central Reserve. These speeches 'were likely to place them in a position from which they could not retire with dignity viz that of making a demand for a conference' (20). His unofficial visit ~~calmed the angry~~ ~~calmed the nervous~~ of the unionists. His manner at the 1905 conference was considerate and gentlemanly. Now here he was amongst them. 'Well, boys, here is Daniel in the lion's den' (21). The Bulletin commended Delprat for 'there was no nonsense about him' and 'his visit to the Trades Hall has made a settlement much easier' (22).

At the next M.M.A. meeting Delprat described his visit pointing out that he had attended neither as Proprietary mine manager nor president of the M.M.A. (23). As an endorsement of his actions the M.M.A. resolved to meet the trade union delegates in conference on 7 November. He personally had guided the M.M.A. into the conference. As manager of the dominant member of the group of companies working the field, he similarly guided the M.M.A. through the conference sessions.

The 1906 Agreement.

There were three sessions to the 1906 conference in which 39 delegates from 11 unions met the 19 members of the M.M.A. (24). Delprat acted as

chairman and management spokesman. Non-unionists had been asked to confer separately but had declined the offer. Those unions which did confer were those who had sought initial representation on the Combined Unions Committee which helped arrange the conference together with the Plumbers, Sheet Metal Workers and Pipe Fitters Union and the Blacksmith, Toolsmith and Strikers Association. After the first three sessions seven of the unions (25) held separate conferences with the M.M.A. at which they put the complaints of their particular union. The Amalgamated Society of Engineers, for example, discussed among other things the number of apprentices working in fitting shops on the mines in comparison with the number of journeymen. After the separate conferences at a final meeting on 20 March 1907 an agreement was signed and handed over. It was duly registered as an Industrial Agreement under the provisions of the Industrial Arbitration Act of 1901.

The first meeting with the Combined Unions were the crucial ones for it was in these sessions that the major claims were presented and discussed. The Combined Unions presented two major claims: (i) a 20% increase for the unskilled and a 15% increase for the skilled workers; and (ii) the enforcement of the principle of preference for unionists. Strong disapproval of the suggestion that there be a sliding scale was voiced by the shrewdest of the union negotiators, A.J. Fraser. Fraser was on good terms with Delprat and had called on him privately a few days earlier to 'discuss things generally' (26) but at the conference table he was a formidable opponent. He insisted on a living wage as the basis for negotiation and reminded Delprat of what he had told a deputation from the Amalgamated Society of Engineers in August. 'The high price of wages should not regulate the rate of wage. A good man is worth a good wage whether the price of metals be high or not' (27).

At a special committee meeting of the M.M.A. Delprat presented the views of his Board of Directors on what was to be offered the unionists (28). These proposals were acceptable to the M.M.A. and were the ones presented to the unionists. Just as the decision to approach the men had been made by the B.H.P. Coy. Ltd. and its Manager had made the conference possible, now the B.H.P. Coy. Ltd. determined what was to be offered. In 1906 it was still the most influential of all the companies.

The unionists were presented with two proposals: either (i) wages were to be increased by $12\frac{1}{2}\%$ as long as lead remained over £16 or (ii) a two year agreement was to be reached which would increase the wages of those who earned 7/6 by 15%; increase the wages of those who earned 8/4 by 14%; increase

the wages of those who earned over 8/4 by 1/- a shift; set contracts so that the average earned was 12/- per shift; overtime and Sunday work to be paid at time and a quarter; and 48 hours to be a working week(28).

The Combined Unions preferred and accepted the two year agreement scheme and explicitly rejected a sliding scale. The contention made in 1908, that the increases granted were a bonus that would be withdrawn when prices fell, was false (29). On 13 March 1907 a complaint was received by the M.M.A. from the A.M.A. that the word 'bonus' was appearing on the pay envelopes of Block 14 Company. The Manager of Block 14 replied 'they were using up some old stationery and that the offending word would be removed as soon as possible'(30). The wording of the agreement, nevertheless, gave the old rate of wages and then the increase. To avoid any confusion in future one of the amendments made in 1908 was to give the wages as a set figure (31).

Conclusion

In 1906 the B.H.P. Coy. Ltd. behaved magnanimously by calling a conference with the employees at which they proposed that an agreement would be reached whereby the employees would share in the industry's new-found prosperity. The unionists were prepared to look the gift horse in the mouth for the company still declined to recognise unions as representative of the majority of the employees. Since 1892 both M.M.A. and B.H.P. Coy. Ltd. declined to recognise or negotiate with the Barrier Branch of the A.M.A. In the Arbitration case before the New South Wales Industrial Arbitration Court in 1903 the B.H.P. Coy. Ltd. had argued that the Barrier Branch of the A.M.A. did not represent the majority of employees and even though the Court directed that preference be given to unionists the mine proprietors were able to successfully ignore the stipulation (32). Consequently it was not surprising that the unionists acting together as a Combined Unions Committee demurred at the suggestion that they confer with the managers and non-unionists. The impasse was broken by the personal diplomacy of G.D. Delprat who made a conference possible.

The success of the conference was due to the magnanimity of the companies but to the unionists part of the credit seemed to belong with the newly formed Combined Unions Committee. The idea of combining and presenting a common front was tried again in 1908.

The collectivism evident in the Combined Unions Committee was an achievement for the Broken Hill unions, for each of the unions was jealous of its own integrity. The labour movement was not a naturally united movement, but an even more divisive force than the separatism of the unions was the conflict between the more conservative and more radical branches of the movement. There was tension between those who put their hope in political action to win piecemeal reforms and others who were more revolutionary than reformist and looked to radical political action or industrial action to reconstruct a just society. To the radicals the Labor Party appeared as conservative and institutionalised as the established church had appeared to the religious sectarians of the seventeenth century (1).

The Barrier Branch of the A.M.A. remained loyally in support of the Labor Party. That support was not uncritical for it, too, grew impatient of the Party's efforts to secure 'social justice'. In 1905 the A.M.A. made the first of a series of attempts to have the Labor Party adopt a socialist plank. At the Political Labor League conference of that year J.H. Cann representing the A.M.A. moved, 'That the Federal and State Fighting Platforms should have a permanent prelude, clearly defining the ultimate purpose of the party thus: Objective - A Co-operative Commonwealth founded upon the socialisation of the production and distribution of wealth'(2).

The conference agreed to a preamble but disagreed about its content. A sub-committee, on which Cann was included, drew up a recommended objective which was acceptable to the conference.

- (i) The cultivation of an Australian sentiment based upon the maintenance of racial purity, and the development in Australia of an enlightened and self reliant community.
- (ii) The securing of the full results of their industry to all producers by the collective ownership of monopolies and the extension of the industrial and economic functions of the State and municipality.

The term 'collective ownership of monopolies' was not regarded as sufficiently explicit by the Broken Hill Political Labour League or the A.M.A.(3) and they continued to try at succeeding conferences to have the second clause of the objective altered to read, 'The securing of the full results of their industry to all producers by the collective ownership of the means of production, distribution and exchange'(4).

The hopes of the A.M.A. were not fixed upon political action exclusively (5). Industrial action had proved successful in the past and was not to be forsworn. Both industrial and political action, it was thought, might be more effective if workers were organised into 'Industrial Federations' rather than

trade unions. Accordingly the A.M.A., pleased with the efforts of the Combined Unions, began to advocate an industrial unionism which would unite all the workers into one big union along the lines suggested by the American Industrial Workers of the World (I.W.W.)(6).

In 1908 a preamble was affixed to the objectives of the A.M.A. and the first objective was amended. The changes signified the formal adoption by the union of its new goals - (i) a Co-operative Commonwealth and (ii) Industrial Unionism.

PREAMBLE

- (a) That the objective of our Unionism is to obtain for the workers the full fruits of their industry.
- (b) That this can only be attained by the overthrow of Capitalism and the establishment of a Co-operative Commonwealth.
- (c) That the complete emancipation of the workers, which will constitute a social revolution, will be an evolutionary process.
- (d) That the class struggle exists, and industrial peace is impossible, so long as workers are exploited for profit.
- (e) That in order to attain the desired ends, the workers as a class must take United, Political, and Industrial action.

OBJECTS

2. (a) To obtain for workers the full fruits of their industry, by the organisation of the workers into Industrial Federations, in which they will be united upon common interests, and educated to take advantage of the opportunities afforded by the evolution of industry.

The Barrier Social Democratic Club

W.A. Holman at the Political Labor League Conference of 1905 referred to Broken Hill as 'a red hot centre of labourism'(7). As Holman opposed the objective suggested by the A.M.A. it can be presumed that he regarded Broken Hill as a centre of revolutionary socialism.

Radical socialists were within and without the major unions associated with the mining industry. In 1892 they had grouped together to form a branch of the Australian Socialist League just a month before the strike began (8). Little is known of this branch of the League apart from one celebrated telegram which it received from the Sydney office expressing the hope 'that no lasting settlement is possible until the mines are owned and absolutely controlled by the state'(9). Sleath and Ferguson were both on the executive of the local branch and it appears they heeded the advice of not being conciliatory.

Charles Maley, a socialist, formed a Broken Hill Democratic Association in 1899 for 'the rational use of leisure time'(10). The association had flourished and on 3 October 1902 was favoured with lectures by an international socialist, Tom Mann, who was visiting Broken Hill for a month (11).

On 19 July 1903 the Barrier Social Democratic Club (B.S.D. Club) came into being. The clubrooms opened on 14 March 1904 were a meeting place for many workers who sought recreational facilities such as the billiards room, bar and library which the club offered (12). It was, however, primarily intended for those interested in social reform as this advertisement shows:

Ahoy, there!

A word in your ear from

BARRIER SOCIAL DEMOCRATIC CLUB

Are you a Toiler?

Are you a Thinker?

Are you a Social Rebel?

Then you are just the person we are looking for ...

... The Club is an organisation for self culture and social service, seeks not only to make converts, but to organise the already-converted, gives special consideration to social reform methods and aims at being the auxiliary of all progressive bodies, as far as possible permeating such with the Social Democratic ideal. Briefly, the Club seeks to impart information, arouse sympathy, encourage activity, and inspire enthusiasm in the cause of human betterment(13).

Both the B.S.D. Club and the Barrier Truth received new leases of life when Robert Samuel Ross was invited to Broken Hill to edit the Barrier Truth in 1903. Ross and his friends became known as the 'Social Democratic Clique'(14) and their advocacy of less moderate principles was viewed with disfavour by the majority of unionists.

R.S. Ross

~~He~~ clashed bitterly with Joseph Norton, a controversial president of the A.M.A., and this led to his relinquishing the editorship of the paper. Norton resigned the presidency in October 1905 because the A.M.A. executive committee had decided to withhold accident pay from those members who did not pay a levy for the Barrier Truth to become a daily paper (15). On 5 November the largest meeting of the A.M.A. since 1892 rejected the levy and supported Norton who was shortly afterwards re-elected president (16). A referendum held amongst A.M.A. members indicated that Ross no longer held their confidence as editor. Although the Australian Labor Federation and not the A.M.A. was his employer Ross tendered his resignation (17).

The policies Ross followed as editor are probably most easily discerned by regarding what the new editor, T. Lauder, thought were the changes he brought to the paper. Lauder saw the paper as 'not a red rag revolutionary weekly'(18), Broken Hill should stick to unionism not socialism (19); the Labor Party was not a socialist party (20); gambling and drinking were evils that workers should be dissuaded from indulgingⁱⁿ(21).

Ross had opposed temperance in the Barrier Truth and so brought the wrath of the local clergy to bear upon himself and the B.S.D. Club Rev. C.E. Schafer (Blende St., Methodist) referred to the club as 'a veritable drinking

and gambling hell' and he noted with some satisfaction that its membership had decreased from 855 to 417 when no liquor was allowed on Sundays (22). It is not at all clear that the club permitted gambling as Rev. Schafer suggested but it fell under the odium of the Protestant ministers who, acting as the moral party, vigilants of the town, held public meetings in August 1905 to express their concern with the gambling habits of the community (23). Their concern was warranted for police raids on two-up schools were often reported: in July 1905, a two-up school in Carrington Shades, opposite the police station, was raided for the third time that year (24).

The Sentinel, the journal of the Broken Hill Ministerial Association launched a vigorous attack on the 'clique' in January 1906 (25). This was the culmination of a series of criticisms made by the local clergy who were concerned not only with the club's recreational facilities but its very 'raison d'etre'. Rev. A.W. Wellington (South Broken Hill Methodist) for example, had attacked the socialism expounded by the club as being the socialism of the devil and certainly not that of the New Testament (26). Bishop Dunne protested against the Sunday lectures held at the club and especially against one which 'advocated irreligion and immorality' (27). The Bishop 'spoke with much warmth' and urged Catholic members of the Labor Party to protest against it. The lecture which attracted Bishop Dunne's notice was one by J. Kelly on family limitation. ~~but~~ When the lecturer replied to the criticism he drew a rejoinder from the bishop which showed concern for the socialism being expounded at the B.S.D. Club. 'I am at one with Christian socialism if the terms are compatible ... [but] if the State is to be such as delineated by the apostles of extreme socialism in Europe then I pray that Australia may be spared' (28).

In the B.S.D. Club elections on 8 February 1907 Ross and the 'clique' lost their executive positions (29). Ross was not easily dissuaded from spreading his views. In May 1906, shortly after he lost the editorship of the Barrier Truth, Ross, D.J. Devrell and R.C. Willshire began producing a monthly leaflet, the Flame on behalf of the B.S.D. Club. 'The object of the publication is two fold - firstly to make socialists and secondly to get them into the Social Democratic Club' (30). It was subtitled 'The Tongue of the Revolution'. By August 1906 Ross had become editor of the Flame and continued ^{as} editor ~~until~~ until November 1908 when he went to Melbourne to take Tom Mann's post on the Socialist (31).

The Barrier Socialist Group

In July 1907 the first interstate Socialist Conference was held in

Melbourne and the Socialist Federation of Australasia was formed (32). Ross attended the conference as representative of the B. ~~S.D.~~ Club. The conference decided that 'no member of the Socialist Federation of Australasia shall seek election as a candidate of either the A.L.P. or any other non-socialist party, for either Parliamentary or municipal positions'.

The B. ~~S.D.~~ Club had differed from the Sydney Australian Socialist League because it had supported the Political Labor League. Ross had stood for the principle, 'the place of the socialists is inside the working class party' (33). He had moved an amendment to the motion that the socialists should sever from the Labor Party but it had been defeated.

That whereas the Political Labor Party of Australia consists of two sections, one of the most numerous and important belonging to the working class, the other representing the small traders, and whereas the time is rapidly approaching when the Political Labor Party will be forced to adopt definitely one or other of the respective positions of these classes, therefore, the Socialist Party decide to leave the matter of definite Parliamentary action in abeyance till the next annual conference (34).

The rejection of Ross' amendment meant a parting of the way for the socialists and the Labor Party.

In Broken Hill an attempt was made (presumably by Ross) to have the constitution of the B. ~~S.D.~~ Club altered in conformity with the new Socialist Federation of Australasia but the members rejected any amendment which did not adhere to 'the principles of majority rule' (35). Consequently another association known as the 'Barrier Socialist Group' was formed.

Some of the members of the Barrier Socialist Group retained their membership of the B. ~~S.D.~~ Club but membership of the Group was restricted and no member could retain membership of a Labor or non-socialist political party. Its aims were to only spread revolutionary socialism but also the industrial unionism which had been espoused by the Socialist Federation of Australasia when it endorsed the preamble of the Chicago Industrial Workers of the World. 'This [Barrier Socialist] Group shall consist of such as subscribe to the principles of Revolutionary Socialism and Industrial Unionism and its work shall be the study, propaganda, and attainment of the said principles' (36).

The influence of the socialists

The Barrier Socialist Group was a small group of about one hundred enthusiasts who were energetic propagandists (37). George Dale, one of the 'clique', claims that they were quite influential in his book of 1918 which was itself written as a piece of 'working class propaganda' (38). The Flame, although it had only a small circulation, was important enough to arouse complaint. In February 1907 it was boycotted by the Chamber of Commerce (39) and in January 1908

boasted of the advice given by the Catholic Press, 'We trust no Catholic in Broken Hill will admit the dirty sheet into his home or patronise it with an advertisement' (40).

Apart from using the printed word the B.S.D. Club and the Barrier Socialist Group provided renown socialist speakers with a platform. Sunday evening lectures at the B.S.D. Club or the Trades Hall were a popular entertainment that helped create an interest in socialism. Speakers like Tom Mann (41), Keir Hardie (42), Ben Tillet (43) and J. Ramsay Macdonald (44) helped to widen the interests and concerns of the local people.

This interest in international socialism sparked off a dispute in 1907 when the Barrier Branch of the A.M.A. sought to observe the international socialist festival, May Day, although it was not listed in the current agreement as a holiday. A boxing contest and two premier football matches were arranged for the day. To discourage unionists attending work the executive committee of the A.M.A. announced that if any union member were injured working on that day he would not receive accident pay (45). Block 14 mine was badly affected as only half the miners appeared for work. The Proprietary mine was not inconvenienced but thirty men who absented themselves were dismissed when they reported for work on the Monday (46). The M.M.A. complained to the A.M.A. that 'the members [of the M.M.A.] view the attitude of the A.M.A. as a breach of the Wages Agreement' (47). The chastisement was effective as May Day was not taken as an unofficial holiday again.

Socialist ideals were to be disseminated amongst children as well as adults. In 1895 W.G. Spence had suggested that labour organisations should establish Sunday schools to inculcate their children with a sense of social justice (48). On the suggestion of Tom Mann, Ross commenced a Socialist Sunday School on 5 January 1908 for 'orthodox Sunday Schools won't do' (49). Ross thought Socialism and Christianity antagonistic for the Christian's concern with the hereafter made him neglect his duty of caring for his fellows in this world. The Socialist Sunday School was formed 'to imbue the young with the sentiment and imagery of the Kingdom of love and happiness to be set up here on this earth based on just or righteous social and economic conditions' (50).

O'Farrell has pointed out that the militant socialists aped religious forms and observances in an attempt to construct a substitute religion based on morality alone (51). As examples of the adoption of religious observances O'Farrell cited the Broken Hill Socialist Sunday School (with its catechism, hymns and ten socialist commandments) and a Socialist baptism performed in Victoria

y Tom Mann. At Broken Hill a socialist wedding was performed at the Registry office when A.K. Wallace married Lizzie Ahern (52). A socialist funeral was arranged for J. Bennett, a blacksmith who died whilst the Socialist Federation of Australasia was holding a conference in Broken Hill in 1909. H. Scott-Bennett delivered a funeral oration at the graveside. 'The Red Flag' was sung by the Socialist Sunday School and those gathered. Wreaths were appropriately tied with red ribbon (53).

It is difficult to gauge the influence of these propagandists upon the labour organisations of Broken Hill. (i) They expressed a dissatisfaction with the Labor Party as the political representative of the working classes and there were some loud denunciations of Labor Party members for their inactivity during the 1909 strike but Broken Hill unionists were never won from giving their support to the Labor Party. (ii) The socialists were more successful in urging their bigger, stronger industrial unionism at Broken Hill for apart from the Barrier Branch of the A.M.A. espousing 'industrial federations' in its objectives there were moves to establish such a federation in Broken Hill. (54). (iii) The socialists were also successful in suggesting that unionists should engage in industrial action to ameliorate their lot for the 1909 strike is an effort to supplement an appeal through the usual arbitration channels by engaging in 'old-fashioned' (55) industrial action.

Harry Holland, William Rosser and Tom Mann

Apart from R.S. Ross, three militant socialists played important roles in the industrial disputes at Broken Hill in 1908-09: Harry Holland, the secretary of the Socialist Federation of Australasia; William Rosser, an I.W.W. enthusiast, who was an A.M.A. delegate on the Combined Unions Committee; and Tom Mann, an international socialist, who became union organiser for the Combined Unions Committee.

~~Harry~~ Harry Holland was important for his failure to arouse the unionists to violent action in the 1909 strike (56). However, he made an earlier visit to Broken Hill in August 1908 when he lectured to large audiences. H. Scott-Bennett, the Sydney spokesman of the Socialist Federation of Australasia, claimed that Holland had had some influence for Broken Hill was withdrawing its support from the Labor Party and that several unions had accepted 'the principles of the I.W.W. but not the whole constitution' (57). This was an allusion to the A.M.A.'s new preamble and objective. It is hard to tell how far Holland was responsible for the change but from the reaction of unionists to him several months later it seems that H. Scott-Bennett was praising Holland for something which coincided with his visit and was not a direct consequence of it.

More influential than Holland was William Rosser. He hoped to start a local (a branch) of the I.W.W. in Broken Hill early in 1909(58). He reported to the I.W.W. local in Sydney that he thought the A.M.A. might have been won around to the I.W.W. form of organisation in October 1908 'had the group which professed to believe in I.W.W. principles done its part, but throughout the industrial turmoil it rather stood aloof from the unionists and on every possible occasion attacked the Labor Party. The effect was that the workers who regard the Labor Party as bona fide were antagonised by such tactics'.

Rosser won support within the A.M.A. for in 1908 he appeared as an A.M.A. delegate on the Combined Unions Committee. This was a key position for the Combined Unions Committee was re-formed in 1908 to negotiate an agreement with the employers. Rosser's role within that committee can be assessed by examining the minutes. He frequently moved motions which were rejected but some of his ideas were adopted. One of the most important of these was his proposal to invite Tom Mann to Broken Hill as a union organiser. With J.H. Ivey (59) seconding his motion Rosser moved at the first meeting of the Combined Unions, 'that the delegates be recommended to submit to their unions the adviceableness [advisableness] of getting Tom Mann to come to Broken Hill to organise at a salary of £5/-/- per week with travelling expenses and the unions paying their quota of the expenses on a numerical basis'(60). A decision was held over to the next meeting and then the secretary was instructed to write to Tom Mann 'asking him to come to Broken Hill by the societies who have agreed to guarantee expenses for the purpose of organising'. He was to be guaranteed one month's engagement (61).

H. Scott-Bennett pointed out how the invitation was significant to the socialists. 'In former troubles the first thing they [the workers of Broken Hill] did was always to send for the Labor members; but in this case ... they sent for Tom Mann ... These unions are political unions in the sense that they support the Labor Party by financing their elections; yet they now ignore the Party they fight for, and send for the Socialists who are opposing them politically'(62).

The invitation to Tom Mann did represent a victory for the socialists and was for some an expression of dissatisfaction with the Labor Party. H. Scott-Bennett was mistaken in saying that Broken Hill unions had sought leadership from their Labor parliamentary representatives in 1892 for the real strike leaders then were local unionists. Tom Mann was a British socialist who had been one of the leaders of the London Dockers in 1889^{and} who visited Australia to

spread ideals of international socialism. Just as in 1892 some of the mine proprietors had put the Broken Hill dispute into the context of a world-wide struggle of unionism, so now some of the workers viewed the impending dispute in terms of an inevitable class struggle. Their horizons had broadened so that they now bandied terms such as 'the overthrow of Capitalism', 'a social revolution' and 'the class struggle' (63). Both the B.S.D. Club and the Barrier Socialist Group had helped to change this view of local industrial disputes.

At the outset the Combined Unions made it quite clear that their support for Tom Mann was whole-hearted even though it might clash with the Labor Party policies. The Premier C.G. Wade wishing to explain that the despatch on 3 November of fifty police to Broken Hill was a necessary precaution, had quoted in the Legislative Assembly speeches by Mann, Cato, Wallace and Ross which advocated the use of violence (64). Wade implied that there was a connection between Mann and the Labor Party and this was immediately denied by Labor members. G. Beeby, in particular, was loud in disclaiming any connection between Tom Mann and the Broken Hill unionists (65). The president and secretary of the Combined Unions wired a protest to J.S.T. McGowen, leader of the Labor Party, and G. Beeby ^{and} ~~the~~ expressed unequivocally their connection with and support for Tom Mann (66).

The Barrier Non-Political Industrial Union

The Surface Hands had belonged to a separate union which amalgamated with the A.M.A. in 1893. On 22 May 1907 a ballot was held amongst the surface hands to see if they wished to secede from the A.M.A. and they agreed to form a new 'industrial' union which was to be non-political; the union would not engage in political activity, but would limit its concern to local working conditions and friendly society activities (1). The Barrier Non-Political Industrial Union (N.P.U.) had to belie its political intentions for in June 1907 the A.M.A. had exerted enough pressure for it to agree to contribute to the Australian Labor Federation, the Political Labour and the Barrier Truth (2).

The N.P.U. was opposed to the militancy of the A.M.A. and the other Broken Hill unions. It was formed as a protest against 'the Socialism-in-our-time section [which had achieved] command of the unions' (3). A butcher's strike in 1908 clearly showed this disaffection with the A.M.A. The butchers went on strike for higher wages on 6 March and stayed out until 19 April.

The Master Butchers offered to submit the matter to independent local arbitration but the Butcher Shops Employees' Union demanded conference. The Butchers Union opened their own shops at the Trades Hall when the Labor Municipal Council gave them permission to use the abattoirs. They had the sympathy of the A.M.A. which requested members to support only the union shops. The N.P.U., however, declared its sympathy for the Master Butchers. This aroused the Butchers Union to declare, 'That the Non-Political Union is a bogus union formed in opposition to the A.M.A. and [our union] desires neither its sympathy nor assistance nor will we accept same if offered' (4).

The charge of 'bogus union' was groundless. The N.P.U. was not founded or nurtured by the mining companies (5). Probably the best rebuttal to the charge has been given by Mark Howard (6). He has pointed out that the union was formed at a time of prosperity only a few months after substantial wage increases had been granted. At such a time the companies had little need of the assistance of a bogus union. Both the N.P.U. and the M.M.A. denied any connection between the two.

To W. Nulty, president of the A.M.A., the butchers' troubles 'seemed to be the beginning of serious trouble for at the end of the year the miners' agreement with the mine managers would come to an end' (7). 'Agreement year jitters' had begun and for the unions the outlook was not at all promising. The prices of silver and lead were falling badly (8).

Unions (17)*	Silver s.d.	Lead £.s.d.		Silver s.d.	Lead £.s.d.
May 1907	2-6.98	20. 2. 6	Aug. 1908	1-11.85	13. 9. 10
Nov. 1907	2-8.98	16. 4. 9	Sept. 1908	1-11.87	13. 3. 6
May 1908	2-3.5	12.10.11	Oct. 1908	1-11.72	13. 7. 2
June 1908	2-0.76	12.15. 7	Nov. 1908	1-10.93	13.12. 2
July 1908	2-0.47	12.19. 6	Dec. 1908	1-10.42	13. 3. 6

J. Darling, a director of B.H.P. Coy. Ltd. pointed out in February that the price of lead had declined so seriously that it would be necessary to reduce the costs of production when the agreement expired (9). In August he more clearly stated that with the prices then ruling an alteration in wages would have to be made at the expiration of the two years' agreement'(10). His public statements perturbed the unionists and the Bulletin saddled him with the responsibility of what became the October dispute. In retrospect the Bulletin declared (11):

There was really no need for any excitement at all, and probably there wouldn't have been any, if John Darling, chairman of B.H.P., had two grains of sense ...

As a result of unwise statements by that 'absurdly puffed-up person, that 'champion blunderer' ... the fat was in the fire and the "International Socialists" or "Groupists" made it a very hot fire ... Using these gorgeous profits as a text, the "Internationals" or "Workers of the World" made considerable headway, and collared command of the unions - an easy enough thing for a solid energetic little band to do temporarily at most times.

Delegates from seven unions met on 26 August 1908 and formed a Combined Unions Committee which asked the M.M.A. to meet them in conference (12). Trouble was anticipated for the secretary was instructed 'to write to the various unions and Labor Councils of Australasia for the purpose of ascertaining what position they will take up should any trouble arise between the Combined Unions of Broken Hill and the Mining Companies when the present agreement terminates'.

The N.P.U. sought representation at any conference with the M.M.A. (13). It claimed to have 1,500 members, 850 of whom were financial, so as a sizeable union it was not to be ignored (14). The M.M.A. suggested a joint conference to the Combined Unions which rejected the idea out of hand (15). Not to be dealt with so summarily the N.P.U. registered under the Industrial Disputes Act of N.S.W. (16). This registration gave it the right to ask for a Board of Conciliation if the companies refused to meet it, and so the N.P.U. would have the power to form a schedule of wages covering every employee in the industry. It would not be ignored by either the M.M.A. or the Combined

Unions (17). As a joint conference was unacceptable to the Combined Unions the M.M.A. proposed parallel conferences but before the letter reached the Combined Unions a letter from the N.P.U. reached them outlining arrangements for parallel conferences (18). The Combined Unions Committee meeting expressed its dissatisfaction to the M.M.A. If the M.M.A. insisted on holding parallel conferences there would be an entire cessation of work on Monday night 19 October at 12 o'clock. Mass meetings would be held over the weekend to confirm the committee's action. Unionists would be asked to vote 'yes' or 'no' to the question, 'Are you in favour of ceasing work on Monday night at 12 o'clock if the Mine Managers persist in meeting in conference with the Non-Political Union?' (19).

This was no idle threat of a strike; the Combined Unions were in earnest. On 2 October Tom Mann had outlined to the Combined Unions his idea of a campaign to strengthen the Unions. It was resolved (moved W. Rosser and R. Hewitt) 'that an outlook committee be formed that its number be 5, that its duties to be to get organizers and communicate with all centres for agents to act, to find ways and means as to how women and children are to be dealt with and various questions that will crop up in the event of trouble'. This committee became known as the 'Ways and Means Committee' (20). On 14 October Tom Mann urged the women to support their men and announced plans to have 8,000 - 10,000 children moved from the Barrier if their parents agreed (21). A mass meeting was held on Sunday, 18 October and the results of the ballot were announced: 3,540 yes, 430 no, 10 informal (22). The speakers at the meeting gave counsel for the fight to follow.

If while the fight lasted they were unable to get food to eat, they would have to take it by force. (Murphy)

There would be no need to fear a shortage of food supplies. There was plenty of food in Broken Hill and they would take possession of it in the name of the people. (Cato) (23).

A Combined Unions Committee meeting on the same day decided to transfer all money from N.S.W. to Adelaide banks and appointed a committee of three to arrange pickets (24).

The Mine Managers had made preparations for a strike, too. The Proprietary Mine had made provision for lodging one hundred men on the mines for a fortnight (25) and Delprat sent a telegram to his Board of Directors so that they could press the Premier (C.G. Wade) to send police. 'With the present class of agitators I do not think they [your plant and property] would be safe -

- and that the only means of making them safe would be to get in time a considerable body of constables - enough to overawe without shooting' (25).

All was in readiness for the strike, but on the Monday morning (19 October) the N.P.U. withdrew its request to be represented at a conference. 'I beg respectfully to inform your Association', the secretary of the N.P.U. wrote to the M.M.A., 'that my union have decided to withdraw from the conference on wage question. We do this not as an admission of non-justification but solely for the purpose of avoiding a strike' (27).

It is difficult to ascertain what prompted the withdrawal because of the lack of any N.P.U. records. By withdrawing the N.P.U. forced itself out of existence for its members were marched by exultant A.M.A. members to the A.M.A. office where they were obliged to join that union. The Combined Unions claimed a victory for the threat of a strike, it seemed, had led to the disbandment of a bogus union (28). Their interpretation of the withdrawal is probably more important than the real cause of it which I have been unable to determine, for to them it was a victory for industrial action.

The Combined Unions would now meet the M.M.A. on 11 November as previously arranged and they began arranging the claims that they would present. The strike arrangements had shown the ability of the executive and strength of the unions, so, emboldened by their victory, the Combined Unions resolved to press the M.M.A. for a 44 hour week. On 23 October they sent Tom Mann to Port Pirie where an A.M.A. Branch had amalgamated with the A.M.A. of Broken Hill. The moment to press their victory had not yet come.

Government precautions

To the mine managers it appeared that the situation was still volatile. They renewed their pleas for more police on 20 and 21 October, 'for failing a police force the mining properties may be considered at the mercy of the mob' (29). Before 18 October the Sub-Inspector of Police at Broken Hill had wired Sydney for two hundred extra police 'as he anticipated trouble from the Socialists' (30). On 22 October Police Superintendent J.E. Sawtell endorsed his request 'for a strike was a forgone conclusion' (31). Sawtell feared violence and pointed out that there were four large government magazines four miles out of town which were unprotected.

Acting on the advice of the local officers the Government despatched fifty police for Broken Hill on 3 November. Premier Wade explained in parliament that they had been sent as a precaution to a place which was three days journey from Sydney (32). The Sydney Morning Herald supported the

Government's action and explained that Broken Hill, 'As an industrial centre [is] more like an island in mid-ocean than an integral part of the State and in some respects is less easy to reach and control than an island' (33).

Arthur Griffith, member for Sturt, tried to move an adjournment of the Legislative Assembly to discuss the motion that, 'The action of the Government in despatching a trainload of police to Broken Hill is without reasonable cause or necessity'. He was ruled out of order and when he questioned the speaker's impartiality he was suspended from the House (34). Rather than withdraw his remarks and apologise, he resigned and was re-elected unopposed.

J.S.T. McGowen, leader of the Labor Party took up the matter. He gave notice of a motion of no confidence in the Government: 'The Government has forfeited the confidence of the House by its failure to introduce amending industrial legislation and by its unnecessarily harsh and tactless administration of the law.' When the Premier, C.G. Wade said he would treat the motion as any other and have it debated in turn the Labor Party withdrew from the Assembly for two days in protest. Wade relented and the debate on the motion began on 10 November with McGowen criticising the sending of police 'to terrorise the unionists' (35). The motion was defeated with a vote on party lines.

With such a long and bitter prelude it was no surprise that the conference beginning on 11 November ended in dissension and a strike.

The Withdrawal of the B.H.P. Coy. Ltd. from the 1908 Conference.

The conference between the Combined Unions and the M.M.A. began on 11 November 1908. Emboldened by their success in October the Combined Unions presented what was regarded as an extravagant log of claims (36):

1. That 44 hours constitute a week's work, thus securing a Saturday half holiday.
2. That all men who are receiving at present less than 9/- per shift be raised to a minimum of 9/- per shift.
3. That the schedule asking for adjustments of wages be submitted.
4. Overtime rate to be uniform. Time and a quarter over every ordinary day's work, and time and a half for Sundays and holidays.
5. The recognised holidays as follows: ... [There were no new holidays proposed].
6. That Union men only be employed.
7. The period of the Agreement to be two years.

As had been the fashion in 1906 the Combined Unions presented their claims and explained them at the first meeting. Six speakers had been carefully chosen to speak for two minutes each on one of the claims. The

next day the M.M.A. met and sent its recommendations to the Barrier Ranges Mining Companies' Association in Melbourne (37). Sulphide Corporation were

1. The [Mining Managers] Association recommends to the Combined Boards not to concede the following claims:
 1. Reduction of hours of work
 2. Minimum Wage for Contractors
 3. Employment of Union Men only
2. That the Association recommends the Boards to summon the managers to Melbourne to consult with the Boards on Wed. 18th or Thurs. 19th inst.

The Managers disagreed about what they were prepared to offer the Combined Unions. Delprat thought the best scheme was to offer the 1903 rates and then compromise. W.J. Loring who was spokesman for the Zinc Corporation which had joined the M.M.A. on 2 November, said he had received instructions to be prepared to continue at the present rates and could not see the point in offering a reversion to the old 1903 rates.

The Managers consulted their respective boards of directors. On 21 November Delprat wrote to the M.M.A. (38):

At a full meeting of the directors of this company held today, the situation as revealed by the shorthand notes of the conference which the mining managers had with the representatives of the employees of the various companies on the 11th inst. was fully considered and I am instructed to respectfully inform you that the directors have decided that this company now withdraws from the miners conference. The reason for the decision is that in the opinion of my board, the varied interests of this company place it in a different position from the other companies constituting the miners conference.

The conference continued without B.H.P. Coy. Ltd. being represented and agreement was reached. The unionists accepted an extension of the 1906 Agreement with two modifications: (i) overtime was to be calculated as time in excess of an ordinary shift's work; (ii) the wage rate plus the increase was to be worded as a standard wage (39).

Three companies the British, Block 10 and the B.H.P. Coy. Ltd. did not sign the new agreement. The British mine manager, Woodhead, had remained in conference but intimated his directors' decision not to sign at the end of negotiations (40). The mine had been having a bad time and was shut for nearly all of 1907. In 1906 Woodhead had been the only mine manager to not participate in the conference because his company could not afford to raise wages (41). Block 10 Company manager withdrew from the 1908 conference when Delprat did. Block 10 depended upon the Proprietary mine to carry out its smelting and refining so its fortunes were bound to those of that mine. For the Proprietary mine things had not been going well. The mine was almost worked out. Only in the bottom levels of Block 11 were there any showings of ore and this was estimated to be five or six years supply (42). On the

other hand, rich finds were being made at the north and south ends of the field: the Junction North, South Blocks and Sulphide Corporation were mining lots of good ore and were so prepared to maintain the prevailing rate of wages (43). The proprietors of these mines were, therefore, not prepared to press for an alteration in wages rates especially if it meant a strike would result. This disparity in fortune and consequently outlook, led to the withdrawal of B.H.P. Coy. Ltd. from the Conference.

The Proprietary mine had always been the largest and most successful on the field. Its board of directors had largely determined the policies pursued by all the companies. Its managers, and especially Delprat, had dominated the negotiation proceedings between management and labour so much so that the first conference without Delprat was, as the new conference chairman James Hebbard remarked, like a performance of Hamlet without the prince (44). The Bulletin was more caustic (45):

The truth of the whole business probably is that the Broken Hill Proprietary loves to be top dog - in fact, it loves to be the only dog that counts. There was friction over the matter two years ago when the present agreement was fixed up. At that time boss manager Delprat simply took matters into his own hands, and carried the thing through; one or two of the other managements kicked, but it was no good. A conference where one man counts for as much as another isn't the sort of place where the Broken Hill Proprietary can feel comfortable.

The other mine managers had shown their unwillingness to comply unquestioningly with B.H.P. Coy. Ltd. requests in October 1908. Dickenson had written directing that no press statements should be made by managers without the approval of the Combined Boards in Melbourne. The managers thought they could be relied upon to exercise sufficient discretion and complained. Dickenson ignored the complaint and wrote asking if certain information had been released by the M.M.A. to the press. The managers were roused. 'Members were anxious to know what position they were in as regards instructions from Mr. Dickenson to the M.M.A. none of the managers having been advised definitely in the matter'. They resolved that 'each manager write to his own board for definite instructions as to the mines committee [Broken Ranges Mining Companies Association] and instructions from its secretary' (46).

The relative size of those companies which were not bound by the 1908 Agreement indicates how serious the position was for the Combined Unions (47).

On 23 December the Board notified the Combined Unions of its intention to withdraw from the conference and to adhere to its determination notified on December 21, 1908. The number of employees employed by all the Companies.

	Number of Employees September 1908	Number of Employees expressed as a percentage of the total number employed by all the Companies.
** B.H.P. Coy. Ltd.	₹ 4427	50.4
** Sulphide Corporation	1301	14.8
South	658	7.5
** Block 10	632	7.3
North Mine	513	5.9
Junction North	414	4.7
South Blocks	245	2.8
Block 14	185	2.1
** British	44	.5
Junction	18	.2
Zinc Corporation	240	2.7
De Bavay	100	1.2
TOTAL	8777	

₹ Employed at the Proprietary mine: Surface workers 1153, Underground 1349, Total 2502

Employed at Port Pirie 1695

Total employed outside Broken Hill 1925.

~~**~~ Companies not bound by the 1908 Agreement.

Delprat when he notified the M.M.A. of his company's intention to withdraw from the conference also wrote to the Combined Unions: 'I beg to inform you that my company has withdrawn from the Conference being held with the Mining Managers Association, but that I would be happy to meet your representatives at a date suitable to be mutually agreed upon in order to discuss the question of wages etc' (48). The Combined Unions were unlikely to agree to special terms for the B.H.P. Coy. Ltd. and the negotiations were a series of formal, sterile manoeuvres that resulted in an impasse.

On 2 December the Combined Unions decided not to meet Delprat (49).

Delprat notified them on 7 December:

The Combined Unions now have accepted the suggestion made a fortnight ago by the Board to discuss the question of wages, etc., I have been instructed by the Board to notify that - (i) work at the mine will be stopped from Monday, December 21 to Monday, January 4 for the Christmas holidays (ii) The bonus granted for two years, dating from 1st January 1907 will cease on 1st January 1909 and that the present rate of wages, less the bonus will remain in force.

G.D. Delprat (50).

On 18 December Delprat expressed his willingness to meet the Combined Unions and this time they agreed. At a conference on 19 December Delprat put his company's proposal to continue as under the 1903 Award wage rates with a bonus based on a sliding scale which was to be adjusted according to metal prices (51). This scheme was rejected by the Combined Unions.

On 23 December the Combined Unions received a notice that, 'The Board adheres to its determination notified on December 7th, that the increase of wages granted for two years, dating from January 1st, 1907 will cease on January 1st, 1909, and that the present rate of wages, less the increase will remain in force. The Board will co-operate with the Combined Unions or the A.M.A. in bringing the dispute before the Federal Court of Arbitration and Conciliation and will raise no question as to its jurisdiction' (52). The reply of the Combined Unions was similarly a notification of intentions: 'The Combined Unions intend to prevent men from [working?] on any mine whose board have not signed the agreement recently come to between the M.M.A. and the Combined Unions of Broken Hill at a lower rate of wages than that provided for in the agreement and we view the intentions of the B.H.P. Company as stated in their correspondence on 23rd December as a lockout' (53).

G.D. Delprat's diary tells the rest of the story. On 30 December '[Superintendent] Johnstone and [Inspector] Roche called in evening alarmed at inflammatory speeches. Lent rifles to the mine' (54). This was contrary to an earlier decision that it would be futile and provocative to arm the mine officers. On 31 December:

A.M.A. put out pickets 7 p.m.

We put out watchmen all around mine and slept there -

Body of police with Insp. Roche marched up to mine (45 [police]) and camped on the alert all day. Dense crowd near the approach of the mine - plenty of fencing but no attack -

All ready armed to repel rush ...

The 1909 strike lasted 138 days and resulted in a defeat for the strikers which, nevertheless, stimulated the development of a stronger unionism. If there was any victory for the companies involved it was a hollow victory for the Commonwealth Arbitration Court handed down an award which was favourable to the Barrier Branch of the A.M.A. and which prevented the biggest of the companies from resuming operations even partially until 1911.

Responsibility for the Strike

Unlike the strike of 1892 this was no arbitrary closure forced by the companies to alter existing conditions. The B.H.P. Coy. Ltd., British B.H.P. Company and B.H.P. Block 10 Company had declined to be bound by the agreement negotiated in 1908 and they proposed a reversion to the wage rates of the 1903 award. The companies behaved honourably although they did perhaps dissemble in referring to the increases granted in 1906 as bonuses conditional upon the state of the metal market (1).

The strike proceeded differently to that of 1892 for the disputant companies expressed their willingness to negotiate and even to submit the matter to arbitration (2). They were no doubt, confident that the principle established in the 1903 arbitration case would prevail, that is that the rate of wages should depend upon the companies' ability to pay.

The Combined Unions maintained reasonably that the wages paid along the line of lode should be uniform (3). Made confident by their victory in the October dispute they were determined to see that such was the case. Their rejection of an offer made by B.H.P. Coy. Ltd. shows their determination to strike even though the offer was conciliatory (4).

There is alleged to be a dispute. We are unable to settle it ourselves, and we mutually agree to go to the Court of Arbitration, that Court being appointed by Parliament to hear disputes, and, if possible, settle them. Now, we are willing that you should continue your operations with us, and whatever the award of the Court should be we will abide by that award. We will give you what you are entitled to under the award of Judge Cohen, but in the event of the present Court deciding that you shall have greater pay, then that greater pay will be given to you by this Company.

J. Darling interpreted the offer made to the Combined Unions as 'We have left this to a third party, and the difference between us, if it is decided in your favour, you shall have, but there is really no necessity why we should not continue working operations ... We are the employer, the money if any, due to you will be retained by us in trust and handed to you.'

There was no need for the strike which began on 4 January if the Combined Unions were prepared to abide by a decision of the Commonwealth Arbitration Court as they said they were. The only justification of a strike

was that it might coerce the disputant companies to accept the 1908 general agreement. The Combined Unions hoped to gain their ends by not only having their case argued before the Commonwealth Arbitration Court but by also augmenting their efforts there with appropriate industrial action. The responsibility for the strike rests with them.

The Combined Unions' Strike Arrangements

The Combined Unions were confident in the effectiveness of their strike weapon. They looked to the trade unions and labour organisations within and outside Broken Hill for assistance. The major contributions to the strike fund were made by the Broken Hill unionists who continued at work. At the end of the strike £45,686/17/6 had been received; notable contributions had been made by the trade unions of South Australia (£1,878/19/9) and the Adelaide Trades and Labour Council (£2,272/0/2); but the biggest single entry in the balance sheet is that for the levies paid by Broken Hill Unions (£14,798/7/0)(5). It was prudent counsel which prevailed over the suggestion that all Broken Hill miners should down tools (6).

Many men left Broken Hill as they did in the previous disputes (7), so strike funds were able to spread further. There were few cases of distress for the Combined Unions accepted applications for union membership (and so eligibility for strike pay) up until 18 January (8). Strike pay was reasonably generous. It varied as in 1892 on marital status, number of dependants, and performance of picket duty (9). Co-operative stores were established and the coupon system of payment was used. It seemed as R.S. Ross had predicted in October that 'the threatened strike would not be one like that in 1892. The organizations and methods would be more complete'(10). This was a well conducted strike in which the strikers suffered little from any privations.

The generosity of organizations outside Broken Hill helped the strikers, as did their compliance with a request to advise their members not to accept employment at Broken Hill or Port Pirie (11). However, the outside organizations declined to take any industrial action in support of the strike even though they were requested to do so.

The Combined Unions had hoped that the South Australian Locomotive Engine Drivers and Firemen's Association would 'use endeavours to prevent the police from coming by train to Broken Hill'. They were disappointed when the union could not see its way clear to respond to the request (12).

The Sydney Labour Council was approached with a proposal for a general strike but responded similarly (13).

In the event of Broken Hill men requiring an all round dropping of tools, can you guarantee that the response to such a request would justify you in making same and, in the event of your answer being in the negative, are you prepared to recommend and fight for an all round levy of 1/- on all your affiliated members for the purpose of enabling the workers of the Barrier to fight the B.H.P. mine to a successful finish [?]

Without waiting for a reply from the Sydney Labor Council (which refused both requests) they considered alternative action by all the unionists of N.S.W. (14)

That in the event of B.H.P. Company refusing to resume mining operations after the award is given the Combined Unions Committee request the Government to force the B.H.P. Company to resume operations in the event of their not complying with that request we appeal to the unionists of N.S.W. particularly and the workers generally to refuse to pay any rates or taxes seeing that the Workers of the Barrier are debarred from earning a livelihood.

That neither of these proposals met with success was an indication to Broken Hill unionists of the weakness and timidity of existing unionism. They suggested to the Sydney Labor Council that all the workers of N.S.W. should affiliate with one executive body for the purpose of 'resisting oppression to unionists generally' (15). As the Sydney Labor Council failed to follow up the suggestion as vigorously as the Combined Unions would have liked (16), they, themselves, established such a body but it did not attract the allegiance of any union outside Broken Hill (17).

The Role of the Political Labor Party in the Strike

Political action was to be supplemented by industrial action but not replaced by it. The political Labor Party and the Broken Hill members in particular played important roles in the strike.

Broken Hill unionists had evinced some distrust of their political representative, the Labor Party for at three Political Labor League conferences, and again on 29 January in the midst of the strike, the A.M.A.'s objective of establishing 'a Co-operative Commonwealth' had been rejected (18)

In October Labor Party members had spoken disparagingly of the union organiser, Tom Mann (19). So it is not surprising that when Arthur Griffith sent a letter urging moderation and no violence (20) his advice, for George Dale, was 'given at long range' by a 'well-fed' politician' in distant Sydney 'who had been digesting the lies published in "master's" press' (21).

This criticism of Griffith was somewhat unfair and one must remember that Dale was a spokesman for the Barrier Socialist Group. The socialists did not take kindly to Griffith. He arranged, with a lot of difficulty (22),

a scheme for transporting any strikers, who wished to seek alternative employment, to the North coast for railway construction work. This to the Flame was a 'strike breaking scheme' and likely to 'chloroform the strikers' (23). Moreover he debated 'that the members of the Socialistic organizations in this state were not justified in withdrawing from the Political Labor League' with a prominent Sydney socialist, J.O. Moroney (24), and even challenged Tom Mann to debate 'The Way to Win' but this challenge was not accepted (25). Nevertheless Griffith was re-elected at the next election and his electoral triumph indicates that the majority of unionists still supported the Labor Party though their support might be critical.

W.A. Holman made the long trip to Broken Hill (26) to urge moderation and the Combined Unions arranged several meetings for him to address (27). On 15 and 16 February his speeches were made at the same time as those of Harry Holland but Holland spoke in the Central Reserve or from a street corner whilst Holman spoke in the Trades Hall. The Combined Unions insisted that Harry Holland had not been invited to Broken Hill by them and so repudiated the more violent measures that he advocated (28).

The Labor Party was having its ~~first~~^{second} term of office in the federal sphere during the strike. Josiah Thomas had been appointed Postmaster-General. He could do little to help the strikers but he had been energetic in arranging interviews with Justice Higgins before the Commonwealth Arbitration Court Case began (29). He spoke in support of the strikers at the Sydney Domain (30), and when he came to Broken Hill he marched at the head of the pickets much to the rancour of B.H.P. Coy. Ltd. directors (31).

J.H. Cann was ill during the strike but that did not prevent him from attacking the Premier C.G. Wade with such vigour that it attracted the notice of the police (32).

Criticisms of the N.S.W. Government's Inactivity

(i) As in 1892 the major charge against the Government related to its reluctance to act. The charge in 1909 is not easily dismissed. Both Cann (33) and the Daily Telegraph (34) accused Wade of washing his hands of the whole dispute a little too readily. There was, they pointed out, a dispute between B.H.P. Block 10 Company and the Barrier branch of the A.M.A. that was not an inter-state dispute. B.H.P. Block 10 Company had not been party to the 1908 agreement so its employees went on strike on 4 January. Block 10 mine was dependent for the smelting and refining of its ore on the Proprietary mine and did not formally cease operations until 14 January when it maintained that the

closure of the big mine prevented its working (35). It had not been cited as a respondent in the plaint before the Commonwealth Arbitration Court so strictly speaking this company was involved in a dispute which was within the jurisdiction of the N.S.W. Government.

The criticism of Wade for doing too little was also voiced by Broken Hill's mayor, J.H. Ivey. On 13 January Broken Hill Municipal Council invited Wade to come to Broken Hill as an independent arbiter (36). The invitation was not well meant for Ivey was a militant member of the Engine Drivers and Firemen's Association who left no doubt of what he thought of Wade (37). As Mayor he led a great procession of protest down Argent Street to the police station after the arrests of 9 January. An ugly scene could well have occurred had not the crowd, conservatively estimated at 5,000, been attracted away by a spectacular fire in a six storey boarding house in nearby Cobalt Street (38). Using his influence as Mayor Ivey had denied the police the use of the Town Hall as barracks so that they had to be accommodated instead at the Technical College (39). Under his direction the Municipal Council very nearly endorsed the actions of the Municipal Employees Association which had resolved not to remove nightsoil or garbage from the Proprietary mine (40). There was, therefore, malice in Ivey's invitation to Wade but Wade replied with aplomb, '...if parties had not appealed to Arbitration Court would consider it my duty [to] volunteer [to] mediate, but as case now commenced ... useless and unwise for me [to] intervene unless parties themselves express clearly preference for such course' (41).

(ii) Premier Wade was unpopular with the labour movement generally for his Industrial Disputes Act of 1908. Broken Hill unionists bore a special antagonism towards him for they remembered he had represented the B.H.P. Coy. Ltd. as a barrister in the arbitration case of 1903. He had been burnt in effigy in Broken Hill after the despatch of the fifty police in November.

It is impossible to tell if Wade was perturbed by the antagonism but he does seem to have dismissed rather cursorily the plight of the city's unemployed. Arthur Griffith claimed that during and after the strike Wade was reluctant to offer any help for the unemployed (43). During the strike Wade held that there was plenty of work available and in July 1909 he said there were no cases of destitution in Broken Hill (44). Some money was sent to the municipal council but it helped little (44b). His attitude inspired some of the unemployed with the notions of working the British mine for themselves or

of making a trek to Sydney in search of work. The antagonism they bore against him personally was part of their hostility to the remote, unsympathetic Government and unfriendly outside world on which they could ~~not~~ ^{seek} some vengeance (45).

The Police

Cann maintained that 'the police were sent to start a row' (42). No criticism had been made of the demeanour of the police at Broken Hill in 1892 but in 1909 one of the major complaints of the strikers against the N.S.W. Government for its part in the strike related to the conduct of the police force. It seemed to the Combined Unions that the police and B.H.P. Coy. Ltd. deliberately provoked incidents and that the police were over zealous in repressing union demonstrations.

(i) In one instance this charge of provocation seems to be true. Delprat maintained reasonable relations with the strikers. On 2 January, for instance, he offered the pickets some canvas as shelter from the rain (46) even though his coachman Willy Pike had been forced to enrol in the A.M.A. earlier in the day (47). He made a lone journey through the picket lines at a time when they were quite aggressive and yet he was not molested (48).

However, his actions on 4 January were unlikely to endear him to the strikers or his own officers.

Between 10 a.m. and 11 a.m. on the morning of 4 January forty nine employees left the mine and some were assaulted by the crowd which had gathered behind the picket lines. A procession of unionists to the mine to collect their pay about 2.00 p.m. was quite orderly. Delprat, however, met them before they entered the lease for he 'thought they came up for a fight'. He exacted a promise of safe conduct from the picket leader for thirteen employees passed beyond the picket lines, however they were quite seriously assaulted by the crowd (49). George Dale (50) has drawn attention to the fact that nearly fifty policemen were quartered on the mine from 31 December and yet they left the mine on 4 January prior to the departure of the mine employees only to return again later in the day. It seemed that a deliberate provocation had been arranged to encourage the despatch of more police, for fifty policemen left Sydney the next day.

Harry Holland, in Sydney accused Delprat of arranging the ruse: "Gull-the-men" Delprat; he of the much boomed courtesy and fairness has shown how he can gull his scabby officials also when he callously sent his lambs to the

stoned and several men were arrested (59).

At 2.30 p.m. a Combined Unions Committee special meeting heard a report from William Rosser who had been making arrangements for a ceremonial changing of the pickets (60). Only a few days previously Rosser had won approval of his suggestion that a red flag or banner should be carried at the head of processions (61). He now 'reported having made all arrangements re procession and appointment of [marshals?]' . Written permission had been sought from the mayor (J.H. Ivey) and 'Mr. Rosser asked permission on behalf of the photography firm for permission to take photographs of the procession' (62). The procession, then, was a pre-arranged demonstration which the unionists believed might not pass without incident.

At the 4.00 p.m. change of pickets, the procession, led by Tom Mann was stopped short of its objective by the police (63). A riot resulted and twenty eight were arrested.

The Combined Unions Committee had an immediate meeting at 4.20 p.m. and sent a telegram to W.A. Holman who had only that day reassured them of the legality of picketing (64). 'An unprovoked attack was made by the police on a peaceful procession. Brutal attack. Many arrested including Tom Mann and members of the committee'.

The accounts given of the riot varied. The Barrier Truth since 2 November 1908 had been published daily as the Barrier Daily Truth. Its headlines give the strikers' point of view (65):

POLICE BREAK THE LAW*

Unionists Marching in Procession are Deliberately Assaulted
by Police in a Cowardly and Brutal Fashion.

A later mass meeting of the Combined Unions appealed to the federal Labor government for assistance. It resolved 'that the Prime Minister and Minister of Defence be wired to asking them to call out the militia to defend the citizens of Broken Hill against the unprovoked attacks of the police on the peaceful citizens of Broken Hill' (66).

The Sydney Morning Herald had advocated 'firmness and prompt action' only a few days earlier so its headlines were, not surprisingly, different (67).

BARRIER RIOTS

Frenzied Yelling Crowds
Numerous Conflicts with the Police
Mob Rule Decisively Defeated
Police Keep 300 Miners at Bay
The Socialist Flag Captured
Law and Order Restored

It may be contended that the strikers anticipated police opposition to the demonstration arranged by Rosser. Both Mann and Coulls spoke of their

impending arrest. The demonstration itself was not illegal, but police held that the procession trespassed on to the mining lease and Mann had ignored a request not to pass beyond a certain point (68).

The police drew their batons and frog marched those arrested to the police station. They were dealing with a serious riot and no specific charges of brutality were laid against any of them. Nevertheless, when the twenty eight accused appeared before the magistrate, A.N. Barnett he dismissed the charges against twenty three and this perhaps indicates that the police arrested hastily rather than wisely. Five men were committed for trial. It was alleged that Edmund Gray and Sidney Robinson, had tried to prevent the arrest of Tom Mann (69); Walter Stokes and Richard May, had both thrown stones, kicked policemen and urged the crowd to 'Come on' in the 2.00 p.m. incident (70); and Tom Mann, had incited the riot and resisted arrest (71).

The Administration of Justice

The charge that the N.S.W. Government failed to administer the law impartially was made again in 1909 (72). It seems that the charge was even less well founded in 1909 than it had been in 1892. The stipendiary magistrate A.N. Barnett, behaved creditably. Barnett was appointed from Sydney when the regular magistrate, McKensy, had taken ill. He had been magistrate at Silverton during the 1892 troubles and had presided when the charges had been laid against Sleath, Ferguson and the other strike leaders. His sentences in 1909 were sometimes harsh; for example, he sentenced two strikers to six months gaol for assaulting men who had returned to work (73). However, he never aroused the hostility that Whittingdale Johnson did. Some were disgruntled with him and the Worker featured a cartoon with Barnett as an assiduous little dog 'barking for Wade' (74). His efforts to judge each case on its merits and 'not ... to inflict indiscriminate punishment' (75) led R. Hewitt, one of the imprisoned leaders of 1892 and now secretary of the Combined Unions Committee, to remark that Barnett 'gave them a fair square deal' (76).

As he had done in 1892, A.N. Barnett placed a condition on the bail of the accused that they 'shall refrain whilst within the state of New South Wales from taking any part whatsoever, either directly or indirectly in the strike, lockout or dispute now existing' (77). The condition aroused some protest but Tom Mann was able to successfully circumvent it.

Safely over the border at Cockburn, S.A., 35 miles away he made speeches

which were recorded and played back on a phonograph at the Treatre Royal, Broken Hill (78). The Combined Unions even arranged a special train to travel to Cockburn 'for the purpose of hearing Tom Mann address the workers from South Australian territory, he having been debarred from speaking in N.S.W.' (79). Mann claimed that 4,000 people travelled to Cockburn to hear him (80). He also toured South Australia showing pictures of the riot and thus raised £25/15/4 for the strike fund (81).

(ii) The trials of those accused of crimes connected with the strike were conducted in Albury and not in Broken Hill as originally appointed. The change in venue aroused a great deal of criticism (82). Premier C.G. Wade made the change on the advice of the Crown Prosecutor, S.E. Lamb, and Police Superintendent Mitchell. Apart from the charges against the participants in the riot there were also charges to be heard against W. Rosser and J. Lyons for maliciously displacing railway lines and H. Holland for sedition. E. Gray (charged with riot) was a baker with a big business in Broken Hill and the Crown Prosecutor had written of him (83): 'I am clearly of the opinion that it would be quite useless to put the accused on his trial at Broken Hill as there would be no chance of getting any jury there to convict him'. Superintendent Mitchell was of the opinion that Holland should not be tried in Broken Hill, also, also 'If any man living in Broken Hill acting as juryman found this man guilty, I have no hesitation in saying that not only would his house and property be in danger, but his life would be in danger also. Broken Hill has more socialists than any place I know out of Sydney and there are men in the socialist group here who would stop at nothing ... the people there [at Albury] have no need to fear Socialists and I do not think they have any of these people resident in their District, especially the Revolutionary type which we have in fair numbers' (84). It was on this communication that Wade minuted, 'Try Albury Court 20/4/09, C.G.W.'

The cases were heard before Justice Pring. The jury disagreed and so the charges against W. Rosser and J. Lyons were dismissed. W. Stokes and R. May were convicted; the former received a sentence of three years hard labour and the latter two years hard labour. In announcing his sentence Justice Pring complimented the police on their 'remarkable courage and coolness'. Even though Mann had been acquitted he thought, 'There was no doubt at all that these men at Broken Hill had been misled by an agitator named Tom Mann ...' (85).

The sentences imposed by Justice Pring were regarded as severe for the jury had recommended mercy in the cases of W. Stokes and R. May. The most

Justice Pring regarded his offence as serious for having an intemperate criticism launched at Justice Pring was by H. Scott-Bennett 'who maintained that Pring was nothing more than 'the judicial prostitute of the Capitalistic class who nearly shed tears because Mann was not convicted' (86). H. Scott-Bennett was no doubt, angry for his friend Harry Holland had been found guilty of sedition and sentenced to two years hard labour.

The ineffective Harry Holland

Harry Holland had received an invitation from William Rosser to return to Broken Hill in February 1909 (87). He was not invited by the Combined Unions which refused an offer made of him as a speaker by the Barrier Socialist Group (88). Before he arrived the Flame had published an article in which he advised 'Better a dead belly than an empty one, better a ruined mine than an idle one ... get ready to TAKE the mines and to HOLD them ... Organise to TAKE' (89). His irresponsible anarchism contrasted with the moderation that W.A. Holman advocated in the Trades Hall and the responsible pose of the A.M.A. which was appearing before the Commonwealth Arbitration Court whilst Holland held his street meetings. The large crowds ^{were} humoured rather than moved by his fiery eloquence. On 14 February he addressed a 'dense crowd' on the corner of Sulphide and Argent Streets. The children of the Socialist Sunday School and Mrs. Wallace sang. He afterwards delivered the same address in the Central Reserve. This report is of the first (90).

If the police hit them with batons, they must reply with a rock (laughter) - if they used a pick handle they should hit back with a pick handle with a pick on the end of it; and if the police shoot them with revolvers they must shoot back; and if they used a carbine, then let them reply with a gatling gun (Applause).

On the same day Holland addressed a meeting outside the gaol. William Rosser and J.B. Holman spoke before him (91).

You call yourselves unionists ... and you allowed Tom Mann to be arrested and taken to gaol and not one of you attempted to rescue him and only three hundred police in Broken Hill...

He advised his audience 'if you are going to fight, you must put a little ginger into it'. When the crowd cried 'pepper', Holland replied, 'Yes, pepper, if you like, but to be plain spoken, dynamite. That is the way to win.'

He was arrested on 19 February and charged with 'using seditious words and inciting to riot'. He, too, appeared before Justice Pring at Albury.

Acting in a manner reminiscent of John Lilburne, the Leveller propagandist of the seventeenth century, Holland conducted his own defence. He challenged his full complement of jurors and had cross words with the judge when he was not allowed a clerk. He disapproved of the charge of sedition for it rested upon 'judge made law' and not upon statutes (92).

Justice Fring regarded his offence as serious for 'having no connection with Broken Hill [you] took it upon [yourself] to go from Sydney all the way to Broken Hill to incite the people to lawlessness' (93). The sentence of two years hard labour was severe for the judge himself noted that no violence occurred after Holland had advocated it (94). It was as the Bulletin had said of the charge against the strike leaders of 1892, '[It] was not that they actually did anything; only that they said something which might have led, but which, as it happened, did not lead to something being done' (95).

Holland had little or no effect upon the direction of the strike. Perhaps his visit would have been of some moment if he had appeared a month earlier when some sabotage was attempted. As it was he appeared the only firebrand in a situation which was being peaceably settled by the Commonwealth Court of Arbitration.

Using the Legal Machinery of the Commonwealth

Whilst Holland was advocating violent reprisals the A.M.A. was using the legal machinery of the Commonwealth to try and force the disputant companies to comply with the 1908 agreement. The Port Pirie branch of the A.M.A. had amalgamated with the Barrier Branch so that the dispute was not confined to one state (96). In this way the A.M.A. had brought the dispute under the jurisdiction of the Commonwealth Arbitration Court. Justice Higgins was reputed to be sympathetic with the workers cause and it was thought that 'if [the A.M.A.] can't get a generous, not to say just, award from Justice Higgins they can't get it from any man on the Australian Bench' (97).

Unfortunately for the union Higgins' award was more than generous. He gave the unionists more than they came to court to ask for so that the B.H.P. Coy. Ltd. was able to appeal successfully to the High Court and have that part of the award disallowed, which was most pertinent to Port Pirie. Subsequently the company started smelting at Port Pirie and many men returned to work there as strike breakers.

To the Broken Hill strikers arbitration appeared to fail. The Commonwealth Arbitration Court did not force the companies to resume operations. The High Court robbed the Port Pirie unionists of any incentive to continue the strike.

Their first disappointment with their legal endeavours came when an attempt to have the company's actions deemed a lockout failed. Justice Higgins heard an application by the A.M.A. for a rule nisi calling on B.H.P. Coy. Ltd. 'to show cause why an injunction should not be granted restraining

the size of the reserve fund (\$225,000) and the undistributed profits (\$22,703) it from doing something in the nature of a lockout'. Although he granted the order Higgins expressed his opinion that the merits of the application were doubtful because there did not appear to be an industrial dispute before there was a lockout. All that the company had done was close for overhaul and then re-opened at reduced wages (98).

When on 3 February 1909 the Commonwealth Court of Arbitration began to hear the plaint of the Barrier Branch of the A.M.A. that B.H.P. Coy. Ltd. should pay the rates of wages and observe the conditions of employment embodied in the 1909 agreement, (99a) it had first to be determined if the Court had jurisdiction. Higgins tried to have both the union and company agree to abide by the Court's decision. The A.M.A. agreed but the B.H.P. Coy. Ltd. 'merely undertook to resume operations in accordance with [the] award so far as regards the production of zinc concenentrates, and so far as regards smelting and treatment of lead concentrates purchased from other companies'. From the outset the union was fighting a losing battle as the company's reservation made possible an appeal to the High Court which had not shown much favour to Higgins' interpretation of the role of the Commonwealth Arbitration Court (99b).

Higgins, unlike Cohen in 1903, did not think that the company's ability to pay higher wages was the crucial point. The company had to provide 'a living wage' which was sufficient for its employees living at Broken Hill. He saw, as the company contended, that it might not be able to resume operations if wages were increased. 'Some will attribute the stoppage of the mine to the award ... [This was] untrue ... What stops the mining is the deficiency in payable ore' (100). He could not bargain with the company so that it might resume operations, nor could he order it to resume. 'It is not for the Court to dictate to employers what work they should carry on. It can merely, in such a case as this, prescribe fit conditions for labour if the company employ it' (101)

Both the company and the union submitted similar evidence to that in 1903. Higgins carefully scutinised the company's evidence which it produced to argue its inability to pay more. F.M. Dickenson, the Secretary, and J. Darling, the chairman of directors, were both closely examined by Higgins (102) The Barrier Daily Truth, as was to be expected, questioned the validity of the account books presented to the Court. It reported the story of an accountant being instructed to have appropriate tallies or face the consequence of 'dodging through the pickets without policeprotection' (103). Higgins questioned

the size of the reserve fund (£225,000) and the undistributed profits (£522,703) which were held for dividends or expenses at any time. He noted the conditions which permitted the company to pay dividends in the past and concluded that if the company returned to the 1903 wage rates there would be a saving of £33,000 and this would mean another dividend 'at the cost of the workmen's breakfast tables' (104a).

This was a barren victory for the unionists. They might have won 'fit conditions for labour' but the inability of the company to pay the higher wage rates led to its refusal to resume normal underground operations. Only the altruistic could gain comfort from the establishment of a principle which did not immediately benefit them.

Higgins later formulated the principle that had guided him more generally. 'The fact that a mine is becoming exhausted or poorer in its ore is not a ground for prescribing a lower rate than would otherwise be proper. If Shareholders are willing to stake their own money on a speculation, they should not stake part of the employee's proper wages also. The Court cannot endanger industrial peace in order to keep unprofitable mines going' (104b).

In assessing 'the living wage' appropriate for Broken Hill, Higgins referred to the evidence produced by the union to show that commodities like water, bread and vegetables were dearer than in Melbourne or Adelaide. He decided that '7/6 which is the standard rate for miners in Victoria is not sufficient for Broken Hill' (105). Although he referred to the harsh living conditions in the town and noted that the A.M.P. Society and the Public Service Board paid special allowances to their employees in the area he claimed to take no account of 'climatic and other discomforts' in arriving at a 'living wage' (106).

Here again Higgins was modifying his concept of what was to constitute a 'living wage'. The idea was relatively new and his definition of it was still going on. In presiding over the Broken Hill case Higgins decided on another principle which was to operate in assessing the appropriate living wage. 'Where it is established that there is a marked difference in the cost of living between one locality and another, the difference will, so far as possible, be reflected in the minimum wage' (107).

The Appeal to the High Court

The Arbitration case was an important one in itself as an illustration of the relations between the new Commonwealth Arbitration Court and its uneasy court of appeal, the High Court. Higgins had had some difficulty in winning

the approval of the High Court judges to his ideas of state intervention into industrial disputes. In this case, however, the High Court when appealed to simply decided that the jurisdiction of the Arbitration Court was strictly limited to the issues brought before it.

B.H.P. Coy. Ltd. made an appeal to the High Court after the award was made. The grounds of appeal were that (108):

- (i) There was no dispute in any industry extending beyond the limits of any one state.
- (ii) There was no dispute extending beyond the limits of any one state.
- (iii) That the employment of all members of the Barrier Branch of the A.M.A. by B.H.P. Coy. Ltd. had ceased before hearing the plaint in the said proceedings and making the said order and award ...

The High Court dismissed the appeal made on these grounds but upheld the company's appeals related to (i) contract work and, (ii) hours of work and overtime.

(i) Higgins in handing down his judgment had spoken against the contract system: 'it throws the worker back on the old, unfair dilemma - of insufficient rates, or else unemployment - and a hungry house' (109). He ordered that 'no contracts be set by the Company except as to work for which contracts have been usually set by the Company since the 11th December 1906'. The company contended that the contract system had not been mentioned in the original plaint and the High Court agreed that it was, therefore, beyond the jurisdiction of the Commonwealth Arbitration Court.

(ii) Although the company had protested Higgins had given the A.M.A. leave to amend the original plaint so that the hours of work and payment for overtime were included. At Port Pirie many men were working more than 48 hours per week and were working on Sundays without receiving any penalty rates. The plaint was amended so that the Court could rule on this matter. The High Court upheld the company's appeal that the original plaint should not have been amended and so prohibited the clauses of the award which related to hours of work and overtime.

The High Court's judgment was given on 24 April. It did not significantly change the award as far as Broken Hill miners were concerned and Chief Justice Sir Samuel Griffiths summed up, 'the result is that the complainants get all they came to court and asked for and no more' (110).

The Company's Reaction to the Award

The B.H.P. Coy. Ltd. could not be instructed to resume work and for two years it did not. Delprat had claimed that, 'the workings would not depreciate if the mine were left idle for forty years' (111) The chairman of directors

told the August shareholders meeting, 'The ore reserves remain intact, and at the present time it is not the intention of the Board to reopen the mine until justified by an improvement in prices of the metals which would enable us to pay the wages set out in the award of the Arbitration Court'(112).

The Company still operated some of the surface works, for example the sulphuric acid plant but underground operations were not even partially resumed until 1911. The Company was employing 4,427 in September 1908, 1,804 in May 1909; and 1,158 in March 1911 (113).

The Company directors were not happy with the award or their experience of the arbitration system. J. Darling expressed his dissatisfaction with the concept of a 'living wage' which to him seemed an impracticable ideal (114).

The term "living wage" as referred to by Mr. Justice Higgins, is no doubt a most pleasing sounding term in theory, but in practice it is quite impracticable. The factor that guides in this matter must be what can the worker give in labour for the value he receives, and if the industry cannot pay the rate fixed by the worker, then the industry must be discontinued and the worker be without employment. No legislation or Arbitration Court can artificially set aside for any length of time the natural law governing such matters, and all the attempts in this direction must ultimately end in failure and disaster, as what is the value of an award on paper with no employment.

D.W. Harvey Patterson was disgruntled with the arbitration system itself and suggested that men acquainted with the industry concerned would be more able to determine wisely than a judge who was not conversant with the industry's peculiar problems (115).

The experience of the Arbitration Court as at present conducted has not been such as to inspire confidence in this tribunal. If industrial disputes are to be settled by the Arbitration Court, and if it is necessary that such a court should be presided over by a Judge, then the Judge should have the assistance of assessors skilled in the industry, the subject matter of the dispute, as it is practically impossible for a Judge however skilled, to thoroughly grasp the various intricate points which must necessarily come up for his consideration and action.

The Reaction of the Unionists

When Higgins made his award the Combined Unions hailed it as a qualified success. The Worker was more triumphant (116):

Federal Court does Justice to the Miners
The Broken Hill Dispute
Federal Arbitration Court Approves the Unions Claims.

The Barrier Daily Truth expressed the hope of the Combined Unions that the Court would force the mines to resume work (117).

AWARD
Wages Not Reduced
A Victory Re Wages

Higgins could not force the company to resume operations. When the employees withheld their labour after an award they and their unions were liable to penalty.

When the employers refused to resume operations then nothing could be done by the Government. The only pressure that could be applied on the employer was that which could be applied by the employees industrially. The award confirmed the opinion that industrial action was a necessity in the collective bargaining system.

To the men of Port Pirie the High Court judgment was a major reversal. They had been most concerned with limiting the hours they had to work to keep the smelters going and with winning some penalty rate for overtime. B.H.F. Coy. Ltd. tested the loyalty of the dissatisfied strikers there by resolving to restart work at Port Pirie and 'not take any men from A.M.A.' (118)

About 105 men had returned to work at Port Pirie within a week (119). They were hooted and jeered but the unionists were worried by the number that had defected and on 1 May interviewed Delprat who told them that they would be re-engaged at the rates laid down by the Court (120). Two other interviews with Delprat failed to win any assurance of strikers not being penalised (121). Finally, Mann saw Delprat on 7 May and ^{according to Delprat} told him, 'the men agreed to penalising but hoped [Delprat] would make a list as short as possible - Told him I would do so, but would not limit myself to any number' (122).

Both Mann and Rosser visited Port Pirie on their way back from Albury and they saw that the union was in danger of splitting. Delprat remained adamant that he would not relinquish his right to employ whom he wished and named Renton, the President of the A.M.A. at Port Pirie as one that he would not re-employ. A ballot was held at Port Pirie asking the men whether they were prepared to return to work, subject to the approval of Broken Hill Combined Unions even if there might be victimisation. Both Mann and Rosser spoke to the Port Pirie men and advised a return to work. 600 voted 'yes' and 26 voted 'no' (123).

The news was ill received in Broken Hill where Peter Bowling, a militant unionist from the coalfields was now speaking as the guest of the Combined Unions. He condemned the Port Pirie decision as 'the most cowardly thing imaginable'. A telegram was sent to Port Pirie disapproving of any return to work whilst there could be victimisation (124).

Recriminations were made against Rosser and Mann for their part in the 'surrender' but in July the Socialist Federation of Australasia held an exhaustive inquiry into their conduct and found it 'consistently honourable and tactical' (125). George Dale disparaged the inquiry (126) but from what is known of the principles of Mann and Rosser it was unlikely that they would countenance

a return to work unless the union's existence was threatened if the strike continued.

On 20 May a similar ballot was held at Broken Hill after the Combined Unions Committee had thrashed the matter out in a twelve hour meeting on 19 May. The unionists were asked, 'Do you agree with the decision of the Combined Unions at Port Pirie to resume work?' 1,773 voted 'yes'; 1,330 voted 'no'; and 28 voted informally (127). The margin of votes in favour of ending the strike was relatively small and Broken Hill Unionists seemed far more reluctant to return to work than those at Port Pirie. Nevertheless, Bowling and the militants notwithstanding the strike was over.

The Combined Unions immediately dispensed with Tom Mann's services as an organiser (128). On the next day the Port Pirie unionists marched to work and registered for employment (129). In Broken Hill there was a rush to Block 10 mine which was most likely to resume (130).

A month later Police Superintendent Mitchell left Broken Hill for Sydney with thirty five policemen. He had been in Broken Hill for six months just as he had in 1892 (131). ~~He did, nevertheless, act as spokesman of the P~~
The Role of Tom Mann

Tom Mann had been engaged as a union organiser and it was in this role that he had achieved great success in Port Pirie where 90% of the employees were unionists after his visit (132). His role in the strike was peculiar. Although he attended the Combined Unions Committee meetings he did so apparently as a spectator for he initiated no business. The M.M.A. had refused him permission to even witness let alone participate in negotiations with them in November (133). Consequently he virtually had no say in directing the strike or arranging for its settlement. He did, nevertheless, act as spokesman of the Port Pirie Combined Unions Committee when he interviewed Delprat on 7 May and arranged the terms of a return to work (134). This was probably because he had met and talked with Delprat on a number of occasions (135) and was, therefore, more likely to win the concession he came to ask for. It may have been, of course, simply because no local unionist wished to take the responsibility of arranging the end of the strike for Mann certainly came into a lot of criticism for doing as he did (136).

But Mann was the strike leader in the sense that he inspired the men. Powerless though he might have been his speeches did rouse the strikers. His task was to agitate and enthuse the strikers with the spirit of the fight and in this he succeeded.

Although he was usually circumspect in his speeches on at least three occasions he spoke most unflatteringly of the police and suggested violent resistance to arrest. Pring thought that Mann's speech of 8 January had been responsible for the riot of 9 January. I have found no verbatim report of this speech but in it Mann referred to the police enforcing regulations which forbade obstructions to foot and vehicular traffic. He noted the change in 'police tactics' and advised the strikers not to give insults but 'develop the fighting spirit'(137). His advice on the morning of 9 January has already been noted (138). It resembled that which he gave on the evening of 4 January. When thirty police returned to the mining leases after the assaults of that day they were stoned with blue metal. Mann thought the stone throwing unwarranted and explained that it should not be repeated 'unless they found action taken in such passion as would compel them to take action in defence'(139).

On 5 January two hundred men staged a demonstration which diverted the attention of the police from guarding the railway route to the mines while some men tore up the tramway line points and cut the rail with a chisel so breaking rail communication between the mine and the town (140). William Rosser and Joseph Lyons were charged with 'maliciously displacing railway lines' and stood trial in Albury but were acquitted when the jury disagreed. Tom Mann claimed that the police knew that the line was to be cut but had been unable to prevent it. 'They were too fat to carry carbines and too fat to carry revolvers without it spoiling their figures. You saw yesterday the good old fat bobbies - the fat fifty - and now another fat fifty are on their way here .. Give them a pleasant welcome ... Women, I again call upon you to give the coming fifty police a hearty and cordial welcome'(141).

Tom Mann gave voice to the strikers' dislike of the police who had nearly 300 reinforcements by 9 January (142). He certainly urged resistance to the police and there was no major disorder after he was excluded from New South Wales. Justice Pring was perhaps correct in attributing much of the blame for the violence of early January to Tom Mann.

There was no doubt at all that these men at Broken Hill had been misled by an agitator named Tom Mann ... They would some day find that Tom Mann was their very worst enemy (143)

I think any riots of 9th January were in a great measure due to a violent speech which had been made by Tom Mann on the evening of the 8th January in which he urged the men to resist the police (144).

The B.H.P. Coy. Ltd. directors saddled Mann with the responsibility for the strike. This seems unfair for Mann had little or no say in directing the policy of the unions. If any individual unionists were responsible than

any others then perhaps the two militants Charles Coulls and William Rosser could be blamed for they urged the Combined Unions Committee to avoid the usual paths of conciliation and arbitration and try the way of industrial action. To make Mann or anyone else a scapegoat and so lessen the responsibility of the majority of the employees would make the strike appear less popular than what it was. It was not only a few but rather the mass of employees who rejected the company's scheme to operate under wage rates different from those of the other companies.

However, to B.H.P. Coy. Ltd. directors Mann was to blame.

It is a deplorable thing to find our workmen so misguided as to follow the advice of paid agitators who have nothing to lose themselves (145).

I am sorry for the men that they have been so badly led and have yielded to foolish guidance (146).

Conclusion - 'The Way to Win'

Towards the end of the strike Tom Mann published 'an open letter to trade unionists on methods of industrial organisation'. It was called, perhaps ironically echoing Holland's phrase, 'The Way to Win' (148). In it Mann drew what he thought were the lessons of the 1909 dispute at Broken Hill and in so doing he voiced the opinion of many.

(i) For Tom Mann the strike had shown political action to be ineffective unless it was supported by industrial action.

I am not wishful to depreciate political action but it is necessary to say that during recent years in Australia undue importance has been attached to political action ... Experience in all countries shows most conclusively that industrial organisation, intelligently conducted, is of much more moment than political action, for entirely irrespective as to which school of politicians is in power, capable and courageous industrial activity forces from the politicians proportionate concessions.

Throughout the strike the Combined Unions Committee had urged unions outside Broken Hill to help them by engaging in industrial action. The strike itself was called as a supplementary measure for a plaint had been lodged with the Commonwealth Court of Arbitration on 29 December, that is before the strike officially began.

If an industrial dispute is to be settled by arbitration then the soundness of the arguments presented by both sides will determine which side will win. If, on the other hand, the dispute is to be settled by collective bargaining then it is not so much right reason but bargaining strength which will determine the winner (149). The Combined Unions Committee were not content to rely solely on the logic of their claims. They wished to coerce the mining companies by using the strike weapon in which they had great confidence.

(ii) The strike had failed only in Port Pirie. It seems that the

unionists of Port Pirie did not have the loyalty to their unions that the men of Broken Hill had. To some of the militants like George Dale, Peter Bowling and Jabez Wright - Tom Mann and William Rosser were to blame. Mann's services were immediately dispensed with when the strike ended and there were jibes at his inability 'to run a lolly shop' let alone a strike (150). To Tom Mann the cause of failure lay in the inappropriate form of unionism that existed in Australia. He was against this kind of unionism which was 'sectional and narrow', and he commended the suggestion of the Port Pirie combined Unions Committee that 'craft unionism has outlived its usefulness and that twentieth century industrial development demands on the part of the workers a more perfect system of organisation'.

An attempt to create such an organisation was begun in February 1909 in Broken Hill (151). A 'Barrier Labor Federation' was formed of the existing unions and in structure was similar to the Combined Unions Committee which it eventually replaced. The Combined Unions Committee had anticipated a permanent role for itself when it established with the M.M.A. a Grievance Committee which was to help resolve disputes (152). It also assumed responsibility for and control of the various unionists in an endeavour to maintain industrial peace with the companies other than those involved in the strike (153). When the strike ended the Barrier Labor Federation was formed to take up the duties of the Combined Unions Committee. Affiliated unions were required to subscribe to its declaration of principles: (a) it looked to the establishment of a 'co-operative commonwealth', (b) it would encourage political action; (c) it would 'discuss the working conditions of any trade or industry and take such action as may be deemed advisable to improve same'; (d) it hoped 'to organise workers into industrial unions' (154).

The Barrier Labor Federation survived as the collective representative of all the Broken Hill unions until 1916. The A.M.A. remained the dominant member of the federation but failed in a bid in 1911 to have all the unions unify rather than federate (155). In 1916 the craft unions broke with the A.M.A. over its policy of direct action and formed a Trades and Labour Council from which the A.M.A. was excluded (156). In 1924 the unions were reconciled and the Barrier Industrial Council was formed to play a similar role to that of the Combined Unions Committee and the Barrier Labor Federation. It has continued to do so until the present day.

(i) Why were there industrial disputes at Broken Hill from 1883 to 1909?

The industrial disputes at Broken Hill up to 1909 were primarily concerned with union recognition. Unionists at Broken Hill went on strike in 1889 and 1892 to win preference for unionists and to ensure the recognition of unionism. When, at the turn of the century, the State legislated to provide for both these measures the disputes became more directly concerned with wage rates and hours of work. However, the companies' reluctance to grant the established unions recognition as the sole responsible representatives of the employees continued to create ill feeling in 1903, 1905, 1906 and 1908. More than anything else the industrial disputes in the period studied were concerned with the establishment of unionism.

There was something of an ideological conflict in these disputes. The unionists' aspiration of a 'Co-operative Commonwealth' devised in terms of 'a class struggle' was made at a time when such a political and social revolution was conceivable. They regarded their cause as altruistic. Tom Mann with the fervour of one moved by the 'secularised sect impulse' (1) exhorted them: 'Comrades, get to work like men of intelligence and courage, count it a privilege to be permitted to share in the great work of social and economic emancipation, for indeed, there is no higher, no worthier, no holier work that can engage the energies of man' (2). Men prefer to idealise their ambitions for the purpose of defending them and B.H.P. Coy. Ltd. had similarly seen itself as a champion of liberty in 1892 fighting for 'freedom of contract' and 'the right to manage the mine as we please'.

The worthy ideals may have been just rationalisation, for the motives of both disputants were partly determined by the prevailing economic conditions. The boom conditions prior to 1890 had made labour a scarce commodity and the employees had easily won formal union recognition, favourable wage rates and short working hours. The mining proprietors took advantage of the onset of the depression to wrest these concessions from the employees in 1892. The vagaries of the metal market and the introduction of improved extraction techniques determined the prosperity of the mining companies and the working conditions of the miners.

Nevertheless, to think of the men involved in the disputes as groups of men in similar market situations driven to common action by the way in which events impinged on their economic interests is to over simplify (4). In a collective bargaining situation the influence of the personalities of the negotiators is

considerable. One could conjecture that the unionists without a militant Sleath may not have taken advantage of their position in 1889. Similarly there may have been a strike in 1906 and almost certainly would have been one three months earlier in 1908 without Delprat. Individual mine managers and union leaders to a large extent determined the relations which existed between management and labour. So this is a study of people rather than an economic analysis.

(ii) How were the industrial disputes of the period studied significant in the development of the peculiar industrial relationship at Broken Hill?

The kind of unionism which developed at Broken Hill was atypical. The city's isolation, its links with South Australia and consequent dissociation from the rest of New South Wales led to a strong regional spirit. As the unions associated with the mining industry found grounds for common action and a federation of unions developed they were joined by other unions not directly associated with mining. Consequently Broken Hill has developed a combination of trade unions which is based on region rather than trade or industry.

At the conferences with the employers the unions have always combined partly as a reaction to the combination of employers they meet (5) and partly as an endeavour to strengthen their case for collective bargaining depends upon the relative industrial strength of the parties concerned. The combination in 1906 and 1908 was temporary but in 1909 the Barrier Labor Federation was formed as a permanent combined unions representative. It acted as the representative of any affiliated union and assumed the functions of the Combined Unions Committee which in March 1909 had accepted some responsibility for the conduct of its member unions (6). It went further than a mere combination for the convenience of presenting one log of claims, however, it had a declaration of principles to which all affiliated unions owed allegiance (7). One trade union, the most aloof of the craft unions, the Amalgamated Society of Engineers did not affiliate with the Barrier Labor Federation. This was, no doubt, a disappointment for the federation had been formed to embrace all. 'Our hope - and we consider our only salvation is to get the unions banded together into a Federation, not only of Australia, but right throughout the world, irrespective of craft or calling' (8).

The response from outside Broken Hill never allowed the grandiose plan to materialise. However, within Broken Hill town unions not associated with

mining did affiliate. To them the mining unions appeared to loom as large and mighty as the A.M.A. had to the other unions earlier. In the Barrier Labor Federation, Broken Hill moved from industrial unionism to a regional unionism. In 1913 the Barrier Labor Federation conducted strikes and the ensuing negotiations for the Silverton Tramway Company Employees (9) and the Broken Hill Shop Assistants' Union (10).

This development of a federation of unions strengthened the bargaining power of the unions and resulted in regular orderly negotiations. A Grievance Committee made up of delegates from the M.M.A. and the Combined Unions augured well for overcoming minor disagreements (11)

Since 1924 Broken Hill has enjoyed an era of industrial peace (12). Many of the factors making for that peace, for example, company paternalism and the profit sharing lead bonus have been analysed by K.F. Walker (13) and J.M. Howard (14). In 1909 it did not seem likely that peace would prevail. However, by 1909 collective bargaining machinery had been established and the major company opposed to unionism was declining in importance on the field.

The system of collective bargaining was used in the early years. Arbitration courts were appealed to in 1903 and 1909 and ~~were to be appealed to again in 1916~~, but by 1909 both companies and unions were rather cynical of arbitration. Conferences similar to those held in 1906 and 1908 have continued to the present day. This system of conferences has helped make for the industrial peace that Broken Hill has enjoyed since 1924 for collective bargaining rests not only on convincing the other side of one's industrial strength. It is a flexible means of negotiation in which concessions can be exchanged and in which each side must impress the other with the merits and strengths of its case (15). The conferences develop an understanding which encourages better industrial relations.

As the B.H.P. Coy. Ltd. diminished in importance on the field the chances of establishing an industrial partnership improved for this company had been hostile to unionism and reluctant to recognise it. Its refusal to accept the State as an arbiter in 1892 and its apparent defiance of the Commonwealth Arbitration Court when it did not resume work in 1909, had increased the unionists' suspicion of the effectiveness of arbitration. The unions' resort to industrial action was a consequence of B.H.P. Coy. Ltd. policies towards unionism and towards state intervention to ensure industrial peace. After 1909 the B.H.P. Coy. Ltd. manager no longer dominated the M.M.A. meetings

and its policies no longer prevailed over those of the other companies (16). These other companies at least accorded to unionism that recognition which B.H.P. Coy. Ltd. withheld. Disputes henceforth were to be more directly concerned with the bread and butter of wage rates, hours of work and working conditions.

(iii) Has there been any new evidence presented which allows a reappraisal of some of the events or of the role of some of the people involved in these industrial disputes?

The Wages, Conferences etc. reports held at the M.M.A. office Broken Hill have revealed the skill of some negotiators, for example, A.J. Fraser and G.D. Delprat. In collective bargaining both management and labour need such skilled negotiators. The unionists have to have responsible leaders for it is more difficult to present members with an agreement arrived at after discussion than it is to be critical of an award of an arbiter. It is an indication of the changed situation that later leaders were more adept at negotiation than Howell, Patton, Sleath or Ferguson apparently were.

It is unfortunate that B.H.P. Coy. Ltd. has not retained any of its records which would have been relevant to this study. Material which has given insight into the employers' point of view had to be gathered from company reports. The M.M.A. records show how policies were implemented but most often the important decisions were made in Melbourne. If the records of the Barrier Ranges Mining Companies Association are found then perhaps a more sympathetic picture of the mining proprietors can be painted.

The Colonial Secretary In-Letters, Special Bundles, 'Broken Hill Strike 1892' have permitted some judgments to be made on the role of the Government in that strike and in particular on the role of Whittingdale Johnson. Mr. Brian Dickey has similarly examined these papers but my assessment of Johnson has been more critical than his (17).

After examining closely Delprat's diary I have suggested that on 4 January 1909 he may have wittingly provoked an attack by the strikers which resulted in police protection for the mine being resumed and police reinforcements being sent from Sydney. It is not clear if the police connived at his arrangements as George Dale has suggested (18). The incident shows Delprat's pose as the offended man who accepted the picket leader's word that no assault would be committed, was not altogether sincere (19).

Similarly after examining the minutes of the Combined Unions Committee I have suggested that the strikers expected and perhaps provoked the attack

by the police which resulted in the 4.00 p.m. riot on 9 January, 1909. This incident is more significant than that of 4 January for it illustrates the influential position held by two militants Charles Coulls and William Rosser, as delegates on the Combined Unions Committee. It seems that the influence of the Barrier Socialist Group on the strike was more considerable than has hitherto been claimed. The minutes of the Combined Unions Committee show that the efforts of Rosser and Coulls were reasonably successful. I would, therefore, maintain that Ian Turner was mistaken in disclaiming the influence of the socialists (20). Turner said that Holman argued 'quite without foundation' that 'the whole trouble is due to two or three men belonging to the Industrial Workers of the World' (21). The nearest I.W.W. group to Broken Hill, he said, had been at Cobar and that had collapsed before the strike. ~~However~~, ^{However} the ^{ideals of} Socialist Group ally it with the I.W.W. The group was small in number but Rosser and Coulls held key positions on the Combined Unions Committee, and so the minority opinion was made more powerful.

The Libraries Board of South Australia in 1965 produced a facsimile edition of George Dale's book The Industrial History of Broken Hill. The new edition will mean that Dale's version of the early industrial disputes will be more readily available. The work is ~~to be~~ to be treated with caution for Dale's partisanship is obvious. Dale was black-listed by the mining companies. His name is one of the few which is not scored out in the A.M.A. register of unionists unemployed (22). In 1903 he was a vice president of the B.S.D. Club and was obviously in sympathy with R.S. Ross and the 'clique' (23). Dale belonged to the Barrier Socialist Group and was one of the militants who criticised Mann and Rosser for advising the Port Pirie men to return to work (24). He is, not surprisingly, a propagandist who views his subject in terms of the class struggle and strikes as an educative experience.

J.M. Howard has pointed out that Dale was mistaken in saying that the High Court disallowed the whole of the Higgins' Award of 1909 (25). However, Dale's statements of fact are generally sound. Figures for union membership for example tally with those in the newspapers or union records. He was not beyond suppressing information, for example he says that 'a few missiles [were] shied at the scabs' when the free labourers arrived in 1892 (26). The police, on the other hand, reported at least three shots (27). He too readily accepts local rumour, for example he says that the rifles of the Volunteer Rifle Club were taken to the mines in 1892 when in fact they were secured at Silverton Gaol (28). He also misreports, for instance in his acceptance of Holland's

version of the speech that led to his arrest and trial for sedition (29). Dale appeared to have been mistaken in referring to the N.P.U. as a 'boss-fed affair' (30). The 1890 strike was a stoppage forced upon the reluctant employers who were unable to ship the bullion, but Dale claimed 'the real cause was an instruction from the Employers' Federation, with a view of cutting off supplies [of strike fund donations] to the strikers [involved in the Maritime Strike]' (31).

Dale's work must ~~be~~ be treated with the caution one would usually employ in reading an account by a contemporary partisan who wrote as a propagandist.

Principles and Objectives of Employee Organisations(i) Objects of the Barrier Branch of the A.M.A., 1903

These objects are listed in the Book of Rules adopted on 22 December 1903. They are the same as those of 1901 to 1907 inclusive, which appear in the minute books of the A.M.A.

- 2(a) To maintain the rights and privileges of the workers politically and industrially in this district.
- (b) To mutually assist our brethren in carrying out the objects defined and specified in the Rules of the Association.
- (c) To render pecuniary and other assistance in repelling any infringement that may be attempted against such rights and privileges.
- (d) To render pecuniary assistance to members in cases of accident; or should accident prove fatal to their widows and children in accordance with the Rules of the Association.
- (e) To improve the relations between employers and employees by means of conciliation and arbitration.
- (f) To secure the adoption and improvement of just and equitable agreements between employees and employers.
- (g) To endeavour by political action to secure social justice.
- (h) To establish and maintain labour journals.
- (i) To provide legal assistance in defence of members' rights where deemed necessary.
- (j) To assist in the emancipation and organisation of Labor.

(iii) Declaration of Principles of the Barrier Labor Federation, 1909

(ii) Objects of the Barrier Branch of the A.M.A., 1908

OBJECTS

- 2(a) To obtain for the workers the full fruits of their industry, by the organisation of the workers into Industrial Federations; in which they will be united upon common interests, and educated to take advantage of the opportunities afforded by the evolution of industry.
- (b) To mutually assist fellow workers by rendering monetary assistance to organisations in cases where owing to inadequate funds they are unable, though desirous, of citing a case in any Industrial Court.
- (c) To provide pecuniary assistance to members in case of accident, or should the accident prove fatal, to their widows, children, or dependents, or such other person or persons to whom they may bequesth it, in accordance with the Rules of the Association.
- (d) To endeavour by political action to secure social justice.
- (e) To provide legal assistance in defence of members' rights when deemed necessary. To take necessary action in relation to:
- I Preservation of life and limb
 - II Compensation for injuries or death
 - III Sanitation
 - IV The sex and age of employees
 - V The hours of labor
 - VI The remuneration of labor
 - VII Protection of salaries and wages
 - VIII Other conditions similarly affecting employment.
- (f) To provide for the establishment and maintenance of Labor journals or newspapers for the purpose of advocating the foregoing objects and essentials thereto.
- (g) To provide for and secure the adoption of industrial agreements between employers and employees. Such agreements to be registered as prescribed by Conciliation and Arbitration Acts.
- (h) To advocate the establishment of a National Political and Industrial Fighting Fund, with a view to giving effect to the foregoing objects.

(Source: Rules of the Barrier Branch of the A.M.A. 1908, p.1-2, from the original held in the Mitchell Library)

(iii) Declaration of Principles of the Barrier Labor Federation, 1909

- (iv)
- (a) That the objective of our unionism is to obtain for the workers the full fruits of their industry.
 - (b) That the workers can only obtain the full fruits of their industry by the abolition of capitalism and the establishment of a Co-operative Commonwealth.
 - (c) That this desired change can only be achieved by political action, directed by workers organised in industrial unions.
 - (d) That the interests of the workers and those of the owners of land and capital are not identical.
 - (e) That industrial peace is impossible so long as the workers are exploited for profit.
 - (f) That the Class Struggle exists, as evidenced by the continuous bitter fight on the part of the working class to maintain decent industrial conditions.
 - (g) That the complete emancipation of the workers, which will constitute a social revolution, will be an evolutionary process.
 - (h) That this process will be the organisation of the workers into industrial Federations, in which they will be united upon common interests, and educated to take advantage of the opportunities afforded by the evolution of industry.

OBJECTS

- (a) To organise the workers into industrial unions.
- (b) To induce all unions to affiliate with the Barrier Labor Federation.
- (c) To endeavour to bring about a federation of the various industrial unions throughout Australasia, and to affiliate with same.
- (d) To organise and encourage the formation of juvenile unions in connection with the industrial movement.
- (e) To consider, and to put into practice when approved, any scheme for the better guidance of Labor organisation.
- (f) To discuss the working conditions of any trade or industry, and take such action as may be deemed advisable to improve same.
- (g) To conduct a Labor newspaper, and maintain a general printing office.
- (h) To propagate the principles of the Labor movement by circulation of literature, or by any other means deemed desirable.

(Source: Rules of Barrier Labor Federation, 1909, p.3-4, from the original held in the Mitchell Library)

(iv) Objective and Statement of Principles of the Barrier Socialist GroupObjective

The socialisation of the means of Production, Distribution and Exchange.

Statement of Principles

The present form of society rests on ownership of land and the machinery (tools) of production. The owners of most of the land and the machinery of production constitute what are economically known as the Capitalist class.

Hence the use of the term "The Capitalist Form of Society".

This form of ownership divides society in all countries into two distinct and opposing classes - the capitalist class and the working class.

The working class produce all the wealth that sustains society, while they are held in complete economic and industrial subjection to the Capitalist class, who live on the wealth produced by the working class.

The statistics of all countries show that the working class receive a continuously decreasing share of the wealth they produce, the present proportion being about one third of the total. Thus although the workers constitute approximately 85% of the population, 15% who do no useful work confiscate the remaining two thirds. This inevitably causes an irreconcilable conflict between the interests of the capitalist class and the working class.

The interest of the capitalist class is to secure an ever-increasing proportion of the wealth produced by the working class. The interest of the working class is to get full value of the product of their labour. Hence there is the struggle which is called the class struggle between the two classes.

To win economic freedom, the non-owning working class must organise on the lines of the International Workers of the World and they must force the struggle into the political field, and use their political power, the ballot, in conjunction with their industrial organisation, to abolish capitalist class ownership, set up the Socialist Republic, and thus revolutionise, in the interests of the working class, the entire structure of industrial society.

Political power is only useful to the workers for the purpose of overthrowing capitalism, Parliaments being essentially capitalist machines designed to enable the class to perpetuate class domination.

The workers of Australia must without delay take up their position along with the organised class conscious workers of all other countries. There is no escape from the baneful effects of capitalism short of its complete overthrow and this can only be achieved by the class conscious, industrial and political

strength of the working class.

The Socialist Federation of Australasia [with which the Barrier Socialist Group was affiliated] therefore calls upon all workers to forthwith identify themselves with the existing Socialist organisations in their respective states and to work increasingly for the complete overthrow of the capitalist system, and for the emancipation of their class from wage slavery.

(Source: Daily Telegraph. H. Scott-Bennett interviewed. 20 October 1908)

APPENDIX II

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Tables

(i) Men employed in the metal mining industry on the Barrier Field

	1895	1896	1897	1898	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914
	4,300	5,329	5,556	5,777	6,495	7,010	4,860	5,014	5,626	6,758	7407	8457	8820	6869	5265	6915	7704	8219	8788	7855

(Source: Tables compiled from figures given in K.F. Walker, Industrial Relations in Australia (Cambridge, Mass. 1956) p.88 and Barrier Miner 9 January, 1903)

(ii) Men employed by B.H.P. Coy. Ltd.

(N.B. These men were not necessarily employed at Broken Hill)

	1886	1887	1888	1889	1890	1891	1892	1893	1894	1895	1896	1897	1898	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913	
	375	898	1,666	2,127	n.a.	n.a.	3,203	2,938	3,352	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	2,586	2,358	2,682	2,942	2,980	2,917	n.a.	3,494	2,540	370	734	1,190	1,290	1,495

n .a. not available

(Source: Table compiled from figures given in B.H.P. Coy. Ltd, Half Yearly Reports and various issues of Barrier Miner)

(iii) Metal Prices

Prices of standard Silver per ounce and lead per ton on the London market.

	Silver, s.d.	Lead £.s.d	Silver, s.d.	Lead, £.s.d.	Silver s.d.	Lead £.s.d.	Silver s.d.	Lead £.s.d.	Silver s.d.	Lead £.s.d.
			<u>1890</u>		<u>1895</u>		<u>1900</u>		<u>1905</u>	
May.			3- 1	13.0.0	2-6	10.7.6	2-3	16.17.6	n.a.	n.a.
Nov.			3-11	13.5.0	2-6	11.12.6	2-5	16.16.3	2-6	n.a.
	<u>1886</u>		<u>1891</u>		<u>1896</u>		<u>1901</u>		<u>1906</u>	
May	3-9	n.a.	3-8	12.9.0	2-9	11.1.8	2-3	12.5.0	2-8	14.18.0
Nov.	3-8	15.0.0	3-7	11.13.0	2-9	10.17.10	2-1	11.0.0	2-9	16.5.5
	<u>1887</u>		<u>1892</u>		<u>1897</u>		<u>1902</u>		<u>1907</u>	
May	n.a.	n.a.	3-5	10.17.0	2-7	11.11.3	1-11	11.5.0	2-6	20.2.6
Nov.	3-8	15.0.0	3-3	10.1.3	2-4	12.7.0	1-9	10.12.6	2-8	16.4.9
	<u>1888</u>		<u>1893</u>		<u>1898</u>		<u>1903</u>		<u>1908</u>	
May	3-6	12.5.0	3-1	9.6.3	2-4	10.12.3	2-0	11.7.6	2-3	12.10.11
Nov.	3-6	12.10.0	2-7	9.10.0	2-5	12.15.1	2-2	11.2.6	1-10	13.12.2
	<u>1889</u>		<u>1894</u>		<u>1899</u>		<u>1904</u>		<u>1909</u>	
May	3-5	12.15.0	2-4	9.2.6	n.a.	n.a.	2-1	11.9.4	2-0	13.5.3
Nov.	3-8	14.12.0	2-4	9.12.6	2-5	12.17.6				

(Source: Table compiled from figures given in B.H.P. Coy. Ltd. Half-Yearly Reports and verified where possible with newspaper quotations of prices in Barrier Miner and Barrier Truth)

APPENDIX III
 Agreements and Awards

(1) 1889 AGREEMENT

The agreement between the Associated Mine Owners and the Amalgamated Miners' Association at Broken Hill, November 1889.

It being distinctly understood that the only question at issue is the employment of Union or Non-Union men, it is hereby mutually agreed between the Officers of the A.M.A. and the Broken Hill Proprietary Company Limited, the British Broken Hill Proprietary Company, Limited, the Broken Hill Proprietary Block 14 Company, Limited, the Broken Hill Block 10 Company, Limited, and the Broken Hill North S.M. Company Limited.

1. That the A.M.A. Will, as early as possible, take means to have the Barrier District made a Colonial District, so that the Executive may control their own affairs and draw up such rules as will be approved of by a Committee of Managers.

2. Shift bosses and foremen are not to be compelled to join the Union but may form a Union for themselves.

3. The surfacemen and furnace hands can form a Union of their own and may be affiliated with the Amalgamated Miners' Association.

4. Tradesmen and Mechanics, already members of recognised Societies, are not to be compelled to join the Amalgamated Miners' Association.

5. The Companies undertake to collect the dues for each of the Unions on pay-day, and hand the same over to the duly appointed officer of the Union, who will be present on pay-day.

6. Work to be resumed on the Mines forthwith, that is so far as practicable.

7. It is understood that no local Union will be recognised by the employers unless exceeding the number of one hundred (100). If below that number permission must be obtained from the Amalgamated Miners' Executive and Managers' Association before it can be formed.

8. All past differences to be forgotten.

(ii) 1890 AGREEMENT

The Agreement between the Associated Mine Owners and the Amalgamated Miners' Association at Broken Hill, 25 September 1890. The agreement was originally entitled a 'settlement'.

1. That in the event of any future trouble existing, the point or points at issue shall be referred to a Board of Arbitration of equal numbers of either side, say three; and failing their being able to agree, that an umpire be appointed, who shall either be a Chief Justice or a Judge of the Supreme Court of any of the Australian colonies; and, in the event of the Board not being able to agree, the Judge to be chosen as umpire; or upon his declining to act, the selection shall be made by lot out of the list of Judges of the various colonies. The decision when given to be final, and binding on both sides. The award to take effect from date of notice of arbitration on either side.

2. That until the said Board, as provided above, shall have been appointed and delivered its decision, work in every branch of the mine shall continue as is usual, without let or hindrance.

3. That the Amalgamated Miners' Association, Barrier Colonial District, No. 3, agrees that no question of any kind in connection with any other Labor Organisation shall form the basis of dispute, and only a question affecting the mines and the employees is to be considered a matter on which arbitration shall be resorted to when trouble takes place; the meaning of this being that in the event of a Trades Council or any Labor body outside the A.M.A. of Barrier Colonial District, No. 3 calling the latter out for a dispute foreign to the mine or men, they will refuse to come out, and will not raise such questions as between the mines and themselves.

4. That contracts other than stoping of ore shall be allowed, as heretofore.

5. That on the foregoing being agreed to, work shall be resumed at the earliest date possible on the various mines represented by this Conference, the same rate of wages as before the present cessation of work to obtain, and that the week's work underground shall consist of an average of 46 hours, arranged as follows:- Day shift, eight hours; the afternoon shift on Saturdays to only work from 4 to 10 p.m., and the morning shift on Monday to start at 4 a.m. and work till 8 a.m.; all other days than Mondays and Saturdays to be full time.

6. That the November 1889 agreement as it stands holds good as heretofore, and the conditions thereon be upheld by all the companies represented at this conference.

7. That the foregoing shall come into force on the Port Pirie Working Men's Association agreeing to ship by ocean-going steamers without further trouble the bullion now at that port and hereafter to be produced when work is resumed at the mines; also to handle and receive timber now afloat or to be shipped in sailing vessels as required; this clause to apply only until the Maritime Strike is adjusted, when the decision come to will apply to Port Pirie as a natural consequence.

8. On the above undertaking by the Port Pirie working men being supplied in writing, orders to be given to resume working forthwith, and the men employed as rapidly as circumstances will admit.

9. That even in the event of a delay at Port Pirie on the signing of the agreement, it is understood the managers be instructed to start all dead work forthwith; also the pumps, and that the necessary men to do so be put on. This clause only to be subject to approval of the Labor Defence Committee at Broken Hill.

10. That all past differences be forgotten.

(iii) 1903 Award

The award of the N.S.W. Industrial Arbitration Court in the case of Barrier Branch of the Amalgamated Miners' Association of Broken Hill & B.H.P. Coy. Ltd. The award was announced on 25 September 1903. The tribunal consisted of Justice Cohen, Mr. Cruickshank and Mr. S. Smith.

(1) The prevailing rates of wages paid to employees, other than contractors, shall be the rates payable under this award. Such wages, or any of them, may however be altered by mutual agreement in writing, between the executive officers of the claimant union and the respondents' general manager. A copy of such agreement (if any) certified to by the secretary of the claimant union and the respondents' general manager, shall be forwarded to and filed by the Registrar with these proceedings, within one month from the making thereof.

(2) No alteration in the existing working hours of the shifts is ordered, but such hours may be altered by mutual agreement between the parties.

(3) No extra payment for overtime is ordered.

(4) In setting contracts, the respondents' general manager, or his representative and the contractors, shall exercise their best judgment so as to provide that each contractor shall earn 11s. per shift, but this is not to be construed into a positive obligation imposed on the respondents to pay that sum, irrespective of the actual earnings, for which alone the respondents shall be liable.

(5) All miners who contract for mining ore shall sign the contract set out in the schedule hereto.

(6) If any miner refuses to sign a contract, and there is another contracting place then vacant, the general manager or his representative shall give such miner the option of contracting in that place. Should such refusal be based on reasonable grounds, which shall include a bona fide difference as to price, such miner shall still be eligible for further employment.

(7) In the event of any miner refusing to sign a contract at its formation, should the necessity for immediately completing the contract party exist, the other miners who are members of the intending contracting party may subject to the approval of the general manager or his representative, select the substitute. But should they not be prepared with the substitute, and it is necessary for the due and

proper working of the mine that one should be immediately appointed, the general manager or his representative may thereupon make the appointment.

(8) Any shiftman who is put into a contract for mining clean ore for one day only shall be paid the usual shiftman's wages; but if he be put into it for more than one day, he shall after the first day be paid pro rata with the contractors, according to the earnings thereafter, and shall sign the contract under which the said contractors are working.

(9) As between members of the claimant union and other persons offering their labour at the same time, such members shall be employed in preference to such other persons, other things being equal. This however shall not affect persons now in the employ of the respondent during the currency of their existing employment; and for the purpose of proof of such employment, but without limiting the proof, it shall be sufficient if the names of such persons are now entered in the respondents' register of employees, whether they be actually employed, or are waiting at Broken Hill for employment in the ordinary course. Should any person, not being a member of the claimant union, be dismissed from or have left the respondents' employ, or have left Broken Hill in search of employment, or for any other than a temporary purpose, or if his name be removed from the respondents' register, the preference to members of the claimant union shall then operate against him. Unionists and non-unionists, when employed together, shall work in harmony and receive equal pay for equal work.

(10) The secretary of the claimant union shall furnish to the respondent a list of the unemployed members of the union at intervals to be agreed upon between them.

(11) Should any dispute arise under this award, or independently of it, it shall be referred to a committee of representatives of the claimant union and the respondent union. Should they fail to agree the dispute may be referred to the Registrar for his decision, with the right of appeal to the Court or the parties may appeal to the Court direct. References or appeals shall be made within twenty-one days from such failure or decision, by notice in writing to the other side, and the filing thereof in the office of the Arbitration Court, Sydney.

(12) The penalties for a breach of any term of this award or of the

Common Rule shall be as follows :- (a) Not exceeding £200, if committed by the respondent union; (b) Not exceeding £5 if committed by and member thereof; (c) Not exceeding £100, if committed by any person who is not a member thereof. To be paid to the secretary of the claimant union. (d) Not exceeding £200, if committed by the claimant union; (e) Not exceeding £5, if committed by any person who is a member thereof; (f) Not exceeding £100 if committed by any person, firm or corporation, not a member thereof. To be paid to the secretary of the respondent union.

(13) The operation of this award shall commence on November 1st, 1903, and terminate on October 31st, 1905.

(14) This award shall be a Common Rule applicable to:

[there follows a list of the major mining companies operating on the field and the contract form is appended]

(iv) 1906 Agreement

The agreement between the Broken Hill Mining Companies and the Industrial Unions of Employees of Broken Hill filed with the Registrar of the N.S.W. Industrial Arbitration Court on 16 April 1907. British B.H.P. Company was not a party to this agreement. All the unions signed separately. The Combined Unions Committee was not a party to this agreement.

1. Forty eight hours a week shall constitute a full week's work.
2. The following official holidays shall be recognised:- 1. Eight Hours Day, 2. Christmas Day, 3. Boxing Day, 4. New Year's Day, 5. Good Friday, 6. Easter Monday.
3. The rate of wages shall be as follows:-
 - (a) All workmen on surface or underground at present receiving 7s.6d. and under per shift of eight hours shall receive 15 per cent. increase on their present rate of wages for every shift of eight hours.
 - (b) All workmen receiving more than 7s.6d. and not exceeding 8s.4d. per shift of eight hours shall receive an increase of 14 per cent. on their present rate of wages per shift of eight hours.
 - (c) All workmen receiving over 8s.4d. per shift of eight hours shall receive an increase of 1s. per shift of eight hours on their present rate of wages.
4. Overtime shall be paid for at the rate of time and a quarter, but no overtime shall be claimed by or be paid to any workman who shall not complete forty-eight hours of regular work in any one week subject to deduction for any official holiday or official holidays in that week. Provided always that if any workman shall not be able to complete the forty-eight hours regular work in any one week through no fault of his own, or if through working double shifts or over he is not in a fit condition to resume work on his next ordinary shift, then and in either case he shall be entitled to be paid as overtime the work additional to his ordinary eight-hour shift which has been worked by him - work on Sundays and on official holidays shall be paid for at the rate of time and a quarter.
5. In setting contracts for breaking ore underground the representative of the mining company and the contractors shall exercise their best judgment so as to provide that each contractor shall earn 12s. per shift of eight hours, in lieu of 11s. per shift of eight hours as heretofore.

6. A separate agreement between each industrial union and each company shall upon demand of one by the other be executed in terms of his agreement, and be filed as an industrial agreement under the said Arbitration Act.

7. This agreement shall remain in force and shall not be altered or amended by either party for the term of two years from the first day of January, one thousand nine hundred and seven, notwithstanding that the said Arbitration Act shall before expire, the intent being that this agreement shall have the full force and effect of the said Arbitration Act during the continuance of the said Act, and thereafter shall be continued and given effect to as an agreement between employers and workmen at common law.

(v) 1909 Award

The award of the Commonwealth Arbitration Court in the case of the Barrier Branch of the A.M.A. v. B.H.P. Coy. Ltd. Justice Higgins presided.

MINUTES OF AWARD

Award, order, and prescribe that the following conditions of labour and rates of wages or remuneration shall apply to such of the members of the claimant organization as may be employed by the respondent Company during the term of this award, that is to say:-

(1) Forty-eight hours per week shall constitute a full week's work.

(2) The following official holidays shall be recognised and allowed:-

Eight-hours Day, Christmas Day, Boxing Day, New Year's Day,

Good Friday, Easter Monday.

(3) Overtime shall be paid for at the rate of time and a quarter,

including all time of work on a seventh day in any week, or on

official holidays, and all time of work done in excess of the

ordinary shift during each day of twenty-four hours shall be

reckoned as overtime.

(4) In setting contracts for breaking ore underground the represent-

ative of the Mining Company and the contractors shall exercise their

best judgment so as to provide that each contractor shall earn

12s. per shift of eight hours.

Prescribe that the rates of wages appearing in the Schedule be the minimum rates paid to all members of the claimant organization who may be employed by the respondent Company during the term of this award.

Order that no contracts be set by the Company except as to work for which contracts have been usually set by the Company since the 11th December 1906.

Order that this award continue in force until the end of the year 1910.

Order the respondent to pay to the claimant £161 9s.0d. for costs and expenses (including expenses of witnesses), under section 38(i) of the Act.

Declare also that (in pursuance of the respondent's undertaking given to the Court) the respondent ought to pay to the claimant £183 13s. 0d. as for the additional costs and expenses caused to the claimant by reason of the transference of the sittings to Melbourne and order accordingly

[There follows a schedule setting out the wage rates for different occupations]

HIGH COURT JUDGMENT

The judgment of the High Court in the case of The King vs. Commonwealth Court of Conciliation and Arbitration. Ex Parte B.H.P. Coy. Ltd. (The Commonwealth of Australia intervening). The judges presiding were Chief Justice Sir Samuel Griffiths and Justices O'Connor and Isaacs.

The prohibition restraining the Commonwealth was announced on 23 April 1909

First: In so far as the Award purports to direct that forty eight hours work per week shall constitute a full week's work with respect to any work at Port Pirie other than work as to which forty eight hours per week was immediately before 31st December, 1908 recognised and treated as constituting a full week's work.

Second: In so far as the Award purports to direct that overtime shall be paid for at a higher rate in respect of any work at Port Pirie which was not immediately before 31st December, 1908 recognised and treated as of overtime work.

Third: In so far as the Award directs that no contracts shall be set by the company except as to work for which contracts have been usually set by the Company since 11th December, 1906.

BIBLIOGRAPHYNote on Sources

I have been fortunate in unearthing some of the early records of the Barrier Branch of the A.M.A. and particularly in finding the Combined Unions Committee Minute Book, 1908-1909. Mr. Brian Dickey referred me to material in the N.S.W. State Archives and I was able to locate one file (A.G. & J, Papers 'Papers re the remission of sentence imposed on John Stokes convicted of riot during Broken Hill Lockout, 1909') to which I have not seen any other reference.

I have been unfortunate in being unable to find any of the records of Sunday night lectures held at the B.S.D. Club which J.M. Howard found when he was writing, 'The Study of the Industrial Relations in the Broken Hill Mining Industry from 1903 to 1925'. A thorough search was made by the secretary and by me but the Club moved to a new site a few years ago and the records have apparently not survived.

It is regrettable that B.H.P. Coy. Ltd. has no files on labour subjects that go back that far. Mr. T.M. Bassett, the Chief Correspondence and Records officer, wrote to me twice informing me that there was nothing in their records which would assist me.

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