

NEWSPAPER TAX IN VAN DIEMEN'S LAND 1827-1829

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The scope and imagination of governments to raise revenue through the imposition of taxes are almost boundless. One such tax, thankfully not widely used at present, is upon newspapers and associated pamphlets. Such a tax was introduced in Great Britain in the early eighteenth century and continued in various forms until the late 1800s. It is perhaps surprising that the Australian colonies, with one exception, did not follow the mother country in introducing similar taxes. The exception was Van Diemens Land, which in 1856 changed its name to Tasmania in order to disassociate the colony from its origin and reputation as a penal settlement. The reasons for the introduction of the newspaper tax in Van Diemens Land however, were not to raise revenue but an attempt by the Governor to control the press.

The newspaper tax introduced in Van Diemen's Land in 1827 is of special significance as it was the trigger for the first revenue marks for the Australian colonies. In contrast to many of the British equivalents, the receipt to signify payment of the newspaper tax was in the form of a cancellation applied by hand, a full strike is shown in Figure 1. Craig and Ingles (p. 8, 1978) provide a short description of the introduction of the tax.

Stamps were impressed on each copy of each newspaper from 20 October 1827 to 17 October 1829 when the tax was discontinued. The first issue of *The Hobart Town Gazette* to be stamped, that of 20 October 1827, bore the misprinted date 13 October.

They also note that the canceller was in black '...for October 1927 only' and in orange-red for the remainder of the period for which newspaper tax was applicable.



Figure 1 The newspaper tax cancel used in Van Diemen's Land, 1827 - 29.

The acquisition of a bound set of *The Hobart Town Gazette* (hereafter shortened to *The Gazette*) for the year 1827 not only provided examples of the use of the newspaper tax canceller but also acted as a spur to more fully research the background to the imposition of the tax. First, the evidence from *The Gazette* itself. Figure 2 shows the mast head for Volume XII, number 597 together with the complete first page for the Volume XII, Number 598. As observed by Craig and Ingles the latter number has an incorrect date, *The Gazette* was published on Saturdays and should have been carried the date 20 October 1827. A partial strike of the newspaper tax handstamp, in black, can be

seen at the bottom right of Number 598 of *The Gazette*. All subsequent numbers for 1827, and until the tax was discontinued, are cancelled in orange-red. Many are partial strikes but, on occasion, the strike is complete. It is difficult to be certain but the preservation of only partial strikes is often due to bookbinders trimming the irregularly sized pages of the paper in order to bind these in a neat and tidy way.

The Government Notice, at the top of the left hand column of the Gazette issued on the 20 October 1827, see Figure 2, states:

His Excellency the Lieutenant Governor has been pleased, by an order for that purpose, made with the Advice of the Executive Council, to reduce the Stamp Duty on Newspapers, from Three-pence to Two-pence Sterling. By Command of His Excellency, J. Burnett.

This Order is from the Colonial Secretary's Office and is dated October 16 1827. Further evidence, if it is needed, that *The Gazette*, No. 598, should have been the 20 October. Clearly, it was originally intended that the tax would be at a rate of threepence per issue but the Governor appears to have reduced the original rate to two pence before the tax was introduced. But why was the tax introduced?

The background

Settlement of Hobart Town began in 1804 and the first, albeit short-lived, newspaper was *The Derwent Star and Van Diemen's Land Intelligencer* in 1810. *The Van Diemen's Land Gazette and General Advertiser* appeared in 1814, printed by George Clark assisted by Andrew Bent who was to become the key figure in controversies that culminated in the introduction of the newspaper tax. The life of Andrew Bent and the relationship of early pressmen and governors are given, in Woodberry (1972) and Morris Miller (1952) and the account below draws heavily on those sources.

Andrew Bent was born in London about 1795 and was sentenced to death in October 1810 for his part in having 'buglarously stolen a coat valued at 2/-, a tippet valued at 6d, two pairs of boots valued at 15/- and two shoes valued at 5/-'. His sentence was commuted to transportation for life and he was landed at Hobart on 8 February 1812. By 1816, after his experience with Clark, he became the owner and printer of *The Hobart Town Gazette and Southern Reporter*. He was granted a conditional pardon by Governor Macquarie (of New South Wales) in May 1816 and an absolute pardon on 7 August 1821. As Woodberry comments, 'Bent must have been one of the few men in history in the position to be able to print the notice of his own conditional emancipation in his own newspaper'. The paper flourished and Bent attained a respected position in Hobart society.

To understand the events that followed it is necessary to outline the society and administrative situation in Van Diemen's Land. The colony was administered by a Lieutenant-Governor and progressively became independent of New South Wales, a process complete by 1825. The Governor in 1811 was Thomas Davey, replaced by William Sorrell in 1817 and followed by Sir George Arthur, who arrived in Hobart on 12 May 1824 and stayed until 1830. When Sorrell arrived the population of the colony was about 2,000, the majority of whom were convicts. Free settlers were actively encouraged from about 1817 and at the time of Arthur's arrival the population was close to 11,000. Of these, nearly half were convicts with the remainder free citizens, many of whom were pardoned felons. The colony at this time has been described as 'a sophisticated hell hole that have whet the appetite and zeal of any reformer'. A challenge taken up by Governor Arthur.



THE Hobart Town Gazette.

Published by Authority.

His Excellency the Lieutenant Governor directs, that all Public Notifications which may appear in this Paper with any Official Signature thereto affixed, shall be considered as Official Communications made to those Persons to whom they may relate. By Command of His Excellency, JOHN BURNETT, Colonial Secretary.

(VOLUME XII.

SATURDAY OCTOBER 13, 1827,

(NUMBER 597.

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By Command of His Excellency,

J. BURNETT.

GOVERNMENT NOTICE.

Colonial Secretary's Office, Oct. 17, 1827.

HIS Excellency The Lieutenant Governor has been pleased to appoint John Beamont, Esq. Registrar of Deeds, until the pleasure of His Majesty be known.

By Command of His Excellency,

J. BURNETT.

GOVERNMENT NOTICE.

Colonial Secretary's Office, Oct 17, 1827.

HIS Excellency The Lieutenant Governor has been pleased to approve of the following alterations in the Police:—

Constable John Cummings, to be Pound-keeper, in the District of Morven.

John Priest, holding a Ticket of leave, to be Constable in the District of Green Ponds.

John Rowell, per Arab, to the Field Police, Norfolk Plains.

Samuel Heathcote, 512, per Commodore Hayes, to the Field Police at Oatlands.

Charles Carter, 484, (Ticket of leave), to the Field Police at Richmond.

George Cooper, 655, (Ticket of leave), to the Field Police at Richmond.

Richard Trumble, (Conditional pardon), dismissed from the office of Constable, for neglect of duty.

Thomas Law, Atlas, dismissed from the Field Police, and deprived of his Ticket of leave for allowing John Bevan charged with felony, to escape.

John Roberts, 318, Mary, dismissed from the Field Police, for assaulting and beating a female.

By Command of His Excellency,

J. BURNETT.

GOVERNMENT NOTICE.

Colonial Secretary's Office, Oct. 17, 1827.

THE Period for which the undermentioned Persons were transported, having expired, Certificates have been granted to them accordingly:—

Thomas Douglas,	Countess Harcourt
290. Samuel Morgan,	Ditto
280. William Masten,	Lady Ridley
387. James Barker,	Ditto
335. Charles Somerville,	Ditto
315. John Hall,	Ditto
152. Wm. Templeman,	Ditto
Wm. Newton,	Ditto
314. Thomas Hutchinson,	Ditto
268. Andrew Worthington,	Juliana
256. Henry Whitaker,	Maria
Robert Brown,	Ditto
141. John Loughurst,	Shipley
165. Samuel Fletcher,	Claudine
364. John Henper,	Ditto

By Command of His Excellency,

The Lieutenant Governor,

J. BURNETT.

Figure 2 Issue nos. 597 and 598 of the *The Hobart Town Gazette*, October 1827. The partial strike of newspaper tax cancel, in black, can be seen at the bottom right of no. 598.

The trials of Andrew Bent

The story of the trials of Arthur Bent for libellous material published in the Gazette is complex and exemplifies the style of justice in a penal colony. The first trial was on 26 July 1825 and Joseph Gellibrand, the Attorney-General, led the prosecution. The jury, with all seven jurors military officers appointed by the Governor, found Bent guilty but sentencing was postponed.

A second trial based on a new list of libels took place on August 1 1825, Bent was again found guilty but the sentence was again postponed. At this stage the legal system in Van Diemen's Land was subject to a period of upheaval, and there was a Commission of Inquiry into the behaviour of Gellibrand and, on February 26, 1826, the Governor informed Gellibrand that he was suspended from further duty. As calm returned to the legal system Bent was called, on 29 March, to hear his sentence from the second trial. He was sentenced to three months imprisonment, fined 200 pounds and required to produce sureties for good behaviour. To everyone's surprise, Bent was then called for a re-trial arising from 'the former one [the first trial of 26 July 1825] having been vitiated in consequence of the irregularity in receiving the verdict'. The re-trial was held on 15 April 1826 and the same Arthur Gellibrand who had prosecuted at the initial trials, now appeared for the defence! The jury found Bent guilty and Bent was sentenced to a fine of 100 pounds and further sentence of three months. The latter was in addition, not concurrent, with the first prison term of three months.

The attempts to silence Bent, and *The Gazette*, by Governor Arthur were not confined to the libel actions. On Friday 24 June 1825 the weekly Gazette appeared as normal but, to the astonishment of the population, on the next day a second Gazette was published. Governor Arthur had obtained the services of a press and type not owned by Bent. It is this Gazette that is featured in the illustrations, it had changed to an official organ for the proclamation of government notices without news items, editorial and correspondence. For a few weeks both Gazettes were published but Bent, on August 1825 brought out a new paper, *The Colonial Times and Tasmanian Advocate*. During Bent's imprisonment his wife, Mary, was named as the publisher and Robert Murray was the editor. The editorials in the *Colonial Times* took on a much more forceful tone than had been the case with Bent's Gazette, recurring themes included those of the freedom of the press, trial by jury and representative government. The edition of 2 February 1827 reprinted an article from *The Australian*, a Sydney newspaper, which specifically criticised Governor Arthur. This led to a further libel trial, on 16 May 1827 with Bent as the accused, again he was found guilty and fined. By the end of 1827 Arthur had introduced an Act to licence newspapers and, not surprisingly, Bent's application was refused and by the end of 1827 Bent's *Colonial Times* ceased publication. Bent left the island in 1839 and after various, largely unsuccessful, ventures into journalism on the mainland died in Sydney in 1851.

Attempts to limit the freedom of the press in the Australian colonies

This account of the conflict between Governor Arthur and Andrew Bent is not only of interest as background to the newspaper tax in Van Diemen's Land but because of its significance as a fight for a free press in the Australian colonies. Bent's tenacity can be seen upholding three importance principles:

- . private ownership of the press
- . expressions of opinion in editorials
- . a vehicle for the views of correspondents

Bent's first paper, in 1816, was established with the permission of Governor Davey. He used type and a press originally brought to the island by the colonial authorities and *The Gazette* combined the function of publishing government information with those of a newspaper. Under Governor Sorrell the arrangement continued except that Bent obtained a government loan, subsequently repaid, to buy and improve the type and press used for printing, and that an editor was appointed by the Governor. The first editor was Henry Emmett, who held other government appointments, and the implicit understanding was that he acted as an official watchdog - an informal censor. Emmett was paid 100 pounds a year for this task but he appears to have contributed little to the Gazette, in contrast Bent was paid only thirty pounds a year as government printer. By 1824 the Gazette was prospering, Bent had moved into larger premises and the size of the paper increased but he was increasingly frustrated by the absentee nature of editor Emmett. Indeed he sacked him in a letter of 19 May 1824, a few days after the arrival of Governor Arthur. This has been seen by some subsequent writers as an attempt by Bent to establish the independence of his paper, in hindsight, he had chosen a most inopportune time for such a move.

As the new Governor, Arthur was not impressed with Bent's move. In a letter of 7 June 1824 he commented that:

The government decidedly objects to persons in his situation [an ex-convict] holding any responsible office or indeed being employed as clerks in office immediately under the Government.

Arthur found it difficult to accept that the press and type were owned by Bent and that he had repaid the loan approved by Sorrell. The issues had become whether Bent had the right to be the printer-proprietor of an independent newspaper, if he could be employed as the Government printer or if the paper could be printed without a licence. Arthur consulted with Sorrell and with, an understandingly biased, Emmett. Meanwhile Bent appointed Evan Henry Thomas as editor in June 1825. Subsequent editorials reflected the growing antagonism to Arthur in the colony, to what extent they reflected the views of Bent, the printer and publisher, and the control he exercised are less clear. At about this time he invited correspondents to contribute letters to *The Gazette*. These were normally signed with synonyms and the style of many of these did not find favour with the Governor.

Sir Thomas Brisbane, Governor of New South Wales, was experiencing similar problems with the press in Sydney. He also wished to curtail the freedom of the press by licensing newspapers and by other measures. However, he (and the next Governor - Darling) was thwarted by Forbes, the Chief Justice for the colony. Forbes considered that:

The laws of England should be strictly enforced: if they are insufficient to repress the evil, the punishment should be increased upon the principles of English law, if that should also be found to be ineffective then the press should be silenced altogether. But before so strong a measure be resorted to let the fact precede the law; let the occasion justify its expediency: let a sufficient base be laid in actual experience and undeniable proof.

Arthur wrote to Governor Brisbane in Sydney and Bent despatched Thomas to plead his case. Brisbane upheld Bent's claim and refused Arthur's request for a Licensing Act. On his return editor Thomas celebrated his victory in *The Gazette's* editorial and the scene was set for the future clashes with Arthur. There as also correspondence with Lord Bathurst, Secretary of State for the Colonies

in London, to whom the colonial Governors were subordinate. In July 1825, Lord Bathurst opined that:

I should, however, be unwilling (even while the convict population preponderates so greatly over that of Free Settlers) to subject the Editors of these publications to restrictions at variance with the spirit of the law in force in the Mother Country. But you are aware that even in England, no person enjoys that absolute discretion with regard to the publication of Newspapers.

The letter appears to have led to a misunderstanding of what the situation was in England. Licensing of newspapers had been discontinued in 1685 but the names of printers, publishers and proprietors had to be lodged with the Stamp Office together with sureties against conviction for libel. In addition, there were newspaper taxes. In April 1827 the Legislative Council in New South Wales passed an Act 'to Regulate the Printing and Publishing of Newspapers and for the Preventing of Blasphemous and Seditious libels'. Justice Forbes refused to certify the clauses licensing newspapers and his objections were approved, after a delay for correspondence to and from England, by Sir George Murray who had taken over from Lord Bathurst as Secretary for the Colonies. The proposed newspaper tax for New South Wales was set at four pence. This was never enacted because in Forbes' opinion such a tax was '...to accomplish the same [as licensing] by which such an amount of stamp duty as to prevent any paper from being published except a Government Gazette'.

On 15 September 1827, a similar Act was introduced in Van Diemen's Land, but in this case Arthur had the approval of Pedder, his Chief Justice. Thus papers were licensed and Bent, understandingly, was not a successful applicant. A tax of three pence was imposed on all newspapers including *The Gazette*, at that stage an official government publication. Why Arthur relented, on 16 October 1827, before the introduction of the tax, to reduce this to two pence is unknown.

The story concluded when the Act in Van Diemen's Land was disallowed, on instructions from London, on July 1828. The tax however, appears to have continued until October 1829. The two year period with newspaper tax remains as the only example of its kind for the Australian colonies and resulted in the earliest mark that denotes the collection of revenues.

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