THE SCAB TRAIN

and other essays on the Victorian Coal Miners Association

by

P. D. Gardner

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by the author:
Gippsland Massacres
Through Foreign Eyes
Our Founding Murdering Father
Names on the Omeo Highway
Names around the Gippsland Lakes
Names of the Victorian Alps
Names of East Gippsland
Names of South Gippsland
Names of the Latrobe Valley and West Gippsland

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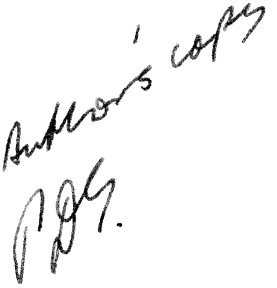

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Introduction - A brief history of the VCMA

In 1893 the Coal Creek Miners Association was formed to counter discrimination against certain miners by the management. Hitherto the workers had been poorly organised with only a few being members of the Amalgamated Miners Association. There evolved from this a militant and highly decentralised union, the Victorian Coal Miners Association, (VCMA) which progressively won a number of major concessions over the years for the miners. This was countered in 1902 when a concerted effort was begun by the two major producers Outtrim, Howitt and British Consolidated (OH & B) and the Jumbunna Coal Co., to crush the union. This battle was fought firstly in the courts with the Martell and Gregory cases and then from January 1903 with the great strike or lock-out. By May 1904 the strike was off and in August, the VCMA disbanded. There followed a non union period from 1904 to1907 after which the VCMA successfully reconstituted under the Federal award. This was challenged by the companies in the High Courts in what became known as the Jumbunna Case. In 1913 the VCMA merged with Tasmanian miners to form the Australian Coal Miners Association and in 1915 became part of the Australian Coal and Shale Employees Association.

Chapter One

The Great South Gippsland Coal Strike 1903-1904

On 7 January 1903, the management of the Outtrim, Howitt and British Consolidated Coal Mining Company (OH&B) issued their employees with notices of substantial reduction in wages and contract coal hewing rates. Ten days later the men at the two mines, who constituted the bulk of the members of the Victorian Coal Miners' Association (VCMA), overwhelmingly refused to accept the reduction notice given by the management. Thus began one of the longest and most bitterly fought strikes in Australian history. More than 70 weeks later, in May 1904, the remaining strikers voted three to one to call the strike off, and in August of the same year the VCMA disbanded in order to give those unionists still remaining in the coal towns of Outtrim, Jumbunna and Coal Creek, Korumburra, some chance of regaining employment.

Only a brief examination of the years leading up to the strike is necessary to understand that the strike was the culmination of a classic 'labour versus capital' struggle. Coal mining was a dangerous occupation and the regularity of accidents, often fatal, in the South Gippsland mines proved this area was no exception. The VCMA developed into a well organized and fairly militant union and by 1902 most of the miners and other workers in the Jumbunna, Outtrim and Coal Creek mines were union men. In this year the VCMA became involved in two lengthy and quite costly legal proceedings over union issues. The first was the Martell case where a former gold miner sued the VCMA for £1,000 damages for loss of employment. Martell was reputedly a strike breaker and thus the men refused to work with him. Accordingly he was dismissed and then with the backing of the Victorian Employers' Federation began proceedings against the union. This question of union membership was central to the continuing struggle between capital and labour. In the second case the Outtrim mine began proceedings against George Gregory and 17 other members of the union for breach of contract over the failure to give the required 14 days notice for a stoppage. The Martell and Gregory cases were fought concurrently with the 'great strike' and ended up costing the VCMA nearly £2,000. This antagonism between miners and management, which had been evident for several years and which saw substantial strikes in all three mines in the previous three years, set the scene for one side to seek a final solution.

The few historians who have mentioned the strike have generally accepted the cause probably initially put forward by the management and propagated by an extremely conservative press - that the falling price of coal had forced the companies to take measures of economy. A study of available statistics has failed to indicate any clear fall in the price of coal at this time. Furthermore, the returns the companies received for their coal was complicated by special Government contracts for the railways, and railway subsidies, as well as the coal sold on the free market. An analysis of available records for the Jumbunna Coal Co. shows that returns went from 16/- to 18/- a ton from 1902 to 1903 (1). During the strike returns initially went to 27/- before dropping below the 1902 level of 16/- in 1903-1904. The Coal Creek Proprietary Coal Mining Company, the smallest of the three mines, which was paying a higher hewing rate than the others, did not attempt to reduce wages and hewing rates until May 1903. It was at that time that the Coal Creek miners joined the other strikers. These meagre statistics, rather than supporting the contention that falling coal prices caused the strike, seem to indicate that prices only began to fall substantially while the strike was in progress. This fall became apparent after the introduction of strike-breaking labour enabled the return to production of the mines and a more normal return for the product, although the coal supply was still much reduced in comparison with former years. After the strike was over, Arthur Wilson, secretary of the VCMA claimed:

> In fact they had not signed the Government coal contracts at that time [Jan.1903] and it was alleged that (the) coal companies meant to use the miners' position as a lever to force the government's hand to give coal companies better prices. (2)

Rather than the falling coal prices being the cause of the strike, it appears the real cause was a concerted and well organised plan by the power brokers in the two main companies to crush the miners' union. This was in many ways just an intensification of the struggle that had preceded the strike. From the initial cause of the strike, that of the drastic and unacceptable reduction in wages and hewing rates, through to its conclusion and demise of the VCMA, the companies' position did not waver, and their stand appears provocative rather than conciliatory. Examples of this include their refusal to accept any form of arbitration, and their calculated and well-organised introduction of strike-breaking labour. The main cause of the strike thus seems to have been the determination of the Outtrim and Jumbunna Coal Companies to crush the VCMA. In this, in the short and medium term, they were singularly successful.

From the outset the unionists were engaged in a one-sided battle. However this did not become apparent until the introduction of strike-breaking labour on 27 April 1903. Prior to this, the VCMA had the upper hand with production halted at the mines and contributions to the strike funds coming from unionists and miners all over Australia and New Zealand. However, the introduction of strike-breaking labour from unemployed gold miners on the Bendigo field enabled the companies to claim the strike had been settled 'by the simple but effective process of substitution of men who will work for men who will not'. (3) They 'will not employ any men who have been engineers of the strike and promoters of strife. They will not recognise the Victorian Coal-miners' Association in any way'. (4) The aims of the companies were thus publicised for the first time.

To substitute 'scab' or 'free' labour for the strikers involved substantial assistance from several government departments including railways and police. It soon became obvious that the forces of the 'status quo' - the police, the magistrates' court, local and state government - were on the companies' side and arrayed against the union. At this time approximately one third of the directors of the three companies were members of parliament and part of the ultra-conservative, anti-union Irvine government.

In May, the unionists at Coal Creek narrowly voted to join the strike after they had been given notices of reduction similar to those served by the other companies at the start of the year. This was probably a tactical error by the union militants as the Coal Creek miners had been paying a 10% levy on their wages to the strike fund, a substantial and guaranteed source. It also maintained the division in the company ranks. One month later Coal Creek Proprietary joined the management combination and strike-breakers started to work at the mine.

Until the introduction of strike-breaking labour the dispute had been essentially non-violent. Consequently numbers of strikers and members of their families were charged with using abusive language - calling the strike-breakers 'scabs', 'blacklegs', 'white chinamen' and worse - and were fined severely. Wilson and other unionists charged Constables Fields and Radburn with bias against the strikers and unsuccessfully asked that they be removed. At the end of May a torchlight demonstration prematurely celebrated victory in the Martell case. Two weeks later a token 1/- damages was awarded against the union in the Gregory case.

From July some of the strike breakers moved away from the police protected accommodation at the mine sites and began to settle, in some cases with their families, in empty cottages in the towns. At this stage a number of bashings, assaults, cases of arson and use of firearms and explosives disrupted the hitherto relatively non violent dispute. It is difficult to trace the immediate cause of this violence. All the instances involving firing and threatening use of revolvers were carried out by strike-breakers. But there is no doubt that on many occasions strike-breakers were severely assaulted.

In the months of September and December the socialist Tom Mann visited the coalfields and spoke at each of the striking mine townships. Mann's message at this stage in his career, was a type of Christian socialism and he did not refer to the current dispute in any of his speeches, but rather promoted the message that socialism was co-operation. A number of members of parliament from the Political Labor League visited the area during the strike but also failed to discuss the issue of the strike. The Labor Party as a whole, at this stage, was merely part of a much fragmented opposition, and was generally impotent as far as the strike was concerned, apart from the efforts of George Prendergast, MLA for North Melbourne, on the striking miners' behalf.

By December the ranks of the striking unionists were depleted and many of the houses and cottages in the towns deserted. The VCMA concentrated on the Federal elections and secretary Wilson was the labor candidate for Flinders. Although Wilson received substantial support in the mining areas his support elsewhere was negligible and he came third. By early 1904 the miners were holding out for the passing of the Arbitration Bill in Federal Parliament but this was delayed and then withdrawn. A number of unionists busied themselves setting up a co-operative colliery.

In April 1904 the VCMA abandoned its appeal to the High Court in the Martell case through lack of funds and on 17 May, 204 miners voted to call the strike off, while a diehard group of 76 voted to continue. This was a far cry from the 707 miners who had voted at the start of the strike at the Outtrim and Jumbunna mines and probably represented a little over a quarter of the total number of striking workers. The Outtrim News reported:

> Having hauled down the flag after floating (it) for sixteen months it may be truly said of the men they have nothing to be ashamed of. They have fought a long and strong battle against fearful odds... The men fought the combined forces of capital-

ism, whilst the forces of law, government and the press were ranged on the side of their opponents. (5)

Though the strike was called off, none of the striking miners was immediately reinstated and a period of severe hardship followed for many families. On 10 August, the VCMA disbanded and those remaining officials and militants departed from the district ending, in a desultory and inconclusive fashion, one of the most important events in Gippsland history. (6)

Although the companies were temporarily successful in crushing the VCMA they hardly stemmed the tide of unionism and after a brief non-union period of a few years the VCMA reformed and despite the company opposition re-registered under the Federal Conciliation and Arbitration Act. What was described by some unionists as a 'barren victory' became obvious as the companies adopted various financial means to stem their losses. OH & B and Jumbunna ceased paying dividends and Jumbunna made a £10,000 debenture issue in the middle of the strike. Coal Creek made a number of calls on shareholders before closing in 1907. The value of the OH & B and Jumbunna shares plummeted during the strike from 9/- to 3/- and 6/6 to 2/- respectively. Production from the three mines never attained the pre-strike production figures of over 200,000 tons per annum. This figure was not achieved until the Wonthaggi mines boosted coal production from 1910. The largest mine, Outtrim, which employed 650 men in its pre-strike days, never recovered from the strike and closed in 1914. The town of Outtrim died with its mine and all that remains today are the stone gutters and wells of former habitations, as well as the huge mullock heap of the mine and the excavations and works of the railway line. (7)

On the union side the militants who stayed slowly re-organised and the VCMA was registered under the Federal Act in 1907. The companies unsuccessfully appealed against the registration to the High courts in what became known as the Jumbunna case. (8) Despite their failure in the courts the companies continued their vigorous opposition and it was not until Wonthaggi started up, and the Powlett River branch became the largest and strongest in the VCMA that the union was firmly established. In 1913 it federated with Tasmanian coal miners under the name of the Australian Coal Miners Association and in 1915 it truly federated under the title of the Australian Coal and Shale Employees Association, one of the forerunners of the current Miners Federation.

On a less tangible note, there remains a legacy of militant and embittered unionism, which was particularly evident during the inter-war years. Even today the folk stories of the old miners and their descendants remember the lasting bitterness and re-tell accounts of the 'stable-fed scabs'.

End Notes

1. Statistics from the Australian Mining Standard. Notes from Jim Quilford of Wonthaggi illustrate the complex nature of the company claims: "The general talk in Wonthaggi (i.e. through Dad) was that the OH&B mine in particular took all the 'easy' coal rather than averaging. When this early coal ran out costs were higher and so pressure came on wages...Coal Creek were possibly on better coal at this time...Given the perceived need to reduce costs the VCMA would have been seen as a restraint to be got rid of first. Similar case is Mt. Isa 1960s."
2. Outtrim News 29.6.1903
3. Australian Mining Standard June 1903
4. ibid.
5. Outtrim News 25.5.1904
6. The VCMA activists that remained in the district probably remained inactive for less than a year. A small core of union miners remained in the co-operative mines and it was from these miners that the impetus to reform the union, the 1906 Royal Commission and the 1907 Legislative Assembly inquiry into the mines all came. For some time the union operated clandestinely before being re-registered in 1907 and even after that the companies continued to place every obstacle in the path of the union. Prior to, and leading up to WW1, the workers in the old mines were evenly divided between VCMA men and a local union organized and controlled by the management in which most of the members were scabs from the 1903-4 strike period.
7. This mullock heap has been used for road gravel by the local shire.
8. The Jumbunna case set a legal precedent. The company appealed against the VCMA registration on the grounds that the union was only operating in the State of Victoria and thus not eligible to register under the Federal Award. The Courts established that a union did not necessarily have to be operating in more than one state, and as long as it had the potential to do so it could register under the Federal Act.

Chapter Two

The Scab Train

'Do not not be an idle shurker
Or a skulker, or a lurker,
Or a scab or a 'free' worker
Join the Union (1)

At 8.0 am on the 27th of April 1903 a special train left Bendigo Railway Station with 54 miners and labourers destined to be the first strike-breakers employed by a combination of Victorian coal mining companies. A small crowd of about forty people booed and called the new recruits 'dirty scabs' from behind a police protected barricade. The train, with its compliment of what the conservatives called 'free' labourers then proceeded to Melbourne, not stopping at regular stations and passed through Melbourne at the time of the 8 hour day procession. Special stops were made at Jolimont, Richmond and Bena and big demonstrations of miners met the train at Korumburra and the Jumbunna screens. But with the assistance of the railways and police departments the strike-breakers were housed on the mine site and soon commenced coal production. This provocative act of the mining companies appeared to be the turning point in a classic 'labour versus capital' struggle which led to the eventual defeat of the miners and the demise, in the short term, of their union, the VCMA.

Background

On January 17th 1903 miners of the three lodges of the VCMA voted overwhelmingly to reject drastic reductions in wages and hewing rates proposed by their employers. The system, to that date had been based on contract where the miners provided their own tools and equipment and were paid according to the coal produced. For some years the managements of the three coal mining companies - the Jumbunna Coal Mining Co, the OH & B Consolidated Coal Mining Co and the Coal Creek Proprietary Coal Mining Co - and the miners through the VCMA had been involved in a bitter, continuing struggle over wages and coal hewing rates, working conditions and union matters. At the date of the commencement of the great strike the VCMA were fighting two legal cases, one with the OH & B, and the other through the management's proxy, the Victorian Employers Federation. (2) The combination of the two larger companies and their failure to

accept any form of arbitration, appeared designed to provoke the miners, with the obvious long term goal of destroying the union.

With this in mind it appears that the plan to recruit strike-breakers from the large pool of unemployed gold miners of Bendigo was some time in gestation and highly organised and planned down to the last detail. The special train was to be a well kept secret and was to carry 100 strike-breakers from Bendigo and pick up a further 50 from Richmond and Dandenong before proceeding to the mine at Jumbunna. The train was timed to pass through Melbourne during the 8 hour day procession which the previous year had been led by the miners of the VCMA. (3) However the plan involved far too many people, politicians and government departments for the secret to be kept and news broke of the impending journey of the special 'scab train' some days prior to its departure.

The revelation of the project produced immediate reaction from several quarters. Stephen Barker, secretary of Trades Hall Council stated that:

> We object to a special train running through in a secret manner, guarded by police, drawing up, not at regular stations, but at Jolimont, so that nothing may be known of the train until it reaches Outtrim and the men are placed in the mine.
>
> We say that the Government has no right to assist one side or the other, and we say that in this case the Government is endeavouring to give facilities to the Federated Employers Union, under circumstances which are not justifiable for breaking the back of the strike. The fact has to be remembered that the men are now in court over the Martell case. The astuteness of the Government as well as the employers, is shown in choosing the Eight Hours day. (4)

Mr. Arthur Wilson, secretary of the VCMA, telegraphed Mr. Praed, general secretary of the Amalgamated Miners Association "asking Bendigo miners not to accept work at the Gippsland coal mines as the miners were still on strike." (5) Wilson noted that the "ultimate object of the companies was to break the unions." (6) Whilst the unions were doing what they could to raise opposition to both the special train and the recruitment of strike-breakers, the companies through the agency of the Jumbunna Coal Co legal manager spread the fiction that the newly recruited workers were not strike-breakers and that the companies had no quarrel with unionism. As well as this the companies offered a daily wage rate of 9/- to entice new re-

cruits, a wage that was only slightly less than that received by the average miner of the VCMA prior to the cuts that started the strike.

Until the special train, the miners of the VCMA had had the better of the 14 week old strike. They had completely stopped coal production and the men were receiving strike pay from unions all over Australasia, especially from the coal fields of NSW. The VCMA and the AMA also had some success in their publicity of the 'scab train' as only 54 of the projected 100 recruits eventually boarded the special train.

However following after the special train, the flow of strike-breakers continued into the South Gippsland pits and the companies again began marketing coal. The VCMA was now on the defensive and probably committed a tactical blunder when the men at Coal Creek joined the strike and the Coal Creek Proprietary Co joined the company combination. On the 25th of April Superintendent Sainsbury wired the Chief Commissioner of Police:

> Please send first available train ten constables two sub officers half to camp at Jumbunna pit half at Outtrim pit to prevent damage to plant or pits before labourers arrive - Think seven 7 constables & one senior should accompany laborers lest train intercepted. Tents & Beddings should be provided also batons... Perhaps the company can arrange for commissariot and tents. (7)

The Journey

The special train, with its special drivers, fireman and guard and escort of 20 police proceeded to Melbourne and passed through at the time planned, bypassing all stations. At the Jolimont siding a number of trade unionists including Mr. Solly, President of the THC, and secretary Stephen Barker, and Dr. Maloney MLA unsuccessfully 'exhorted the men to desert the train.'. (8) The train then proceeded to Richmond where a further 17 strike-breakers joined the train and Labor MLAs Bromley and Elmslie argued ineffectually with J.A. Boyd MLA director of the Jumbunna Coal Co. In reply to Bromley's question as to why the companies would not meet the men in conference Boyd neatly side-stepped the issue by asking Bromley if he objected to the rate of pay that the strike-breakers were to be paid. Most certainly Bromley was unaware that these rates were higher than those offered to the union men, and that there already existed a substantial 'blacklist' of men who were never to be employed by the compa-

nies again. The train then proceeded to Bena where it picked up a further 4 constables for the police escort.

At Korumburra and the other coal towns of Outtrim and Jumbunna the VCMA and their families and supporters were organised and in strength. At Korumburra :

> there was an enormous crowd on the platform to greet these new employees of the companies, but to the disappointment of all the train ran through without stopping amidst frenzied yelling and hooting by the miners employed at the Coal Creek Company waiting on the platform...(9)

The train then passed to the Jumbunna 'screens' midway between the townships of Outtrim and Jumbuna.

> "By the time the train arrived about 400 or 500 miners were interested spectators. Police were drawn up in a line.. to allow of the new arrivals getting out on the opposite side without interference...A large number of women and children kept a lookout for the newcomers, and as the train appeared around the curve a storm of hoots, groans and boo-hoos arose that was most deafening. The train drew up, and the passengers alighted amidst a further babel of cries. They answered nothing in reply, but getting their baggage they filed down the steep hill to the mine. A number of skips were in readiness to take their bundles and their swags, and they were quickly filled. Then followed an amusing incident, which drew forth loud and prolonged laughter from the unionists assembled above. A swag on the first skip was not securely fixed, and falling off right in front, every skip left the line. As each man came up for his swag the laughter was renewed, and the newcomers were derisively exhorted to put the skips back on the line, but they did not do so... Apart from the cries of 'scabs', 'blacklegs', 'rats', 'white Chinamen', 'Where's yer pigtail?' etc., there was nothing more to be done. To the credit of the unionists let it be said that they behaved themselves well...(10)

Later in conversation with J.A. Boyd some union men asked why they had not been offered the same terms as the strike-breakers. Boyd replied untruthfully that the VCMA had refused a conference except on its own terms but although 'no overture would be made to the association' the

company 'would be ready to receive overtures from its own men'. (11) Of the one thousand men who would eventually strike less than a handful are known to have accepted the companies offer.

After their arrival the strike-breakers and their police protectors were quartered at the Jumbunna mine.

> "The wages men are to sleep at the mine, and as soon as they arrived they had set to work erecting bunks for themselves in the stables, as the company could not get any carpenters in the town to do it. About a dozen or so were erected, and the rest of the men were compelled to sleep on chaff bags." (12)

At the end of the day Superintendent Sainsbury wired his Chief Commissioner:

> Got miners Safely into Mine & have them under Supervision No Missiles Assaults or Violence Crowd assembled four hundred orderly but Noisy". (13)

The Day After

The immediate effect of the introduction of the strike-breaking labour had not been foreseen by the management:

> The manager of the Jumbunna mine had hoped to be able to restart the mine at 8 o'clock on Tuesday morning, but the management was not able to do this, although more than 70 men were on the spot. The engine driver, the underground bosses, the blacksmiths, carpenters and others had all struck work without going through the formality of working out their notices. They would not, they said, work alongside the others.' (14)

This left the newly recruited force idle and

> they gathered together on the bit of open green near the pit head, while above them on the railway siding they observed a watching and waiting group of strickers(sic). Soon after 10 of the non-union men found their way up the hill. There was a friendly conference for a while, then the ten non-union men set of with the strickers for Outtrim to attend a meeting. The success of the strikers was, however, checked by Mr. Pratt and Mr. Boyd coming upon the scene. There was a three-cornered discussion, the result of which was all the parties, strikers, non-unionists and proprietors went back to the siding." (15)

There an earnest meeting was convened with the union men endeavouring to persuade the non-unionists to leave the mines.

> "The greatest candor was displayed on all sides, but there was a difference between the tone of the strikers in speaking to Mr. Boyd and Mr. Pratt, and their tone in speaking to the non-unionists. Talking to Mr. Boyd they indulged in humorous thrusts and hard sayings, but when speaking to the non-unionists there was not about them a symptom of aggressiveness. Towards the(m) they adopted an air of restraint and reserve. Still it was apparent that it was only a great effort of self-restraint that the strict bond of moral suasion was observed." (16)

The striking men were only mildly successful in their 'moral suasion' and by the end of the week five of the strike-breakers had deserted the mine stables and made their way back to Melbourne and Bendigo. But the self-restraint begrudgingly admired by the reporter of the Great Southern Advocate did not last out the day. The provocative presence of J.A. Boyd MLA ended with a brief meeting in Barbeta's Hotel Outtrim, which ended in blows:

> The man then called Mr. Boyd back, and on his turning, struck him. Mr. Boyd put up his umbrella as a guard, but so forcibly was the blow that it broke the umbrella in reaching Mr. Boyds body. A plain clothes constable who was present immediately effected an arrest." (17)

The arrested man was later convicted of assault and sentenced to three months jail. There followed a period of violence, and police harassment, which involved many convictions for obscene and abusive language and for assault. Those convicted were given unusually harsh fines and often finished in jail. At the height of this violence a number of offences involving the use of revolvers and dynamite occurred. The introduction of the strike-breakers insured that the struggle would henceforth be lasting and bitterly fought.

Several days afterwards, the Minister for Railways in the Irvine Government, Thomas Bent, publicly denied any knowledge of the 'special train'. (18)

Consequences

In the short term the companies eventually had all three mines back in production but the productivity of the workers was poor compared with previous production. The companies found themselves in financial difficulties and dividends ceased, debentures were issued and calls were made on capital. As well the share prices of all the companies plummeted.

On the other hand, although the turnover of strike-breakers was high, a steady stream of non-union men came into the mining towns. The picket lines of the VCMA and unofficial threats of violence from desperate miners were unable to prevent this. The non union labour force eventually built up to about 350 men who were replacing a striking work force of about 1000. Despite low productivity, the non-union work force enabled the companies to reach and maintain a position of strength and be able to refuse any form of negotiation or arbitration or to recognise the VCMA in any way.

The strike lasted more than a year after the 'scab train' and in all was 70 weeks long. It was a much depleted membership that called the strike off on May 17 1904, and the bare bones of the union, a mere 60 members, who voted to disband the VCMA in August of that year. The company had achieved its aim but at some cost. The wages system was abandoned by two companies a few months after the end of the strike and the contract system reintroduced. The total annual production of the pre-strike days was never again achieved and the major producer, the OH & B, closed its Outtrim mine by 1914. (19) One legacy of this bitterly fought strike was a militant unionism on the Wonthaggi and Korumburra fields. But the company combination had, for the time being, crushed the VCMA and large numbers of union members, officials and militants blacklisted by the companies were forced to leave their homes and seek work elsewhere. (20) Beyond doubt the demise of the VCMA was assured by the Coal company combination and the use of strike-breaking labour, which, inaugurated by that sinister 'scab train', was just as certainly the main instrument of that downfall.

End Notes

1. Outtrim News and Miners Representative(ON) 25.6.1902
2. The two cases were the Martell Case and the Gregory Case. The Martell case was commenced after J. Martell, a non-union miner and reputed to have 'scabbed' on another site, was sacked after the men refused to work

with him. He sued the VCMA for £1000 damages and the case dragged on through various courts and appeals into 1904 when, the VCMA dropped its appeal to the High Court because of financial difficulties. The Martell case was financed by the VEF, whose Vice President G. Fairbairn had close connections with both the Supreme Court judges and directors of the Coal companies. The Gregory case commenced when the OH & B sued George Gregory and 17 other union officials and militants for breach of contract. The men had not given 14 days notice before going on strike. Again the case was pursued through various courts before a token 1/- damages was awarded against the miners.

3. ON 19.4.02
4. Bendigo Advertiser(BA) 27.4.03
5. ibid. 24.4.03
6. ibid.
7. VPRS 807, No.205, It.798 Police File PRO, Laverton
8. BA 28.4.03
9. ibid.
10. Great Southern Advocate (GSA) 30.4.03
11. ibid.
12. ibid.
13. VPRS 807, op.cit. 27.4.03
14. GSA 30.4.03
15. ibid.
16. ibid.
17. ibid.
18. BA 29.4.03
19. The company operations at Kilcinda continued after this date.
20. Mr. Jim Comerford of Weston, NSW originally pointed out to me that the VCMA was revived in 1907 and there was a landmark decision in the union's favour in the High Court in 1908 known as the Jumbunna case. Edgar Ross in his *A History of the Miners' Federation of Australia* points out that the unionists met in secret about this time (1904-7) and a reconstituted VCMA operated from 1907 to 1915 when it joined the Australian Coal and Shale Employees Association. The strongest branch of the VCMA during this period was the Powlett River (Wonthaggi) branch and only a small nucleus of the original union activists remained to reconstitute the VCMA. This was no doubt due to the humiliating conditions imposed on the men by the Colliery managements which included signing on as non-union men and working beside the scabs who had been so vital to the management's campaign to crush the union.

Chapter Three

Violence and the Great South Gippsland Coal Strike 1903-4

On Sunday 9th August 1903 at 1.10 a.m. a loud explosion took place at the home of David Inglis on Mt. Misery, Outtrim. Later it transpired that three packages of gelignite were also placed in a water tank at the home of David Hamilton. Both Hamilton and Inglis were workers employed at the Outtrim, Howitt and British Consolidated Coal Mine NL (OH&B). They had refused to stop work with the men when the great strike started in January 1903. And, unlike most of the underground managers, deputies, engine drivers and other skilled personnel, they continued working at the mine after the introduction of 'scab' labour in late April of that year. Consequently they were worse than 'scab' labour in the eyes of most of the union men and amongst the most hated men in Outtrim.

James Boyd, Mayor of Port Melbourne, MLA and director of the Jumbunna Coal Mining Company, took full advantage of the publicity engendered by the dynamite attacks with letters published in the Melbourne press. He spoke of the 'dastardly outrage' (1) and argued that this was 'another illustration of the length to which some strikers are prepared to go to attain their ends' (2). He presumed immediately the miners' guilt and spoke of a 'reign of terror maintained by the joint executive, the hoodlums and the incapables' and concluded that 'vigorous actions both by the Government and the police, should be taken to prevent such lawlessness being continued and to bring the offenders to justice' (3). The Melbourne press headed this letter and other similar articles with headlines like 'Terrorism at Outtrim - Series of Prosecutions at Korumburra' [which, incidentally, had nothing to do with the dynamite cases] 'Terrorism at Outtrim - The Authorities Supine', 'The Recent Outrage' and 'Resort to Violence' (4). And at least one correspondent to the Argus requested that 'this reign of terror be speedily terminated' (5). In the same issue the secretary of the Victorian Coal Miners Association (VCMA) Arthur Wilson rather feebly claimed that there is no 'evidence forthcoming that the strikers did same, and it is unfair of Mr. Boyd to say that the strikers did same' (6).

In view of the condemnation of the miners' position by the press I propose to examine in some detail the charges of a 'reign of terror' supposedly ini-

tiated by the VCMA and the aspects of significant and overt violence during the strike. To do this I will look briefly at the background of the strike, then examine in more detail assault charges, the threat and use of firearms, an arson case, the dynamite case and the role of certain key individuals in the violent affrays.

Background

The great South Gippsland coal strike began in January 1903 when the members of the VCMA overwhelmingly refused drastic and provocative reductions in pay and conditions instituted by the two larger companies (7). The VCMA was already engaged in two lengthy and ultimately ruinous legal battles with management and their friends (8). But for the first three months of the stoppage the VCMA, alert, radical and well organized, maintained the upper hand in a classic 'labour versus capital' struggle. During this time the VCMA organized and financed strike pay contributed by unionists from all over Australia and New Zealand and called several times for the dispute to be put to independent arbitration (9). On the 27th of April the VCMA lost their position of advantage with the introduction of strike-breaking labour by the management of the Jumbunna mine.

In a hitherto peaceful affair, assaults became frequent, as did threats with, and the use of, revolvers. After the management at Outtrim began providing the 'scabs' with rooms and cottages in the town in early August the violence further escalated with an arson case and the dynamite affair. In the following months large numbers of miners appeared before the courts on various charges including assault, but most of them related to verbal abuse (10). By May 1904 the strike was officially off and secretary Wilson became the last legal statistic of the strike when he was convicted for using insulting words against Constable Radburn and fined 2 pounds (11). In 1906 when appearing before the the Royal Commission into the Coal Industry former VCMA President Anthony Garrett astutely noted that the strike was the result of a conspiracy by the companies who were determined to crush the union (12). The careful planning of the reduction in contracts, wages and conditions and the secretive and successful introduction of strike-breaking labour, including the assistance of the police, the courts, the press, and government departments seems to support Garrett's assertion (13). If true then the responsibility for the violence that followed must lie directly with the management and shareholders involved in such a conspiracy and not with the relatively powerless miners.

Incidence of Assault

The first case of assault occurred immediately after the introduction of the 'free' labourers when Boyd, provocatively appeared in Barbeta's Hotel, Outtrim. A fierce argument ensued and a drunken miner, John McNab, tried to punch Boyd. The director parried the miner's blow with his umbrella and McNab was immediately arrested by a plain-clothes constable who had accompanied the director. For his rather pathetic attempt McNab received two months jail. The role of the plain-clothes policeman along with the police protection of the strike-breakers and the zeal with which they prosecuted the strikers illustrated quite clearly the role of the state in assisting the management to defeat the union (14). This was further highlighted by the severe fines and prison sentences imposed by the local bench. These convictions were heavily biased against the strikers and were in most cases for relatively trivial offences. The bench included John Parry JP, a substantial shareholder, and director in many of the local mines (15). Following the conviction of McNab the Korumburra Magistrates' Court dealt with cases arising out of conflict between the 'free' labourers and the strikers on a regular basis for the rest of 1903. Most of the cases involved the use of 'insulting', ' offensive' or 'obscene' language, as well as a number of assault cases and some unusual charges such as 'unlawfully besetting a house' and ' following in a disorderly manner'. As a last resort in their defence the miners seem to have readily resorted to perjury. It should also be noted that whilst at no stage did the VCMA condone violent behaviour, it provided legal representation for members and their families, and when able, assisted with the payment of fines.

Of all the cases before the Magistrates' Court only three proceeded to the Supreme Court in Melbourne. Two of these were assault charges and one was for arson. Interestingly enough one individual was central to all three cases though he played a different role in each one. The individual concerned was the miner Sam "Sebo" Newton. On the Saturday night of 17 July a strike-breaking contractor working for OH&B, named Henry Hicks, was assaulted in the main street of Outtrim, whereupon he drew a revolver and fired two shots after the retreating assailant (16). Hicks later identified his attacker as Newton. With the case of Newton still to appear before the Supreme Court, the arson and dynamite incidents both occurred in early August.

The threat and use of Firearms

The manner in which Henry Hicks obtained the revolver immediately prior to his assault was suspicious. More suspicious still was the fact that as a J.P. he was legally allowed to possess a revolver, and it appears, to fire it in the main street of Outtrim. The police, and later the courts, both failed to pursue with any vigor the mysterious source of these weapons or their use in defence against assaults. The Newton-Hicks affray was not the first instance of firearms being discharged in the towns. An examination of newspaper reports and police records indicates that there were at least eight separate occasions on which firearms were discharged, or used in a threatening manner (17). The first instance of a revolver being discharged was a police constable guarding the 'scabs' in the stables at the Outtrim mine. The remaining seven instances all involved the anti-strike forces. Six of these involved revolvers and one a rifle. In three instances these weapons were discharged. But in only one of them - the Bertie Hicks case (it is not known whether he was related to Henry Hicks)- was anyone charged, and in this instance the wrong person was charged and the case dismissed. Although the VCMA through Arthur Wilson and others, laid complaints against the threat and use of revolvers no charges were ever made. Nor was it ever pursued or officially announced where these weapons originated, though it appears, because of the large number of instances involving free labourers with weapons in their possession, that they were probably provided indirectly by the companies for the mens' protection. The most likely conduit for such a supply of weapons appears to have been the detective agency or agencies that one or all of the mines employed during the strike (18). This would also partly explain the lack of interest of the police in prosecuting these offenders. For some short time Sam Newton was the miners' hero for his daring and successful assault of the 'scab' Henry Hicks. Consequently, when the case reached the Supreme Court on the 17th August almost certainly a number of people committed perjury on his behalf and the case was dismissed.

The Arson Case

In the first week of August 1903 the OH&B started housing strike-breaking labour away from the mine and in the township. On the 3rd of August two cottages owned by Richard B. Stamp, Managing Director of the mine, in which 'scab' labour was about to be housed, were burnt to the ground (19). Charges were not laid for some time. According to Constable Radburn, the occupants of nearby houses, Sam Newton and William Forrester, both made enquiries as to whether there was a reward for infor-

mation on the fire (20). Finally William Forrester was charged with arson, the principal witnesses of the prosecution being Sam Newton and his wife. As the case against Forrester was based almost entirely on Newton's evidence, and some doubt was placed on his reliability, the case was dismissed. Judge A'beckett found that gross perjury was committed by one side or the other and when news of Newton's traitorous action was known he was struck from the strike-pay roll.

The Dynamite Outrage

It should be noted from the start that in terms of bad publicity the miners were the definite losers over this affair. It is quite possible that the arson instance was a reaction to the settling of strike-breakers in the town and thus almost certainly was committed by a miner, and again almost certainly, Forrester. The instance of the dynamite attack described above is less clear although the targets were obvious and it is possible that extremists amongst the miners sought to influence the outcome of the Newton assault case yet to appear before the Supreme Court. However, both these cases are striking in their isolation, as it is obvious that a dedicated terrorist could have caused considerable destruction by attacking more logical targets such as the railways or mine plant. On the other hand the possibility of an 'agent provocateur' in the employ of a detective agency makes just as much, if not more, sense. A passionate defence of the miners was made by 'Onlooker' in the Korumburra Times. He wrote:

> What proof has Mr. Boyd that the outrage as he terms it, was the act of a miner? not the slightest. In fact, the proof, if any, is the contrary, as the person performing the act must, if he had any intention of doing harm, have been ignorant of the use of explosive. Drawing conclusions from historic facts, I am justified in believing that if this explosion did take place there is more reason to believe it was an act by someone as agent for the company to bring discredit upon the miners than the act of a miner. (21)

The poet Bernard O'Dowd wrote of this instance and of earlier dynamite affairs. About the period 1892 he noted that 'there was a capitalist conspiracy to work up a dynamite plot' and

> The recent incidents in connection with an alleged explosion and in connection with the Outtrim strike are also significant. Anticipating that I have already encroached too far on your

> space; I will conclude by warning the workers of Australia that, whenever they find any person in their midst talking dynamite or any other form of violence they should treat him as a suspicious character, and watch him closely. (22)

Secretary Wilson also doubted that the act was committed by a miner. He claimed that 'for ignorant as the miners are supposed to be by some, they are quite aware that an explosion fired in such a position, and with such results, cannot have been confined in a shell, as would have been the case if injury had been intended..' (23) It seems that alternatives or 'historical facts' as 'Onlooker' calls them indicate firstly that the 'outrage' was not perpetrated by a union miner, as Inglis was the person most hated by the miners and consequently most unlikely to have been deliberately spared physical harm. Secondly the manner in which the charge was made indicates either a miner 'not intending to harm' or a non miner. Finally if the charge had been laid by a miner 'not intending harm' a number of alternative safer, and more logical targets (i.e. those designed to more readily assist the miner's cause) were available (24). The police made no progress in the case and no charges were ever laid.

The Payne, Teece, Tallent, Moore and Rosborough Assault case

After the dismissal of the arson charges against Forrester, Sam Newton and his wife appear to have remained in Melbourne for one month. By the 20th November he had returned to Outtrim and lodged in the house of his father-in-law, striker James Shirley. After an afternoon of drinking a row developed over Shirley accommodating Newton and his non-eligibility for strike pay. In the ensuing brawl about 100 people surrounded the house. In the midst of the scuffling Newton produced a rifle and was alleged to have threatened to blow Payne's 'guts out' and to have said, "I'll do for you b's" (25). At least one shot was fired by Newton in a struggle and as many as three rounds may have been discharged. Payne, Teece, Tallent, Moore and Rosborough were charged with the assault of Shirley and Newton (26). The charges against the latter two were withdrawn at the Magistrates' Court and the case against the others proceeded to the Supreme Court. In February 1904 these charges were heard and the men found not guilty. Within a period of 12 months Newton had made three separate appearances in the Supreme Court - charged with a crime, as a victim, and as a chief witness for the prosecution.

Some Observations and Conclusions

Sam Newton's three appearances before the Supreme Court along with the contrived circumstances surrounding the first assault make him the prime candidate for the title of 'agent provocateur'. It would seem that the Hicks case was possibly a set-up intended to establish the 'bona fides' of Newton as a strong and militant unionist. The manner in which Hicks obtained the revolver supposedly by chance and immediately prior to his assault, combined with his status as JP permitting him to legally possess that weapon, seems an unlikely chain of circumstances. As well as this his recognition of Newton could have been part of an elaborate plan or an accident. Whatever the intention, Newton was for a short time, the hero of the militant wing of the miners and beyond suspicion. It is also quite possible that the McNab case was also a set-up. It must have been obvious to Boyd that the introduction of 'scab' labour had inflamed the dispute significantly. For him to have entered the township of the strikers with an elaborate, but unconfirmed excuse of meeting representatives of the strikers, and to have that meeting in a hotel and on a Saturday night, was surely against common sense and most provocative. The presence of the plain-clothes constable again seems highly unlikely to have occurred by chance, indicating that Boyd was both inviting and anticipating a disturbance. Without doubt the companies assumed a provocative and aggressive stance throughout the dispute and were responsible, through one or more detective agencies, for the distribution of firearms to the strike-breakers. Also it is quite likely the companies had, through the same agency or agencies, one or more agent provocateurs and some spies in the field. The role of the latter would have been mainly to provide information of value to the companies, such as disputes or weaknesses in the union ranks. There is no material evidence to support this supposition other than it would seem to have been a profitable and intelligent ploy in a well planned campaign, and that the combined company action was certainly that. The role of the former was obviously to promote extremist and violent activity and the evidence seems to support the existence of at least one 'agent provocateur'.

On the union side no doubt many were guilty of assault. Under the circumstances it is easy to sympathise with strikers and the overwhelming odds they were up against. On the other hand it is also possible to feel some sympathy for at least some of the strike-breakers, who in the main were unemployed gold-miners callously exploited by the companies. The unionists and their families were also guilty of wholesale perjury, but again, under the circumstances, there appears considerable moral justification for

these actions.

The ultimate responsibility for the violence must however reside with the companies and, in particular, that small group of directors and major shareholders of the Jumbunna and OH&B coal mines that most probably conspired to obliterate the VCMA. Most of these men are faceless but they included David Syme, William McCulloch MLC for Gippsland, Francis B. Clapp and W.L. Baillieu as well as the front men Stamp, Boyd and Murray. I hope to document in depth the details of this conspiracy at some other time.

End Notes

1. The Age 12.8.03
2. ibid.
3. ibid.
4. There were close connections between mining company management and the press. David Syme, proprietor of the Age was a major shareholder in OH&B. W.L. Bailieu, director of OH&B, and his close friend Theodore Fink were directors of the Herald. Ironically, no connections have so far been found with the Argus - the most conservative and reactionary of all the Melbourne papers.
5. Argus 15.8.03.
6. ibid.
7. Both the OH&B and the Jumbunna management submitted identical harsh conditions to the men. Contract payments were to be reduced by nearly 30% per ton. Minimum seams mined were to be substantially reduced. Restrictions were to be placed on those who were eligible to join the VCMA and the management were to have the final say in disputes. See 1906 Royal Commission into the Coal Industry in Victoria. VCPP 1906, V.2.
8. The two major cases were the Martell case (Martell v. VCMA) and the Gregory case(OH&B v. George Gregory and 16 others). The Victorian Employers Federation (VEF) financed the Martell case through various appeals. The VCMA abandoned the case late in the strike (Feb.1904) because of lack of finance after a court ruling against them. Technically they also lost the Gregory case with 1/- damages being awarded against them. By December 1903 these legal battles had already cost the VCMA £1800. (Outtrim News [O.N.]25.11.03)
9. Calls were made by various parties representing the miners in February,

May, September and October of 1903.
10. The minor cases outnumbered the more serious charge of assault by at least four to one.
11. Also there was £3.10.0 costs. (Great Southern Advocate 2.6.04)
12. 1906 Royal Commission 'op.cit.' Garrett maintained that the 'conspiracy' originated with the Jumbunna mine.
13.There is substantial, if circumstantial, evidence to support the 'conspiracy to crush the union' theory. This includes the obvious collaboration in introducing identical reductions and conditions to the men, the collaboration with the VEF, joint shareholdings in the 'combining companies' by some parties (including D. Syme and R. Stamp), the drastic nature of the reductions and conditions (i.e. they were designed to be unacceptable to the men), the well organized and planned nature of the events and the co-operation received by the Police and other government departments, especially the railways. I hope at some later date to examine this evidence in more detail.
14. The most obvious collaboration was with the police who in turn, protected and guarded the 'scab' labour, and prosecuted with zeal offences by miners and their families. Attempts by the VCMA to have Constable Radburn (who had property in Outtrim which was continuously being devalued as the strike progressed) and Constable Fields (whose father was a member of the 'scab' labour force) removed because of bias were unsuccessful.
15. Parry was either a director and/or a major shareholder in the following companies :- Coal Creek Proprietary Ltd., OH&B, The Great Southern Colliery, The Black Diamond Coal Mine NL, and the Coalville Colliery Co NL.
16. Korumburra Times (K.T.) 15.7.03
17.The instances were as follows :- 1.Firing revolver by police in Outtrim (Police papers PRO,VPRS 807, Un.205, It.798) 2. Firing revolver in Outtrim(K.T. 17.6.03) 3.Firing Revolver in Korumburra (Police Papers , 'op.cit') 4.Threat of using revolver at Jumbunna on 29.6.03 (ibid.) 5.Threat of using revolver at Outtrim (K.T. 4.7.03) 6.Firing revolver (Hicks case) in Outtrim (K.T.15.7.03) 7. Firing revolver (Bertie Hicks case) in Outtrim (O.N. 21.10.03) 8. Firing rifle (Payne etc case) in Outtrim (O.N. 20.11.03)
18. Police Papers 'op.cit' indicate some collaboration and correspondence between the police force and at least one detective agency was hired to protect strike-breakers being conveyed to the coal district.
19. K.T. 3.8.03.
20. Criminal Briefs, PRO, VPRS 30 Un. 1518, It.479.
21. K.T. 19.8.03.

22. B. O'Dowd in the Merrifield Collection, Latrobe Library, Melbourne.
23. O.N. 19.8.03.
24. More logical targets would have included relatively 'easy' and 'safe' ones on the railways and at the mines which would have reduced or stopped production or sales further compounding the companies financial problems.
25. Criminal Briefs, PRO, VPRS 30, Un.1522, It.64.
26.Ibid.

About the Author

Peter Gardner has lived in East Gippsland for the past twenty years and for most of that time has been studying the history of the Kurnai people. As well as his Kurnai 'trilogy' Gardner has written on a number of other aspects of regional history. He has worked as an emergency teacher, seasonal forestry worker, fire spotter, track marker, fencer, and part-time prospector. His hobbies include reading, walking and supporting the local football team. He is married and has one daughter.

Information Wanted

The author is interested in obtaining a copy of any records relating to the VCMA and its member lodges between 1893 - 1915. These lodges include Coal Creek, Korumburra, Korumburra and Jeetho, Outtrim, Jumbunna, Strezlecki, Silkstone, Black Diamond and possibly others. The records sought include minute & letter books, financial records, diaries, plans and photos. He is also interested in the records of the accident societies (as above of the same lodges) any personal records (diaries, letters, photos) and records of the co-operative mines in the Korumburra district for the same period. These mines include the New Extended, Newcastle party, The Outtrim Co-operative, Silkstone and the early Austral. He can be contacted by writing care of the publisher.

List of some prominent miners of the VCMA. If you are related to, or making genealogical inquiries about any of the following miners, the author would be pleased to correspond with you.

Bird, Samuel
Blanch, E.H.
Blayney, Thomas.
Briggs, John Horace.
Brown,W.
Burns, Albert.
Casey, Jonathon
Connolly, John. d.1913 Korumburra.
Crichton, W.S.
Dart, J.
Dawes, Charles.
Dawes, W.
Dempsey, Bob.
Dow, George.
Dransfield, B.
Duffy, J.
Flockhart, J.
Galloway, Andrew.
Garrett, Anthony. d.1918,Korumburra
Goss, Albert.
Gould, E.
Gray, Andrew. d.1912, NSW
Green, G.M.
Greenslade, George.
Gregory, George
Hegarty, M.
Houston, H.
Hyndman, T.J.
Jackson, George.
James, C.E.
Kay, R.
Kirby, J.
Liversage, H.
McEwan, David.
McGarvie, G.
McLaughlin, A.J.
McNair, Tom.
McVicars, John.
McVie, R.
Manuels, Joe.
May, Thomas.
Miller, James.
Mitchell, Robert.
Mordon, M.
Murdoch, G.
O'Carroll, Tom. d.1936 Collie, WA
Payne, G.
Peters, Ernest.
Poland, Mathew.
Rickaby, J. d.1904 Collie, WA.
Reiley, George. (Riley)
Robertson, Will.
Robinson, Will.
Rose, Charles L.
Taylor, H.
Tuomy, James. (Toomy, Toomey)
Tucker, J.
Tweedie, J.
Sanderson, J.
Savige, Samuel.
Semple, Bob. d.1955, NZ.
Shannon, W.
Shaw, R.
Sherrock, W.
Sibbrit, Samuel.
Simpson, A.
Sneddon, W.
Stephenson, J.
Storey, C. A.
Taylor, Hugh H.
Teece, Arthur.
Vincent, Henry.
Walmsley, W.
Walsh, T.
Whitworth, W.
Wigmore, G.
Williams, Fred.
Wilson, Arthur Alan.
Yardley, Ernest.

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Peter Gardner is best known for his work on the Kurnai tribes of Gippsland and his 'alternative' biography of Angus McMillan. Here he continues his radical and exciting interpretation of Gippsland history with this collection of essays on the great coal strike of 1903. The essays have been previously published in the Gippsland Heritage Journal and in the Recorder - Journal of Labour History and focus on certain events during the strike. They also provide information on events previously ignored by historians and in particular concentrate on the coal miners' union, the VCMA. Readers and those involved in local history, will be intrigued, and possibly upset, but never bored by these accounts.

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