

# 1824 BATTLE FOR PRESS FREEDOM

The struggle for an Australian Press free from government restraint was waged and mainly won in 1824 by the first independent Sydney newspaper, the *Australian*, and its crusading co-founders, barristers William Charles Wentworth and Dr Robert Wardell.

Although it was fought as much for political advantage and out of personal vindictiveness as it was for the lofty ideal of free speech, it did prevent the licensing of newspapers in the colony and the introduction of a crippling stamp tax which continued to apply in Britain until 1855.

*The Sydney Gazette*, an official journal subject to censorship, was published in New South Wales without any competition until 14 October 1824, when the first issue of the *Australian* appeared.

Without seeking permission from the Governor, Sir Thomas Brisbane, Wentworth and Wardell launched their new weekly which they pledged would be:

*'Independent, yet consistent — free, yet not licentious — equally unmoved by favours and by fear ... we shall pursue our labours without either a sycophantic approval of, or a systematic opposition to, acts of authority, merely because they emanate from the government... A free press is the most legitimate, and, at the same time, the most powerful weapon that can be employed to annihilate influence, frustrate the designs of tyranny, and restrain the arm of oppression.*

Sir Thomas Brisbane, discovering that he was powerless to stop the *Australian*, forwarded some copies to London where the Colonial Secretary, Lord Bathurst, expressed alarm at what he considered a situation 'highly dangerous to a society of so peculiar a description'.

Not only was the *Australian* now a voice beyond official control, but censorship of the *Sydney Gazette* was lifted, and soon another weekly, the *Monitor*, was published by Edward Smith Hall. He produced Australia's first tabloid-type 'popular' newspaper, devoting much space to gruesome accounts of flogging, torture, and executions.

Lord Bathurst, concerned about Brisbane's 'experiment of the full latitude of the freedom of the Press', made sure that his successor as Governor of New South Wales, Lieutenant-General Ralph Darling, would act differently.

Bathurst instructed Darling to exercise control over newspapers in the colony by introducing an annual licence, obtaining a bond from their owners or editors to cover any fines for seditious or blasphemous libel, and imposing a stamp tax similar to that in operation in England at the time.

But Darling, who arrived in Sydney in 1825, seemed loath at first to intro-

duce these measures. For a while relations with the Press were very cordial, despite the *Australian's* growing demands for greater self-government and for the introduction of civilian, instead of military, juries which was eventually granted in 1830. But this peace was soon shattered by the so-called Sudds-Thompson affair.

Towards the end of 1826 two privates of the Sydney garrison, Joseph Sudds and Patrick Thompson, openly stole cloth from a shop in the hope of being caught, sentenced to a prison term, and then, after serving it, being able to settle in New South Wales as free men.

Their action reflected the low morale of the garrison at the time, and when they were sentenced to transportation to Norfolk Island for seven years, Darling decided to intervene and make an example of them.

He accordingly altered the sentence to one of seven years labour in New South Wales road gangs, with leg irons attached by chains to metal collars around their necks.

Interestingly the *Australian* at first commended the Governor for his action, noting that it was 'requisite both that the extraordinary ceremonies should be observed in discarding them from the regiment, and that somewhat of unusual severity in their sentence should be ordered'.

Then, on 27 November, Sudds died. Thompson was relieved of his collar and chains soon after, and was eventually pardoned in July 1827, when the Colonial Office ruled that Darling had not been authorised to vary the sentences imposed by the court.

But public opinion had been aroused by the death of the ‘tortured soldier’ — kidney failure was the real cause of death — and both the *Australian* (circulation 1200) and the *Monitor* (circulation 1000), sensing extra sales from exploiting the sensation, and political advantage from embarrassing the Governor, rushed into the attack.

Wentworth called Sudds’ punishment ‘murder, or at least a high misdemeanour’; and demanded that Darling be impeached. The *Monitor* lashed out in the same vein.

The authoritarian Darling, already upset that the ‘People are taught by the Papers to talk about the rights of Englishmen and the free Institutions of the Mother Country, many of them forgetting their actual Condition’, hit back by submitting two Bills to the Legislative Council to bring into effect the instructions he had received from Lord Bathurst.

This, he obviously believed, would bring to heel the ‘demagogue’ Wentworth, who was ‘anxious to become a man of the people by insulting the government’, as well as Wardell and Hall.

Chief Justice Forbes exercised his veto over the Bill to license the Press because he considered it repugnant to the law of England, and later also refused to pass the second Act imposing a stamp duty of sixpence a copy on all newspapers.

The *Sydney Gazette*, not surprisingly, defended the governor for his part in the Sudds affair, while simultaneously claiming that it supported the ideal of Press freedom. The *Australian* and the *Monitor*, however, continued to keep

the scandal alive with more and more daring accusations, hoping this example of 'oppression' would aid their calls for greater self-government.

In one letter published in the *Australian* under the pseudonym *Vox Populi*, Wardell called the governor 'an ignorant and obstinate man'. Darling now resorted to the courts in his attempt to silence the newspapers and used this letter as an excuse to charge Wardell with libel. But the outspoken barrister defended himself and persuaded the jury to disagree.

The agitation against Darling continued unabated, and his eventual recall to England was generally attributed to the pressure from the Press. Wentworth celebrated Darling's departure in October 1831 with a fireworks party at his Vaucluse home, attended by 4000 people, while the *Australian* published a very jubilant editorial.

Ironically, the 'oppressor' Darling was later exonerated completely from any blame for the death of Sudds, while Wardell was murdered in September 1834 by a convict who, at the gallows, said 'I acknowledge I shot the doctor, but it was not for gain, it was for the sake of my fellow prisoners because he was a tyrant...'

Free from censorship or crushing taxation, the Australian Press mushroomed in the following decades. Although the *Monitor* folded in 1841, followed by the *Sydney Gazette* a year later, and the *Australian* in 1848, fifty newspapers were started in New South Wales between 1840 and 1860.

Some, like the *Sydney Morning Herald*, still survive. In other parts of the country there was similar growth, causing an historian in 1851 to complain

that the 'newspaper press constitutes nearly the only literature published in the Australian colonies. It monopolises the greater part of the thought. The newspapers occupy the space of all literature, and stop the channels of information from all other sources; by far the largest class derive no information from any other quarter.'