Edmund Barton
*Tobias Hamlet and the long goodbye*

**In office:** 1 January 1901 – 24 September 1903
2 years, 8 months, 24 days

Australia’s first prime minister was a tired man by the time he took office in the inaugural Commonwealth government in 1901, his considerable energies having been expended in the arduous task of achieving the eventual union of the colonies in a Federation. A contemporary observer, the journalist Alfred Buchanan, looked at Barton and saw something missing: ‘The incentive to action was gone. He had reached the goal of his ambition’. But taxing times lay ahead, not least in single-handedly kick-starting the machinery of government. Barton conducted government business from an unpretentious office in Sydney before suitable premises could be found for him in Melbourne. Barton claimed that he could carry all government business between the capital cities in a single Gladstone bag. He had no precedent to go by and, unlike most of his cabinet colleagues in that first administration, he had not led a government before; much of what he did he had to make up as he went. The Public Service was yet to be established; in the early days the responsibilities of administrating government procedure fell to the prime minister’s private secretary (which was just as well as Barton himself was not a methodical man). It was not the happiest time in his long and varied career: he worried constantly about his health, and he was deeply in debt. His straitened circumstances meant that he was unable to bring his large family (he had six children) from Sydney to Melbourne and he lived for a time in makeshift conditions in his official office.

The cabinet he chose (or, more precisely, the cabinet that chose itself) has been variously described as a ‘cabinet of kings’, a ‘cabinet of captains’, an ‘orchestra of conductors’ and an ‘army of generals’. This company of forceful and assertive men, who had been potentates in their own colonies, most of them united to varying degrees in the passion for union, would not have been the easiest of groups to co-ordinate, let alone control. Tensions were inevitable and, while the group was clearly talented and politically experienced, the sheer task of managing such a combustible package was onerous in the extreme. It was Barton’s personality and his skill as a conciliator and bridge-builder that found their natural expression in harnessing such a spirited, not to say opinionated, collection of individuals into some semblance of a team. A close observer of, and participant in, those early days, the Government Whip in the Senate, John Keating, was much later to recall Barton as a ‘peace-maker and a teacher who possessed great stores of knowledge, legal, political and historical’. Such demands took their inevitable toll on a free spirit such as Barton, a man not inclined to order his life by the constraints of conventional office hours. Another current against which Barton found himself increasingly swimming was the rapidly changing political environment in which he operated; it was no longer the clubbable debating society of gentlemen who agreed to disagree. Politics, as it were, had become more political and Barton was unusually uninterested in politics *qua* politics. As Alfred Deakin’s early biographer, Walter Murdoch, wrote, by the time Deakin succeeded Barton as prime minister, the political landscape had become characterised by ‘the bitter quarrels, the cabals, the swift regroupings, the crises, the escapes, the whole tangled intricacy of party warfare…’
The peculiar conjunction of circumstances – essentially a continuation of his work in federation – that saw Barton as the ‘one man for the job’ no longer obtained; it was a time for different men of different quality and type. He had outlived his usefulness; he was becoming keenly aware that the times were no longer congenial to his personality or his modus operandi; it was just such a realisation that brought about a rapid deterioration in his health and reinforced his decision to step down. Barton’s exit was a most unusual one. He had not noticeably lost favour with the people, nor had he lost the confidence of his supporters (or, at least, not overtly). But a sense of malaise and creeping despondency had overtaken his government, and while his colleagues bore him no malice there appeared to be a tacit recognition that the political demands now placed upon the prime minister were not of the type that Barton’s temperament was at all suited to deal with. His anticipated departure was a long time in the making as he agonised and wavered, Hamlet-like, over his future; this in turn set in train various power plays and jostling for position: the constant rumour and speculation all but paralysing the government. Barton’s effective resignation was probably the longest notice worked out by an elected leader in history.

There were further complications that made Barton’s prime ministership a most difficult one. For a start, in the unfamiliar surroundings of Melbourne he was very much a fish out of water, as were his fellow Sydney colleagues and opponents, such as Reid, Lyne and Watson. Indeed, for all but the 28 Victorians in that first Federal parliament, Melbourne was strange earth. Its political culture and its power structure were very different; no other colony, for example, had a figure of power quite like that of David Syme, legendary founder and proprietor of The Age, crusader for the protectionist cause and maker and breaker of Victorian governments. Syme was lukewarm about the federation, fearing that it might serve to weaken the protection for which he had fought so doggedly. Moreover, Syme was tainted by his brief support for William Lyne, that hapless anti-federationist whom the inaugural Governor-General, Lord Hopetoun, sent for to form the first government in what has become known as the ‘Hopetoun blunder’. Lyne could not form a cabinet and it fell to Barton, who did. Syme was now an old man, and these strangers who came to Melbourne to sit in the new Commonwealth parliament were, by and large, beyond the reach of his and The Age’s influence. Syme recognised a diminution of his power in relation to a parliament ‘most of whose members had never felt the whip he had wielded in Victoria for so long and some of whom had never even heard of the man’. Syme was inclined to take an unyieldingly dim view of Barton as prime minister. A rigidly puritanical man who hated anything suggesting laxness, he was a ready listener to the many stories of Barton’s alleged unpunctuality, irregular hours, inattention to detail and most of all to the nickname allegedly coined by fellow newspaperman, the malicious John Norton, of ‘Tosspot Toby’, in relation to Barton’s reputed fondness for strong drink. Barton’s first biographer, John Reynolds, who spoke to many of Barton’s contemporaries, wrote about how Barton’s ‘often unconventional methods’ filled Syme with anger, and this anger was barely suppressed on occasions when they met. Fortunately for Barton and his political comfort, he was at least a protectionist, even if only a moderate one.

Another prickly issue that dogged Barton’s prime ministership was the as yet untested relationship between parliament (and especially the prime minister) and the Governor-General. A combination of misunderstanding and political circumstance saw an
unseemly public eruption during Hopetoun’s term in regard to his expenses, much of which were met from his own pocket. Although he bore Barton no ill will, he asked to be recalled in 1902, but not after arousing considerable controversy with a speech he gave on Australian policy in the South African (‘Boer’) war, attracting criticism in parliament against which Barton was obliged to mount a defence, but without conviction.\(^{11}\) There was much public resentment at this apparent intrusion by the king’s representative into political affairs, and Barton himself did not escape the flak, the *Bulletin*, for example, taking him to task for appearing to allow the Governor-General to infringe the rights of a self-governing people.\(^{12}\) The incident, relatively trivial in itself, merely added to the pressures on Barton.

Hopetoun’s successor, Lord Tennyson, who had been Governor of South Australia, was cut from different cloth, but in his own way he also contributed to the pressures on Barton. A dispute arose as to the appropriate nature and method of communication between the Governor-General and the imperial government, Barton seeing in proposals put forward by Tennyson ‘an attempt to set up his office as an intervening authority between the Commonwealth and United Kingdom governments’. As the key architect of the Constitution, Barton’s real fear was that such an arrangement could lead to the withholding of vital correspondence from the Australian ministers or otherwise interfere in the rights of the Commonwealth as a sovereign state. A flurry of correspondence took place between the two, ending only when the Attorney-General, Alfred Deakin, urged them to stop writing sharp letters to one another and find a compromise at a private meeting, which was duly arrived at.\(^{13}\) There were, however, further frictions between the two. Tennyson took it upon himself to offer advice, rather frequently, to his prime minister, and a constant stream of missives, many trivial, in the Governor-General’s cramped, spidery hand landed on Barton’s desk.

By 1903, there were signs of an irritable lethargy within the government, yet there was much to do when parliament reconvened in May after a six-month recess. The first session of the first parliament had yielded much talk, frequent disagreement and little in the way of legislative achievement, apart from the tariff and two Acts that grew out of the ‘White Australia’ aspiration. Much business now awaited the second session, but from the first day of meeting there were signs of disaffection; there was also a pronounced focus on Barton himself, much of it stemming from a meeting Barton had had with the Pope in Rome, and a Protestant backlash in Australia unleashed unwelcome sectarian sentiments. It was not at all to Barton’s liking, as a contemporary observer recorded, sorely trying the ‘serenity of his temper’.

Not only were his administrative acts girded at – often with a discourteous bluntness – but even his actions in matters, where a private citizen would hotly resent interference, were made subjects of debate…Knowing the fierce hatred, which sectarian strife engenders, the incident by itself was of no great moment; but it was not without significance – if the alleged numbers of signatures to the petition was correct – that 30,000 people could be found in Australia to put such a ban on the political career of a man, whom two years before they had tumultuously acclaimed as ‘Australia’s noblest son,’ and who had just been the recipient of titular and academic honors in England.\(^{14}\)

Much of the machinery of government still remained to be established, notably the High Court, which for a variety of reasons proved troublesome. The difficult team
assembled by Barton began to fray as political problems mounted, and few among Barton’s followers looked ahead to the election due at the end of that year with any real confidence. The biggest blow suffered by Barton’s government was the resignation of Kingston that year over provisions in an arbitration bill which Kingston insisted apply to merchant seamen on foreign ships in Australian coastal trade. It brought the radical Kingston into head-on collision with the conservative Forrest, thereby exposing a deep fault line in the government which hitherto only Barton’s personal diplomacy had kept from widening. This clash, perhaps inevitable, exposed not only the political fragility of Barton’s government, but also brought to a head one of the inherent problems in a federation – that of the often conflicting interests between the national government and one of its constituent parts. In this case, Forrest based his objection on the not unreasonable grounds that until such time as Western Australia was connected to the rest of Australia by the promised railway, its economy would be totally dependent on shipping and he could not be a party to any arrangement that added to the already high shipping costs. Kingston, by then ill and increasingly erratic, tendered his resignation to Barton on 23 July, and despite Barton’s insistence that he reconsider, Kingston was adamant.

It was more than the end of a political association between Barton and Kingston that dated back to the National Australasian Convention in Sydney in 1891, it was also the severing of a key link between Barton’s liberal-conservative protectionists and the liberal-radical wing that Kingston represented. Kingston’s presence in the government clearly delivered a sizeable working-class vote that otherwise would go to the Labor Party, and this was a further cause for Barton’s ministers to dread the looming election. While many in Barton’s cabinet were not sorry to see the difficult Kingston go, his departure exacerbated rather than reduced tensions within the government, and the cabinet vacancy left by Kingston became a catalyst for petty jealousies and manoeuvring, all of which added to Barton’s stress levels. A cryptic reference in his diary notes the difficulty he had in adjusting offices and precedences, naming Lyne, Forrest and Drake as presumably the agitators, and all the while the Governor-General bombarded him with daily letters. It was all too much, and the stress and strain took its toll by the last week in August when Barton was found in a state of collapse on the floor of his office. Examined by a leading Melbourne physician, Barton was advised that, in the interests of increasing his expectation of life, he remove himself from the excessive amounts of strain to which he was being subjected. His worried colleagues urged him to consider either a return to the Bar or accepting appointment to the yet to be constituted High Court, the latter option a cause for considerable, though agonised, thought by Barton in the coming weeks. It was also a matter of considerable public speculation.

It was clear that a change was coming, and that Barton’s days as prime minister were drawing to a close. Speculation about his likely departure for the High Court was clearly being inspired from within the government, and Barton was being asked about it at every public appearance. It also set in train some intensive jockeying not just among his own supporters, but within the ranks of the opposition as well. At first, it was widely expected that he would become the first Chief Justice, and his denials of that only added to the ambiguity. On 7 August, Barton rose in the House of Representatives to make a personal explanation.
I find that a constant misrepresentation has been made, and is being reasserted each day, to the effect that I intend to appoint myself to be Chief Justice of this Commonwealth. I wish to state in the most emphatic terms that the idea of doing so has not been present in my mind, and that nobody knows better than my honourable and learned friend, the Attorney-General [Deakin], that it is not, and never has been, my intention to do so.\textsuperscript{16}

Was he simply ruling out the top judicial job, or would he accept one of the other two positions being created? It was not just a matter of Barton’s health that was feeding the rumour mill; there was, as the \textit{Argus} reported on 7 September, an ‘attempt by the protectionist organisation to move the Prime Minister out of politics and to the High Court bench’, but the push was making little progress. Clearly, there was no unanimity in Cabinet and ‘a distinct line of cleavage [had appeared] in the Ministerial party regarding it’. The report also hinted at the possibility of Barton’s becoming Chief Justice of New South Wales.\textsuperscript{17} Two days later, the \textit{Argus} reported that ‘Federal ministers seem to be quite persuaded that Sir Edmund Barton will not accept the position of Chief Justice of the High Court’. However, readers were told that Forrest had ‘not ceased to hope that the Prime Minister may be induced to transfer his energies to the judiciary…’\textsuperscript{18}

A sense of political crisis now enveloped the government. The \textit{Age} labelled the continuing impasse and resultant fallout from the Conciliation and Arbitration Bill and Kingston’s exit ‘a Federal crisis’, and Barton himself acknowledged on 8 September that the government’s position was ‘a very serious one indeed’. It was reported at the time that ‘the supporters of the government are united on only one thing, viz., that an appeal to the country at the present juncture would be extremely inconvenient’, not only politically but also physically as legislation setting up the machinery for a general election was still before the parliament.\textsuperscript{19} Meanwhile, intrigue and conspiracy were injected into the unfolding drama with reports that Kingston was being courted by opposition leader George Reid with a view to ousting the government with a combination of Reid’s Free Traders and supporters of Kingston, presumably including the Labor Party.\textsuperscript{20} The waspish \textit{Punch} in Melbourne weighed in with its own account, that of a power struggle for the top job between Forrest and Lyne. What better way for Forrest, the ‘Emperor of the West’, to have a clear run for the prime ministership after having seen ‘his chief settled for life with an assured salary.’ Making pointed reference to ‘the possible removal of the prime minister’, \textit{Punch} predicted that once Barton (whom it liked to call Sir Tobias) left, the ministry would ‘go to pieces like a house of cards’. In any case, survival of the government was doubtful and even if Lyne or Forrest managed to gain control of the government ‘either would most likely fall prey to Mr Reid at the election in December’.\textsuperscript{21} This pessimistic view of the government’s prospects was shared by Forrest who saw defeat looming either in the next parliamentary session in the increasingly fluid political situation or soon after.\textsuperscript{22} But while \textit{Punch} had Lyne seeking to manoeuvre himself into the leadership, this did not involve bringing about the immediate removal of Barton. On the contrary, \textit{Punch} had Lyne as one of those seeking to flatter Barton into staying, at least in the short term, fearing that an immediate change in the leadership might cost him his cabinet post.

Sir William Lyne…did not appreciate this prospect, so he set himself to block Sir Tobias transferring himself to the judiciary. His task was the easier in that
the latter lent a ready ear to his suggestion that reconstruction just on the eve of an election meant defeat at the polls. The Prime Minister was willing to believe that his presence in the Government is indispensable to success in December.  

That Lyne was opposed to Barton’s appointment to the High Court is fairly clear, but his opposition appears to stem from issues of propriety more than anything else, and he would have had no objection to Barton’s appointment as High Commissioner to London, for example, if there had been such a position then. Insofar as Lyne’s own ambitions were concerned, the assumed successor to Barton, Deakin, had already sounded him out, even offering to stand aside should Lyne have sufficient support, his thinking largely influenced by Lyne’s good relationship with Labor. David Syme, meanwhile, had urged Deakin to take the prime ministership, and in any case, his negotiations with Lyne had ended up with the latter agreeing to serve under Deakin ‘subject to succession’ – that is, that he should rank under him in precedence.

Speculation and conjecture continued unabated, *Punch* observing that the currents of opinion that eddied around the prime minister must have been distinctly distasteful - ‘it cannot have been pleasant to have been the principal subject of gossip for half the Commonwealth’. Waning rumours about Barton’s likely translation to the judiciary were revived with ‘arguments relating to the prime minister’s health’, and that Barton was ‘now much nearer yielding to the persuasions of his friends than was the case a fortnight ago’. On 17 September, political gossip had it that Barton was about to become Chief Justice, the *Argus* reporting that ‘three members out of very four in the lobbies’ believed that to be the case. The following day, it was reported that Barton was ‘still being pressed’ to take the job. The speculation about the man known in Parliament House as ‘the chief’ had reached fever point.

The Prime Minister’s movements are watched and discussed. If any visitor is shown into his room there are persons in the precincts of the house who are restless until they know who the gentleman is. It takes little imagination to identify those restless persons as Barton’s supporters. There is evidence that the very business of government had become paralysed by the raging uncertainty, the *Age* commenting that ‘the House has lost all its entusiasms’. Taking up the issue of the departure of Kingston, the *Bulletin* saw the Barton government reaching ‘its lowest depth’, and predicting that imminent public contempt would soon bring about its downfall. Much of the blame was sheeted home to Barton whom it described as ‘the easy-going time-server, the opportunist, the man who is always looking for the line of least resistance’. But by 21 September, the rumour mill had slowed with the prime minister said to be ‘still undecided respecting the chief justiceship’, despite ‘some of his colleagues…urging him to accept the position’. Reid said the same day that there appeared to be an attempt being made to force the prime minister to go back on a publicly-expressed pledge not to take a judicial position. But, this mattered little to ‘a number of people, who were apparently unwilling to face the electors unless they exchanged Sir Edmund Barton for Mr Deakin’. There was, according to the opposition, a rising sense of ‘public anxiety’ in relation to the speculation, and on 22 September Barton was asked when his government might inform the House in regard to appointments to the High Court. Barton responded:
The statements which have been published in the press do not represent the actual position of the matter. As soon as there is anything definite concerning the composition of the Court to make public, a statement will be made – first of all to the members of the two Houses of Parliament. If the matter had reached that stage which is alluded to in the press, I should not be here today to move the motion with respect to the Federal Capital site standing on the notice-paper in my name.\textsuperscript{31}

The questions, however, kept being asked. On 23 September, Barton was asked about the constitutional legality of appointing to the Commonwealth judiciary someone entitled to a State pension; Barton said the government would ‘consider’ it. But would it be considered before any final determination of the appointments? Barton replied that he would ‘rather not answer that question at present’. The prime minister was unusually rattled, and as a stickler for parliamentary etiquette (and himself a former Speaker of the NSW Parliament) he found himself rebuked by the Speaker for having addressed the chair while seated.\textsuperscript{32} But even as the cabinet agreed to appoint Griffith as Chief Justice, he confided his doubts about his own future to the Governor-General who expressed his sorrow at Barton’s predicament but insisted that it was his ‘clear duty’ to accept a position on the court ‘both for the sake of the country and for that of your family’.\textsuperscript{33} Finally, on 24 September Barton’s decision was made known. This is how the Argus reported it:

THE BARTON CABINET

HOW IT ENDED

NEW MINISTRY FORMED

ANNOUNCEMENT IN PARLIAMENT

‘It’s all over.’ ‘What is all over?’ those who had occasion to call at the Federal Offices shortly after midday yesterday naturally asked, when this information was volunteered by persons standing in the vestibule. ‘Oh, the High Court has been constituted. The Prime Minister has resigned, and the Ministry has been reconstructed,’ half a dozen people replied in one breath. It was true. Twelve hours before Sir Edmund Barton stated that he was wavering, but a night’s rest gave him resolution.\textsuperscript{34}

It all went smoothly. Barton had long wanted Samuel Griffith from Queensland as the Chief Justice and he was joined on the bench by Senator Richard O’Connor from New South Wales. By mid-afternoon, Barton had resigned his commission, advised the Governor-General to send for Deakin, and a new ministry was sworn in. The still fledgling Commonwealth of Australia had experienced its first change of prime minister, and the protracted and public manner of Barton’s going had excited widespread interest.

The ever canny Reid was quick to have his interpretation of the events circulated. Barton, he suggested with some evidence on his side, had been pushed. (Although
they were political opponents, both men had enjoyed a long friendship.) In his comments on the changes, he pointedly referred to Barton as having ‘been removed from the sphere of political controversy’ – a most careful choice of words implying that Barton was not entirely the agent of his own fate. Barton, he went on, had been ‘forced’ to take a position that he had formerly disavowed. Of course, it was all motivated by his colleagues’ noble concern for his health.

I suppose there never was a case on record where colleagues put their leader in a more unviable position with great professions of a desire to do him service. It is perfectly evident that they were much more intent on doing themselves a service. 35

Reid was not the only one who entertained doubts about the choice being Barton’s alone. One of the senior judicial figures short-listed for a High Court seat, Sir Samuel Way, the gossip-loving Chief Justice of South Australia, was of a similar view, as he commented to a friend on Barton’s appointment. ‘Barton seems to me to have a judicial mind, though he certainly has not powers of lucid expression … [he] did not want to leave politics, but his friends wanted him to go to the Bench to provide for his family. His party was getting dissatisfied with his leadership’. 36 Certainly, a degree of dissatisfaction was evident in the efforts of men like Forrest who were urging Barton to take the job for his health and the welfare of his family, but whether Way, who was politically well connected, was recounting inside knowledge or merely masking his own disappointment at being passed over remains a matter for speculation.

Barton’s erstwhile supporters were correct in their forebodings about the coming election. (Barton’s old seat, for example, fell to his Free Trade opponents). The Protectionists, who could reliably count on 31 votes in the first parliament saw their number drop to 26 in the 75-member House of Representatives. Similarly, the opposition free traders under Reid went from 28 to 25. The big winner was the Labor Party which returned 23 members in 1903, up from 14 in 1901. All this meant for Barton’s successor, Deakin, was a chronic political headache; it would not have been Barton’s terrain at all. Barton’s most recent biographer, Geoffrey Bolton, puts it succinctly:

Politics were quickly developing to a stage where personality was not enough. The stronger institutional bonds of party discipline and stricter cabinet solidarity would call for the refinement of Australian federal politics into a two-party system, as many observers already foresaw. Subtler and more diligent than Barton, though perhaps less trusted, Deakin was better fitted to steer through these kaleidoscopic changes… 37

Bolton holds that Barton, like Menzies, retired at a time of his choosing. 38 Yes, he did – but with a certain self-interested encouragement from his colleagues. Time and circumstance had passed for Barton. He chose to go, but there was really little choice at all.

1 Alfred Buchanan, ‘The Prime Ministers of Australia’, 1940, unpublished manuscript, National Library of Australia, MS 3034, Folder 1, p. 27.
6 Quoted in Reynolds, *Edmund Barton*, p. 175.
12 *Bulletin*, 8 February 1902.
13 Cunneen, *King’s Men*, p. 46.
17 *Argus*, 7 September 1903.
18 *Argus*, 9 September 1903.
19 *Age*, 9 September 1903.
20 *Age*, 11 September 1903.
21 *Punch*, 10 September 1903.
23 *Punch* 17 September 1903.
25 *Punch*, 17 September 1903.
26 *Age*, 16 September 1903.
27 *Argus* 18 September 1903.
28 *Age*, 17 September 1903.
29 *Bulletin*, 17 September 1903.
30 *Argus*, 21 September 1903.
33 Tennyson to Barton, 22 September 1903, Tennyson papers, National Library of Australia, MS 479.
34 *Argus*, 25 September 1903.
35 *Argus*, 25 September 1903.