

At the lower end of the scale, Barbara Little's research in the 1970s on the retail trade in late nineteenth century Sydney showed pathetically meagre rates of return and frequent failures among women proprietors of small corner stores. That business model, involving as it did the woman and her family both living and working in and over the shop for whatever hours the customer required, was not profitable, though it could provide a home and a kind of living. It has not been profitable either for those who have set up the modern equivalent of the corner store, the convenience store, without blatant exploitation.

Similar problems confront many modern start-ups by women working from home and trading on-line. If more attention were paid to the real problems faced by women in business in the past, there might be more continuity in understanding and less heartbreak. Meanwhile, the creativity, enterprise and courage displayed by the women in this study continues to appear over and over as does the likelihood that these twenty-first century business women will also be forgotten by history.

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John P. Hamilton, *Adjudication on the Gold Fields in New South Wales and Victoria in the 19th Century* (Sydney: Federation Press, 2015). pp. 250. AU \$135 cloth.

In *Adjudication on the Gold Fields*, John Hamilton provides the first detailed history of judicial functions on the New South Wales and Victorian gold fields. A retired judge, Hamilton provides a careful, authoritative, although largely descriptive, account of the provision of justice on the gold fields over more than half a century. He shows how a tradition of single-person dispute resolution grew up – involving variously the magistracy, the Crown Lands Commissioners, the Gold Fields Commissioners, Justices of the Peace – followed and accompanied by the development of special mining courts.

One of the democratic outcomes of Eureka in Victoria was a system of local mining courts with elected members, established in 1855. These elected Local Courts had the capacity to make local rules for mining as well as to adjudicate disputes. In 1857 they were abolished, in part over concern about this apparent mixing of legislative and judicial functions. In their place Wardens Courts at magistrate level and Courts of Mines at County Court level were established (131). Hamilton shows, however, that a decision by Commissioners was also a constitutionally mixed form – they too were involved both in making local rules and in adjudicating disputes (146). NSW persisted with commissioner adjudication for longer than Victoria. In 1866 it introduced another form of individual adjudication, by generalist, unpaid Justices of the Peace in court houses, rather than paid commissioners on the spot. Dissatisfaction with this reform was made manifest in an 1870 inquiry (110). The 1874 NSW Mining Act then created Wardens' Courts. One of the virtues of the book is its concise and comprehensive setting out of the legislative history of the establishment of these courts, noting in each case the paths available for appeals. There is also a very interesting account of British precedents – including specialised mining courts in Cornwall, Devon and Derbyshire – although Hamilton points out that in Australia there was always the option of applying to the regular rather than mining courts.

Hamilton's particular interest is adjudication – dispute resolution and its efficacy – in these frontier contexts. The book thus focuses on the institutions and practices that grew up to settle mining disputes – about, for example, rights to claims, the size of claims, partnership agreements – “locally, quickly and cheaply” (2). As time went on, partnership disputes became more complex; more disputes arose about use of water and water races (162). Hamilton concludes that most cases were decided on their merits and met community expectations of justice. Supporting this general conclusion, a detailed study of T. A. Browne's tenure as Gold Commissioner at Gulgong shows how local dissent could make itself sharply heard.

Also of great importance was the question of adjudicating between public and private claims to gold, but this is not Hamilton's main interest or focus. He notes (66) an exchange between Hardy and Wentworth about whether the government had a right to prohibit mining altogether, or to charge in licence fees more than the cost of administering the gold fields – Hardy thought not, Wentworth clearly thought yes. Hardy lost his job as a result of this conflict of views and set out in an 1855 pamphlet his view that “gold diggers have a right to dig for gold” (68). This is a theme that merits further investigation.

One of the surprises is how few sources there are for the history Hamilton wants to write. Written records survive from only five places; neither the commissioners nor the courts routinely kept written record of their decisions. Hamilton notes in conclusion that the “completely oral” nature of these – apparently generally successful – adjudicative proceedings makes them quite distinctive in modern legal history (204). In the few cases where written records of the operation of the courts do exist, Hamilton provides close analysis and in some cases the whole text of the records. The results are generally inconclusive: no strong patterns seem to emerge and the numbers of cases involved are not very large. But it is very useful to have this material made accessible, and indeed for historians to know how little of it there is. There is also very helpfully in chapters 14 and 15 a case-by-case discussion of superior court decisions on mining rights and disputes. Hamilton suggests that “not a great deal can be said about them in general terms” (186). Some further attempt to characterise the Australian case law as against that in other British-derived nations would have been of even more assistance to non-legal historians. The conclusion of the book reiterates the particular findings rather than attempting a larger argument. Adjudication on the Gold Fields is authoritative – clearly more descriptive than interpretive, but no less valuable for that.

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Marian Quartly and Judith Smart, *Respectable Radicals: A History of the National Council of Women of Australia 1896–2006* (Melbourne: Monash University Publishing, 2015). pp. xiv+497. AU \$39.95 paper.

In this timely book Marian Quartly and Judith Smart offer us the first wide-ranging examination of the National Council of Women of Australia (NCWA). Formed officially in 1931, the Council had its origins in the women's movement of the late nineteenth century when the American-based International Council of Women began operations. Despite apparent equality, following the granting of political