

Beyond the Boundaries: Squatting and Squatters

Written and Researched by Max Thomas

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Preface: A large portion of the information that I have located has been transcribed in its original form, to preserve the style of writing of the period, which, though often descriptive, and tending to be extended and verbose, still gives a true feeling as to how the written word was expressed in those times. I have attempted to keep my own interpretation of the progression of events to a minimum to allow them to “speak for themselves”, as the occupation of Crown land in the colony of New South Wales goes through its various stages, both legally and illegally. Most of the material has been sourced from correspondence held at State Records, N.S.W. with other coming from Mitchell Library, Dept. of Lands and old newspapers.

Introduction

The land along the Lachlan River in central N.S.W. was occupied by squatters well before such occupation was permitted, when live stock was taken outside the proscribed limits of the colony. The river rises in the tablelands, flowing in a generally western direction through the middle of N.S.W. till it reaches the Murrumbidgee River not far from where that river joins the Murray. Its waters seldom get to its end, except when in flood, draining into large areas of swamp lands. This occurred even before a dam was constructed across the river, and irrigation practiced. When the flocks and herds of people to the east increased in numbers, making it necessary for them to be relocated, they travelled west, beyond the Government stock stations that were located near Bathurst as well as past one on the Belubula river west of later named town of Carcoar. Other factors influencing their movement were drought conditions, as well as in 1826, the suspension of occupation licences which permitted free grazing on Crown lands being replaced by leases which involved a charge. Being a permanent stream, though most times it was reduced to water holes, which also contributed to the occupation of its surrounding lands. When limits to settlement in the colony were defined in 1826, about two thirds of the river’s length was outside those limits, making the settlement of those parts illegal until 1836 when the occupation of such lands was legalised with the issuing of licences. It is only from that time when the official records commenced that the occupants are known, though many had been on their places some years earlier. Information from letters sent to the Colonial secretary sometimes gave dates when people were on outside land. Occasionally, a witness in a court case, many years later, may state when he was on a particular run, or when it was formed. Many of the men who applied for licences possessed land, both granted and purchased, located from the foot hills of the mountains through to the counties boundaries, near present day Cowra and Canowindra. There were others who had land holdings in the south, around Goulburn, Yass, and nearby parts, but most of those moved down the Murrumbidgee. They had all been grazing stock outside the nineteen counties or the limits of the colony for legal settlement for a varying number of years.

Although the Lachlan region is the main area of focus, of necessity, material is used from other nearby districts where examples of activities either have not survived the years or were not recorded. The river was the division between two squatting districts, created by the 1836 Act, that of

Lachlan on the left bank and Wellington on the right, encompassing a large area of central and southern N.S.W.

I have chosen a selection of five squatters with different backgrounds, who had runs fronting or near the Lachlan River to give some detail of squatting from the 1830s through to the 1860s. They range from men who arrived free to the colony, one who had been a convict and two who were born in the colony but whose fathers had been convicts.

It is necessary to first understand the circumstances which were taking place in the colony over the years which led to the occupation of land by such people as a place to graze livestock.

The New South Wales Colony

Tracing the Early Occupation of Crown Lands in parts of the Colony of N.S.W. since Inception to Selection.

When a penal colony was established in 1788 in a country in the southern hemisphere, first called New Holland, later called Australia, all land east of longitude 135° became the colony of New South Wales, and on part of that land, first claimed in the name of the King of England by Captain Cook in 1770, the settlement was founded and land use varied over the years as the population grew. At first, with the colony facing starvation, their main usage was to grow whatever foodstuffs were possible, and to graze the small number of animals which had survived the voyage, though a number of those had only been shipped from South Africa. Livestock numbers remained low for some years; for example there were only 6124 sheep in the colony in 1800.¹The land was never valued to the same degree that it was in England, with this attitude being influenced by the poor soils that were first encountered in the Sydney basin around the settlement, and these were frequently referred to as “waste lands” which meant they were not cultivated growing crops, nor grazing livestock, with that term in use in England at that time. It was still in use in the mid 1840s, when the act which created pastoral leases on Crown lands was referred to as the “Waste Lands Act.”

For many years the colony land was granted or leased, as a means to having it improved by clearing trees so that it could be cultivated, occasionally though some was only grazed with livestock producing wool and meat. The unappropriated lands were so little regarded by the colonial government that grazing of livestock was permitted free of charge to selected acceptable people, until 1826. This understanding of land “going to waste” unless it was growing crops, also helped frame the attitude of the British towards the original inhabitants of the country, in that, if they practiced no agriculture, then they had no claim to its ownership.

At the time of the creation of the colony, England was in the midst of a land program termed the “enclosures”, where open fields and commons were being fenced with rails and quick-thorn, with people from the villages and towns being denied access to those lands, creating a huge disruption to

¹ Sydney Morning Herald-April 18, 1911

people's livelihood. The attitude to land usage in that country was, "The waste [land] was an enemy to be engaged and beaten", which followed on in the colony with granted land having improvement conditions attached to them.

It was also stated, "The cultivated landscape was associated with the civilised known world and the uncultivated with the hostile and inhuman."²

With such a framework of belief, created in a small country, the colonial Government, in a large one, had to in time alter its approach to land usage. With so much at its disposal, leading to the gradual development of widespread grazing on Crown lands, the land was being put to some productive use running animals which turned grass into wool, meat or hides. Knowledge that a vast area of land was available for use in the colony once the Blue Mountains were crossed helped support the "waste lands" concept.

The shift from the early days when land was freely granted to the Robertson Land Act of 1861 in N.S.W involving the selection of Crown land was influenced more by the big increase in the population of the country as a result of the discovery of gold than any real change in attitude towards those lands.

The early Governors in the colony of New South Wales had to direct all their correspondence originally through the Home Office, and then later through a Colonial Office which was created by attaching it to the War Office in England in the 1790s, with a small section taken off the Home Office, staffed with two clerks, and so making it a very minor department. It was Henry Bathurst the 3rd Earl of Bathurst, Secretary of State for War and Colonies from 1812 to 1827 who was responsible for creating the Colonial Office into the strong institution it was to become, but with England constantly at war with France following the revolution and the later Napoleonic France, and with many more important colonies to manage, the affairs of a convict colony on the other side of the world were of minor importance till the war in Europe ended with the victory at Waterloo in 1815. During the peace that followed there was more interest in England of a country that may be suitable for the broader settlement of people on land, rather than just a place to deposit England's unwanted, particularly after the Blue Mountains were crossed in 1813, opening up vast new areas of fertile country. The sheep flocks of Europe had been decimated by the many years of war and with the N.S.W. colony exporting sufficient quality wool to England and in increasing quantities, it showed that it was a country where good wool could be produced. Interest increased in the emigration of people prepared to take up land to run sheep on, and the government in England encouraged them by giving grants of land, but there was a later provision that the person must prove to be possessed of sufficient capital to satisfy a land board as to their eligibility. Demand from the woollen mills in England was also a factor encouraging land settlement in the colony, as the amount of wool they required rose rapidly, with both increased local demand and exports of woollen fabrics.

Governor Phillip was sent additional instructions on August 22, 1789 by the Home Secretary William Grenville, on granting land in the colony to men in the N.S.W. corps who wished to remain in the colony when their detachment left, as well as "such other persons as may be disposed to become settlers". Such people could only be granted an area allowed a non-commissioned officer, 100 acres.[a private was limited to 50] This despatch was sent out on the ill-fated ship, the Guardian which struck an iceberg on its voyage to the colony carrying much needed stores. The Juliana brought it on to Sydney from the Cape of Good Hope and it was acknowledged by Phillip on June 17,

² Commoners, common right, enclosure & social change in England-J.M.Neeson

1790. In these instructions was a list of fees on land grants which included one for “a license of occupation”, with five shillings payable to the Governor and two shillings and six pence to the secretary, along with other fees payable to the local administration, and it may have been payable only for an individual grant but no further information as to what this term implied. This licence is not leasing as the instructions stated that the land adjoining the grants could be leased for a period not exceeding fourteen years “...and on such terms and conditions as you shall judge advantageous to our service.”³

The instructions were the start of various methods of land settlement, implemented by the Governors in the colony of N.S.W. which were sent first from the Home Office, and later the Colonial office, on the disposal and occupation of Crown lands, and remained so until these powers were transferred to N.S.W. with the formation of responsible government in 1856.

Early Occupation of Land in the Colony of New South Wales

Land in the early years of the colony was granted, leased from the Crown, or purchased, as all land was held in the name of the King. Livestock grazing on this country often ranged freely over adjoining Crown land and with very few domestic animals in the settlement the main concern of authorities was the raiding of gardens by straying stock, particularly pigs, as few places were fenced, or “railed” as the settlers called it, with timber lengths, either split or round, fitted into mortised wooden posts. The stock originally were few, and with the grazing capabilities of the land adjacent to Sydney being of a very poor nature, growing mostly a fibrous, widely spaced, non-nutritious herbage, so they roamed over large areas to survive, much more than their allotted land. The cattle which “escaped” in the very beginnings of the settlement, and being good judges of grass, travelled as far south as the Camden region, called the Cowpastures after they were found there, before finding feed that suited them. Prior to Governor Macquarie’s arrival, with the colony in turmoil following Governor Bligh’s removal from office, animals grazing on Crown lands were not a major concern, but then Macquarie soon attempted to impose some restrictions. In 1811 he had notices published in the Sydney Gazette advising people with animals grazing on Crown land without any authority or permission from him, would be severely punished. Then in September of that year, there was another notice stating that due to frequent complaints from settlers in several districts that their crops were being greatly injured by trespassing cattle, from the neglect of stockmen whose duty was to keep their herds within the limits of their owners farms, district magistrates were instructed to erect pounds, to receive straying animals. Later in the same month, another notice reminded settlers whose crops were damaged that until fences were built to enclose their crops, “any damages which they may sustain from cattle trespassing on them can be but in a very inadequate damage compensation.”⁴This indicates that the problem of straying animals onto farmland could only be solved by fencing those farms, which with post and rail fences, involved a great deal of time, labour and expense to erect and many of the settlers had no funds for such an enterprise, so livestock damaging crops continued.

The problem of livestock grazing on Crown land then escalated as shown in a Government and General Order, dated December 9, 1815, which was in effect squatting on such lands.

³ H.R.A Series 1-Vol.1-Phillip’s Instructions-Aug.22,1789-pp-124-9

⁴ Sydney Gazette September 28,1811

The Governor being informed that several settlers and others have of late sent their herds and flocks to different unassigned parts of Crown lands, and especially to those in remote situations, without having previously solicited or obtained permission so to do. His Excellency cannot refrain from expressing his surprise at, and disapprobation of such unwarrantable and disrespectful conduct. And in order to mark the more fully that disapprobation, he now orders and directs that such persons as have sent their cattle to any part of the Crown lands without due permission, shall immediately cause them to be removed from thence; and if cattle of any denomination be found grazing on any of the Crown lands, after the first day of January next without such permission having been procured, they shall be secured and driven to the public pound nearest to the place where so found, and detained there until full compensation be made for the trespass so committed. Persons tending or having in charge any herd or flock of cattle grazing on the Crown lands, however distant and in Sydney, after the first day of January next, without due authority for so doing are to be apprehended by the constable of the district wherein the offence shall be committed and sent hither to be dealt with according to law.

By command of his Excellency. (Signed)J.T.Campbell. ⁵ [John Thomas Campbell-Secretary]

At that period, the use of “cattle” was still following the English meaning of both sheep and cattle, so “cattle of any domination” refers to precisely that meaning, with a later reference to “ any herd or flock of cattle,” confirming it.

As this order indicates, there was an increasing problem with unauthorised grazing of animals on the land of the Crown and with the expansion of the colony taking place, the area of land where they could be grazed rapidly increased, beyond the reach of any constable.

Following the crossing of the Blue Mountains in 1813, the road over them was reported to be completed by William Cox on January 21, 1815, and on April 25, Governor Macquarie, accompanied by his wife, Captain Antill, Dr William Redfern plus others, journeyed over the mountains to Bathurst, staying a few days while Macquarie and party rode around that region, assessing the country and finding that within a distance of ten miles from the site of Bathurst, there was about 50,000 acres clear of trees, as well as other areas they rode through on route, sparsely timbered suitable for the grazing of livestock.

A military guard was stationed at the first depot on the mountains to prevent any person travelling who did not have a pass with most privately owned cattle and sheep excluded, stocking the western slopes over the mountains first with Government owned cattle. William Lawson, one of the explorers, was among the first of private owners to take to take cattle across, as well as William Cox, with Wentworth much later, but Blaxland never did, choosing to instead take livestock through to the upper Hunter River area.

Rowland Hassall, superintendent of Government stock wrote a letter in August 1815 to Macquarie following his return to Parramatta from inspecting cattle to the west of the Blue Mountains. The weather was cold, wet with snow, with about 100 cows and calves perishing at the stock station established at the Vale of Clwyd, near later Hartley, from exposure. He and his party rode on to Bathurst to assess other more suitable sites for cattle, writing that William Lawson’s cattle on the

⁵ S.R.-Reel 6038-Col.Sec.papers re land S.Z.759-page 163

plains near Bathurst were now fat, having arrived there poor some months earlier, and William Cox also had about 400 cattle on the plains looking well, both herds being possibly the first privately owned cattle west of the mountains. It snowed for the whole day when they were in Bathurst, with Hassall stating that it was the first snow he had seen for twenty years, and was like a winter's day in England. On their return, it was decided to move the cattle from the Vale of Clwyd west to warmer parts, as the whole area was now covered with snow, but by the time they rode over the mountains it was bright and sunny, the party being away about a fortnight. It is interesting how the climate was so different on the coastal plain with Hassall having never seen snow in twenty years until he experienced it on the western side of the Blue Mountains.⁶

A copy of the letter is in an Appendix C.

A proclamation⁷ dated January 1, 1817, printed in later editions of the Sydney Gazette, stated that a pass, licence, or certificate was required from the Governor or his secretary by any person requiring travelling through the Cowpastures or west of the Nepean with cattle where Government cattle herds were stationed. This was to counteract cattle theft, with the penalty for stealing or slaughtering them being death. Any livestock whatsoever passing through these lands would be forfeited to the Crown unless a pass was produced by the stockman with them. To resort to such measures indicates that there was probably a great amount of thieving of Government cattle, but these measures seem rather draconian following on the death, probably of starvation, of the cattle in the Vale of Clwyd.

Possible Early Discovery of the Lachlan River-Exploration of the Interior of the Colony

Amongst a collection of papers known as the "Brabourne Papers" originally in possession of Sir Joseph Banks, is a letter dated July 29, 1801, Governor Hunter to Banks, forwarding the journals kept by a young man who had on two occasions had been sent to explore the country south-west of the settlement of Sydney.⁸

The discovery of the Lachlan River on May 27, June 1815 was possibly its second discovery, the first being in 1798,⁹ when a young man, John Price kept a journal on two journeys into the interior south west of Sydney. These expeditions were led by an ex-convict named John Wilson who had been a continuing problem to Governor Hunter for a period of time.

John Wilson with three other ex-convicts[named] have at various times and opportunities, absconded from the situation in which they have been placed and from the work which it was their duty to have performed and are at this time employed in committing depredations upon defenceless settlers and others who live at a distance from any protection and whereas in the many robberies and cruelties which have lately been practiced upon the above defenceless people by numerous bodies of the natives in depriving them of their

⁶ S.R. Reel 6065-4/1798-p.p.1-5

⁷ Sydney Gazette January 4,1817

⁸ Lord Brabourne was a descendant of Banks

⁹ History of Australasia-Arthur W.Jose-Angus & Robertson-1909

livestock, burning their homes and destroying in a few minutes the whole fruits of their former industry, as well as wounding them and sometimes murdering them; there is much reason to believe from white men having been seen frequently at such times amongst them, that such acts of violence have generally been aided and assisted by these deserters.¹⁰

A public notice was given from May 13, 1797, with fourteen days to surrender to authorities or face execution without trial. He must have survived as he was in the settlement the following year. Hunter was prepared to use Wilson as guide of the exploring group as there was nobody else with the skills of bushcraft to survive in such a hostile environment that they were venturing into for a number of weeks.

The first expedition was to show the Irish convicts who were escaping into the bush that there was no civilisation beyond Sydney Cove and Parramatta. The second journey was to find more of the cattle which had been located in the region to be later called the Cowpastures and had spread beyond that region. This second journey left Prospect Hill on Friday March 9, 1798, guided by John Wilson who had spent many years living in the bush with aboriginal natives. He was a gamekeeper to a number of the officers, shooting animals and birds for the table and was accompanied by John Price, a man called Collins, not David, the Judge Advocate, and Henry Hacking; [Hacking returned to Sydney after five days]. They crossed the Nepean and travelled south-west, the distance and direction recorded each day. Prior to Hacking's departure they found more cattle and the reason given for continuing their journey was made by Wilson that as they had plenty of provisions, he would try to get the skins of some birds and animals for the Governor. [He was the first to bring back to Sydney a lyrebird's skin].

After two weeks of walking in a south-west direction over difficult terrain [over 280 miles recorded] they came to a river. This was possibly the upper reaches of the Lachlan. Price states that to the southwards, "it runs to open country at a great distance". Being short of food they returned to the settlement in a distressed state, reaching Prospect on Tuesday April 3, 1798. Governor Hunter appears to have made no use of this discovery apart from sending the journal to Sir Joseph Banks in England. The colony was after all a penal colony and the authorities treated its barriers as an advantage. It was only much later when the increasing numbers of livestock needed more pasture land to graze on, that any real effort was made to break those barriers.

A surveyor,¹¹ Richard H. Cambage in 1919 methodically retraced the direction that the party walked and in tracing distances, high points and places where water was crossed, decided that the mountain that the party viewed the river from was Mount Towrang near Goulburn and the river they saw was the Wollondilly, but until then it was still believed that the Lachlan had been possibly reached.

Price's journal states, on Friday March 23rd 1798;

We saw from the mountain a river that seemed to run away to the W'd[westward]steered our course N. to get to it. We found it to be about the size of the Nepean River, with a great run of water. To the southward it runs to an open country a great distance.¹²

¹⁰ S.R.-Reel 6037-original at Mitchell Library-safe 1/18b-May 13,1797

¹¹ R.A H.S Journal Vol 6-1920-R.H.Cambage-Oct. 28 1919

¹² Historical Records of N.S.W. Appendix C-Vol 3-pages 823-828

Cabbage writes that it is difficult to explain why the river “seemed to run to the west.” In reconstructing the journey he stated that to give some reasonable weight to the direction quoted, it is necessary to accept the distance as being about half of that quoted.

Regardless of whether the Lachlan was reached or not, what was of importance was that Governor Hunter made no use at all of the discoveries; in fact the knowledge was suppressed for fear that it would provide an escape route for convicts already attempting to escape from the confines of the penal colony.

Wilson did not live much longer, being speared in a fight in 1800 and John Price returned to England in the Buffalo with Governor Hunter. The absence of anyone with firsthand knowledge would have hampered any further exploration to the south [particularly the death of Wilson as a guide] but perhaps the main factor would have been the deliberate lack of involvement and interest by the authorities at the time with its desire to maintain a barrier to the coastal colony. It was after all a penal colony. Also the early governors were naval men, comfortable on water but who found the Australian countryside hostile.

[Hunter never mentioned John Price by name but just as a servant. His name was found in the list of men who sailed with Hunter to the colony on the Reliance in 1795 and returning in 1801 on the Buffalo. Another passenger on the Reliance was Bennelong returning to Sydney after being taken to England by ex Governor Phillip when he left the colony on December 10, 1772.]

David Collins, former judge advocate, who read the journal on his return to England, and includes some portions in his second book, published in 1802, does not name him but states “the governor sent a lad, a free servant of his who was capable of giving an account of the occurrences of the journey”¹³. On only one occasion does his name appear in the journal when he records, “...we perceived the river that Wilson and Price was (sic) at before...”¹⁴

Evans discovers the Lachlan River.

George Evans, Governor Macquarie’s deputy surveyor on his exploration west of Bathurst in 1815, discovered the Lachlan and travelled along portion of it near where the Belubula River runs into it and then along to its junction with Mandagery creek, called Byrnes creek by Evans after one of his party, James Byrnes. The river was named after Macquarie’s son also Lachlan. Its extent was confirmed by John Oxley’s expedition of 1817, when, meeting the river near the Belubula junction, and going downstream, provided knowledge to the colony of another inland river besides the Macquarie. Oxley during his exploration formed a depot for about six months not far from the two rivers’ junction, called Soldiers Point and had followed Evan’s marked track to reach it. Evans was in the party as well as James Byrne who had been there earlier with him in 1815. He had been a convict in the party of the 1813 Blue Mountain crossing, making his inclusion in Oxley’s party his third journey to the west of the coastal settlement. The track to the Lachlan followed creeks flowing into it, and defined a route for many years for men to follow with livestock travelling west.

Evans was replaced by Oxley for the second journey at the request of Bathurst in the Colonial office for no other reason than his lack of descriptive writing when he reported on his 1815 exploration.

¹³ An Account of the English Colony of N.S.W-David Collins.-Vol.2-Ch.9

¹⁴ Historical Records of N.S.W.Vol.3 Appendix C-page 826

“...yet he does not appear from the style of his journal to be qualified by his education for the task of giving the information respecting this new country which is so desirable to obtain.”¹⁵

Oxley travelled down the river in a wet year, but when Thomas Mitchell and his large party followed the Mandagery creek, to the river, reaching it on Waugan, Thomas Pye’s cattle run in March, 1836, it was dry. A lake further down the river that Oxley had named Regents Lake, now Lake Cargelligo, full in 1817 was nearly dry. Mitchell wrote on the trees near the lake.

On its northern margin and a good way within the former boundary of the lake stood dead trees of a full grown size which had been apparently killed by too much water, plainly showing, like the trees similarly situated in Lake George and Lake Bathurst, to what long periods the extremes of drought and moisture have extended, and may again extend, in this singular country. ¹⁶

Apart from some water holes in the bed of the Lachlan, it remained dry for its entire length to the Murrumbidgee, which was flowing, giving Mitchell his first opportunity to launch a boat which had been on a carriage towed by bullocks. 1836 became a wet year and by June, Mitchell encountered floods when he reached the Murray River.

Licence of/Tickets of Occupation

Governor Macquarie restricted the movement of stock across the mountains and south to the Goulburn plains, reserving the grazing of the land over the mountains to Government stock and a select number of men who had his permission to send stock, usually cattle there. One such man was William Browne, a big merchant in Sydney who wrote to Macquarie on May 20, 1820, requesting permission to send stock beyond Bathurst.

Finding my own lands inadequate to the maintenance of my own stock, and having purchased all the stock of the late Mr Nichols’ estate for my son J.W.Browne, and my nephew Thomas O’Brien, I have to request your Excellency’s permission for them to proceed to or beyond Bathurst, with their sheep, some cattle and servants for the convenience of pasture in such manner and under such regulations and restrictions as your Excellency may be pleased to prescribe to which I engage on their behalf that they will be duly attentive. ¹⁷

A reply came from the colonial secretary, dated June 9, 1820.

Having delivered to his Excellency the Governor your letter soliciting permission to send a flock of sheep under the personal of your son and Mr O’Brien to a pasturage beyond Bathurst where they will not interfere with the pasturage appropriated to Government purposes or specially granted to individuals, I have it now in command to inform you that his Excellency, relying on the assurance that your flocks will be kept completely remote from the Government pasturage or other appropriated lands and confiding in the gentlemen who are to proceed with them that they will conduct themselves in every respect correctly,

¹⁵ H.R.A. Despatch 68-Bathurst-Macquarie April 18,1816-p.114

¹⁶ Three Expeditions into the Interior of Eastern Australia-Vol 2-Thomas Mitchell

¹⁷ Col Sec-William Browne-letter 4/1744-May 26, 1820

grants you the solicited permission and this letter will be an authority for the if proceeding thither accordingly. J.T.Campbell. ¹⁸

The route west over the Blue mountains was guarded across the Nepean river and the men with the Browne stock would have had to present the letter to the constables stationed there to show they had authority to proceed. The route south through the Cowpastures which still contained Government cattle was also protected and a similar pass was necessary to travel through with stock. By the time Governor Brisbane's term as governor commenced on December 1, 1821, livestock had outgrown the available land in the Sydney region. Increased numbers as well as drought, and a plague of caterpillars which had eaten a great quantity of grass created a demand for new grazing lands to be made available. Brisbane or possibly the Colonial secretary Fredrick Goulburn used a "licence of occupation" which was attached to the granting of land, and had been available to all Governors since Phillip's time. It was adapted for a different purpose, in permitting people to graze their animals on Crown lands, but allowing the Government to have some control over and knowledge of people who had stock on such lands. The fees charged were small, all that were available under the regulation, of 5/- to the Governor and 2/6 to the Colonial secretary, ¹⁹but more importantly a legal way had been found to place settlers' livestock upon Crown lands. It was probably a Colonial solution to a Colonial problem as there are no despatches on the matter. Using the Browne letters as a guide, it appears that Macquarie did not use it for temporary grazing. James Atkinson in his book called it a "trifling fee" ²⁰ and the paper issued was called a "ticket of occupation." It recorded the name of the person it was issued to, who was in charge of the stock, who also were the stockmen, an important requirement as many were convicts, as well as the numbers of animals and their brands. As many of the places that became occupied were unknown to Government, the usual practice was for stock to be moved to a chosen location, and then a license of occupation applied for, issued by the Colonial secretary. He would then write that the holder could graze his sheep and cattle at the designated place two miles in any direction from a hut or stockyard, providing it did not interfere with any other person's stock. The holder was also required to vacate the run, six months' notice being given, if the land was granted or purchased. Disputes are seldom recorded, but one that survived occurred on the Goulburn plains in 1823 between James Meehan and Dr Robert Townson. Meehan was given a licence, signed by Brisbane himself, to occupy a run to the south of Townson's where he, or his overseer placed cattle and was subsequently accused of trespass. After a number of letters to the Colonial secretary, it was shown that Townson's sheep and cattle were occupying more country than they were entitled to graze. ²¹ There were probably many such disputes, but resolved by the parties concerned, without involving the Colonial secretary.

Payments for the lease of Crown lands was so small, that the Colonial government was satisfied that some form of return was coming from this land from grazing which was otherwise idle, as long as there was a record of the occupant. As late as 1825, settlers who were purchasing land could rent it for 15/- [fifteen shillings] per 100 acres per annum for three years before they concluded the

¹⁸ Col Sec-William Browne-letter 4/1744-May 26, 1820

¹⁹ Blue Book-1822-Fees-Secretary's Office

²⁰ An Account of the State of Agriculture etc-1826 edition-page 65- James Atkinson

²¹ Fiche-3068-James Meehan-4/1835A-p.279 90

purchase, if they chose to do so at all. This equates to less than two pence an acre, making it unlikely that the Government could successfully charge people much for grazing animals on its land.

William Redfern was one example of someone who had been given permission to graze stock across the mountains on Crown land during Macquarie's term in office, as a letter from Henry Antill indicated an early record of land occupation in that region with livestock.

Colonial secretary, May 16, 1823: Mr Redfern was disturbed on the Ticket of Occupation he had for four years enjoyed at Winburndale creek.....H.C.Antill Esq. Liverpool.²²

Henry Antill, Dr William Redfern's brother-in-law was writing on his behalf while Redfern was overseas, and shows that the livestock had been there since 1819.

People who erected improvements, such as huts and yards on the runs were compensated if the land was sold or granted to another. A letter from Thomas Wills, also a brother-in-law of Redfern's to the Colonial secretary stated that Redfern's yards on his grazing run on Winburndale creek, which he had to vacate, had only been valued at £10 by William Lawson, commandant of the settlement at Bathurst, when he was aware that they had cost over £50 to erect.²³

Another early recorded application for one is that of George Suttor's who came to the colony in 1800.

²⁴To His Excellency Major General Sir Thomas Brisbane, K.C.B. and Commander in Chief:
The humble memorial of Geo.Suttor respectfully showeth that your Excellency's memorialist came to the country in the year 1800 in the service of the colony under the patronage of the late Rt. Hn. Sir Joseph Banks, having been bred to agriculture and horticulture. Your Excellency's memorialist having now a family of nine children and not having sufficient land for the support of his numerous family and livestock; solicits your Excellency's permission to take part of his family with a flock of between 3 & 400 mixed merino ewes and a herd about 90 horned cattle out into the interior of the country in the neighbourhood of Bathurst; memorialists intention being with your Excellency's permission to raise wool and cultivate tobacco and your memorialist will as is duty bound ever pray etc.
Balkham Hills[sic] January 10, 1822.

The reply is dated January 15, 1822;

Colonial Secretary's Office: In reply to your memorial to his Excellency, Sir Thomas Brisbane; on the 10th instant, I am directed to acquaint you that there will be no objection to your sending a flock and a herd of cattle under the charge of a party of your family into the neighbourhood of Bathurst, provided you do not interfere with the grazing runs previously established, and send into this office an accurate description of the spot you may select.
F. Goulburn. Colonial Secretary.

This reply shows that there were already grazing runs in existence in the Bathurst region, and that the authorities wished to record the person taking care of the animals grazing on Crown land, a

²² S.R.Reel 6010-.Col.Sec.- letter-4/3508.

²³ S.R.Reel- 6065-Col.Sec.4/1798-May 18,1823-p.207

²⁴ S.R.-Fiche 3058-letter 4/1833-No 52-p.183-6

requirement which continued in later years when the stocking of land beyond the boundaries was legalised. George Suttor settled on land in the Bathurst district, with some of it still being occupied by his descendants. He had been a voluble supporter of Governor Bligh and consequently was out of favour with his replacement Macquarie, so did not receive the land grants that others gained. Some of his sons later held a number of extensive squatting runs along the Lachlan River.

Some more examples of tickets of occupation follow.

[copied-July 14, 1826.]²⁵ Applicant, Dennis Green, for a quantity of land, 3000 acres around his stockyard at Burragorang, bounded on the south by the Wollondilly River, on the north by the mountains, on the east by forest land and on the west by hills, for the use of his herds. Cattle depasturing, 96 head branded WH right hip, 118 branded FZ left hip, 30 branded G on right hip- Total-244. Men in charge, George Gray, free and John Hart per Atlas, life, assigned servant, the Government to give six months notice to resume possession if required.

As only 30 head of the cattle were branded with a G, most likely to be Dennis Green's brand, the remaining beasts would have had other ownership, and at that time would have cost the owner 10/- (ten shillings) per annum to graze them along with Greens.²⁶

Dennis Green was an original applicant to squat in 1836-7 on the Lachlan River and in July 1838, he applied for a grazing licence, but Commissioner Welman's itineraries have not survived, so his run cannot be located. Crosby's 1839 itineraries do not have him listed so it is possible that he sold his run to a squatter who came later to the area.

He lived at Bringelly, renting a farm called Purkham Farm for 40 years, but died on the Lachlan at Wowingragong, aged 74 in 1855.

Another example is that of John Wood of Bringelly.

I am directed by the Governor to convey to you his sanction for a temporary occupation of 3000 acres of land, two miles in every direction on two sides of a small creek called Blaxland's Swamp, bounded on the south-west by scrubby hills, on the north by a scrubby hill which divides Pierce Collet's run and east by the Grampian Hills, which separates it from the run, granted on August 25 last to Mr Thomas Wills. F. Goulburn²⁷

The grazing run occupied by Thomas Wills on August 25, was at Cox's Pass, between Hartley and Bathurst, where he later was granted land during Brisbane's period in office. He then declined that grant when Darling was governor in the hope of it being relocated to a better area but was unsuccessful. All three of these men later held runs in the Lachlan Squatting District, with John Wood's being Brundah, which he was believed to be occupying in 1833. The town of Grenfell to-day is sited on part of it.

Thomas Will's father, Edward, had received a life sentence for highway robbery, arriving in the colony July 26 1799 on the 'Hillsborough'. Redfern was married to his sister Sarah while his other sister, Eliza married Captain Henry Antill, Macquarie's aide-de-camp.

²⁵ S.R.Box-4/1917.10-March 11,1824

²⁶ Advertisement-S.G.-May 8, 1823

²⁷ S.R. Reel-6011 letter-4/3509-Oct. 9, 1823 p.398

Probably amongst the earliest men to have livestock in the vicinity of Bathurst were William Cox and William Lawson, having grazing runs adjoining on the Cudgegong River to the north,²⁸ as well as having early land grants. Lawson later had cattle possibly well down the Macquarie River, as a letter written by his son, also William, dated May 12, 1824, that their cattle were 150 miles from Bathurst, as grass was beginning to be depleted around Bathurst. This is an example of how far stock were down a western river, with some runs being beyond the government settlement at Wellington. These cattle and sheep were located in areas well before the limits to the colony were created, with their owners following the practice of moving to new ground when the need arose. The Government was also taking back grazing runs around Bathurst as its flocks and herds increased, which would have been a further inducement for the people removed from them to travel further west to new country for their stock.

Tickets of occupation were abolished on August 30, 1826, though six months of additional time was allowed before livestock was required to be moved. Many remained occupied with the occupants becoming squatters. There was no mechanism in place to enforce their removal as magistrates had no power to evict them, which could only take place if a constable served them with a warrant for selling "sly grog" or for cattle stealing. Shortages of feed or water through either drought or increased numbers of livestock were frequently the main reason for stock to be moved to a fresh run. Another was intrusion on the land by adjoining neighbours grazing animals. It was recorded in a paper of the period that "... at least two million acres had been held after the manner of tickets of occupation"²⁹ This shows that there was a vast area of land occupied exceeding the "two mile circle" permitted originally. The Government had legislated to rent the land, at £1 per 100 acres, but another reason supporting their abolition was that many were supposed to be occupied by cattle thieves who were plundering the herds of people who held granted and purchased land in the same areas. The changes to free grazing of Crown lands were a compelling reason for livestock to be relocated beyond the boundaries.

The tickets of occupation created the opportunity for many of the stock holders in the colony to move their sheep and cattle from the overstocked coastal regions to land where their animals usually performed better. In a farewell address to Governor Brisbane, William C. Wentworth stated that they were one of the prominent features of his administration. "...they had contributed wonderfully to the increase of our flocks and herds, which were the main dependency of the Colony."³⁰ By permitting the grass growing on Crown lands to be consumed by sheep and cattle, Brisbane had assisted in greatly increasing the wealth of the colony.

Squatting Defined.

Squatting was a derogatory expression used originally to describe a type of settlement in the colony, usually by ex-convicts who moved to some piece of remote bush where grazing was possible near a creek or river, built a hut to live in and ran a few sheep or cattle. They became a concern to the

²⁸ S.R. Reel 6008-letter-4/3504A-p.239-Jan.5,1822

²⁹ The Australian-August 27, 1826

³⁰ The Australian-The Farewell Address-October 27, 1825

established settlers who believed that they had acquired their stock through thieving, but in many cases the ownership of their cattle or sheep was legitimate.

When squatting moved outside the nineteen counties it was then just a gradual shift of the occupation of Crown lands which had been practiced for some time by all levels of society in the colony to more remote regions of the colony.

Governor Macquarie established payment for convicts in 1816³¹ with a male being entitled to £10 per annum [females £7] but with cash in short supply in the colony, those assigned on farms were often paid in livestock. Wages to convicts were discontinued by Governor Brisbane in 1822,³² but some stock holders continued the practice of giving animals when they left that employment. Most lived on places within the settled districts, and often not far from where they had worked when assigned to a landholder. Though it was contrary to regulations to assigned servants, it may have been practiced when the assigned servant was reliable and his master was dependant on him to take good care of his livestock. A settler, John Wood, just west of the Blue Mountains, who gave "...wages to a convict in charge as a shepherd of his best ewe flock of Saxon sheep," was replied, "This is contrary to regulations."³³ These though, were possibly ignored as Gipps had earlier written in a despatch to Glenelg in 1837.

Remuneration [for convicts]...this is not I believe the custom in N.S.W. though all experience teaches us that ... it is only by such means that anything approaching to a good days work can be obtained from a forced labourer.³⁴

Another regulation affecting assigned servants of more importance was in relation to tickets-of-leave, which came into place in late 1826. The main qualifications were that convicts with a seven year sentence must serve four years with one master, or five years with two without offence or punishment and must obtain good character from their master and magistrates of the district before receiving one. For fourteen years, it was six for one, eight for two, and twelve if employed by three. Those with life had their time extended to eight for one master, ten for two, and twelve for three.³⁵

The Commissioners of Crown lands, who were allocated specific areas with the 1836 Act, wrote of the people on the runs in their squatting districts, as settlers, the same as all the other landholders in the colony. The description of a squatter only seemed to achieve respectability in the 1840s with a re-evaluation in its meaning, as it became used for an occupier of a large area of land beyond the limits of the colony, particularly when the very large stockholder needed to be differentiated from the settler-cum-farmer. Despatches between the Governor and England also at about this time started to make reference to a squatter as being a respectable person, whereas in 1835 this was not the case when William Burton the Chief Justice said "Squatters are objects of great animosity on the part of the wealthier colonists."³⁶This came from address he made to a jury at the close of a criminal session of the Supreme Court in Sydney.

³¹ S.G.-Dec 7, 1816-Govt & General Orders-Dec 7, 1816

³² S.G.-July 12, 1822-Govt & General Orders-July 11, 1822

³³ S.R. Reel-2212-letter38/3894-April 18,1838-John Wood to Col.Sec.-Thos.Holliman petition

³⁴ H.R.A. Vol.19 Gipps-Glenelg 1837-p.96

³⁵ S.G.Nov.8,1826-Tickets-of-Leave Qualifactions

³⁶ H.R.A-Vol 18-page-230

Early Squatters and Runs of the Mid-Lachlan

It is difficult to gain information when the mid-Lachlan runs were first occupied but evidence given by a witness at a court case in Bathurst in 1860 over trespass of sheep on a run there revealed when one had been taken up. The run was Goolagong, or called Gully-gong in the case, taken up by a stockman, John Perry for Dr William Redfern, who was by then in England, never to return to the colony. It was about 1831, as he said that he had worked on the run for eight years and left when the cattle were sold in 1839.³⁷ Many of the witnesses spoke of only a few watering places in the river for cattle to obtain water, as well as naming one where the banks were too steep for them to safely drink. This would indicate that at that time, the river only flowed occasionally, unlike to-day where at that part it flows continuously, and stock could water anywhere as long as the banks were not too steep.

When the run was sold, Perry was employed as an overseer by William Redfern Watt, Redfern's nephew, on his run further down the river. He had arrived in the colony to take over the superintending of his uncle's squatting interests.

John Grant, who had been Redfern's overseer, had his cattle and the Redfern cattle running together up the river on Grant's run, later named Merriganowry and located between the current towns of Cowra and Gooloogong. It was occupied from about 1826, but when the cattle were divided, about 1500 head of Redfern's were brought to adjoining country downriver to the new run. He, Perry, was the only person on the new run, and the cattle in time walked to the south, away from the river to the Oma creek and beyond, a distance of over 25 miles. When the cattle and run were sold to Ephraim Howe, the cattle herd when mustered numbered around 1200 head, with many being lost in those regions. The cattle were moved, probably down the Lachlan to the run he purchased from Mrs Everenden following her husband's death, which became named Warroo. Howe on July 1, 1831 was permitted to select 1384 acres of land which he chose to take near Canowindra and named the Priory, in compensation for land at Cowpastures, taken from him and granted to the Church. Thomas Icely of Coombing Park purchased Howe's land in early, 1838.³⁸ Perry also said that [Samuel] Blackman formed the next run down the river named Nanima eighteen months he came, which would be in about 1832 or '33.³⁹

At another court case, again of trespass in 1848, on adjoining runs Jemalong and Towyal, witnesses spoke of the early method of grazing stock along the Lachlan where they were grazed "hut to hut" down the river. With hut sometimes substituted by stockyard, the territory of each run fell between the two points, and stock were moved back if they crossed that line. When Edgar Beckham became the Commissioner for the Lachlan district in 1841, he changed this practice, allowing half a mile and sometimes more above or up-river from the huts.⁴⁰ This did create some conflict with squatters who

³⁷ S.R.-2/6292-Judge Milford's Notebook-March 26-7, 1860-Neville v Wests-Bathurst Court

³⁸ S.R. Reel-1144-Col Sec re Land-letter-38/1633-Feb 14, 1838

³⁹S.R.2/6292- Judge Milford's notebook-March 26-7, 1860-Neville v West & others-Bathurst Court

⁴⁰ S.R.-Judge Manning's Notebook-Bathurst Court-Boyd v Collitt-Feb 26, 1848

had occupied runs before his period as Commissioner, and had been familiar with their previous run boundaries on the river.

All the runs on the Lachlan from Goolagong run down [except 1839 on Tomanbil] were cattle runs which required less labour than sheep to manage and were better suited to the drier, open country. The early cattle in the colony came from Africa when ships stopped at the Cape and from India, but soon many breeds of cattle, usually bulls of British breeds were imported from England and the quality of the cattle improved with the favoured breed especially west of the mountains being the Shorthorn or Durham as it was then called, including a milking strain of that breed.

The family of Pierce Collits who had Collits Inn at Hartley, was early recorded squatters along the Lachlan. "It is said that Collits had crossed the mountains before the real discoverers of the track."⁴¹ If that was the case, gaining permission hold a publican's licence for his inn at the foot of Mt York on the western road becomes easier to understand as an unrevealed reward. His son James was granted land on the Belubula in the early 1820s and then they later had squatted runs on both sides of the Lachlan and to the west of the Jemalong mountain range. James Collits received his land grant for finding a better line of road down Mt York and chose to take it at Canowindra, rather at Hartley where his father held land. A dispute arose with Thomas Icely over him occupying a different site to that which was surveyed and was resolved by Icely purchasing the land in 1837. James Collits stated when as a witness at a court case in 1854, that "In April '31 became a squatter on the Lachlan; in July '50 became a resident there."⁴² This statement makes him the earliest recorded squatter on that section of the Lachlan. Bundaburra, east of the Jemalong range was the main run of the Collits family, while others include Tilga [where Canowindra is now situated] as well as Nanima [on the north side of the Lachlan, the Wellington district]. The existence of another opposite shows how the runs prior to the 1836 Act straddled the river and is a rare example with both names surviving to-day as Nanami -north and Nanima-south.

On the south side of the river [the Lachlan district] and below the Jemalong range they held Towyal which Joseph Collits took up in 1838 as well as Cadow, a bit further down. The superintendent on Towyal was Joseph Miller, who in 1841 formed his own run called Geeron, located between Warroo and Cadow.

Back on the north side about opposite Bundaburra, Sophia Rawsthorne [ne Collits] had Carrawobitty in 1838. Still on the north, Trajere joined Thomas Pye's run Waugan where the Mandagery creek joins the river as well as Pye holding Eugowra run on that creek.

Tragere, sometimes Tragery, was licenced to John Rodd, but as he was a partner in Icely and Co, it is probable that Thomas Icely was involved with that run as well as Billabong and Walla Wallah, later held by Rodd. The partnership was dissolved in July, 1843.

The next run down river from Waugan was Yamma, licenced to Wills and Forrester followed then Thomas Arkell holding Troubalgie occupied it was believed in 1833. [A portion of that run was later incorporated into the town ship of Forbes] He also had Jemalong run for a time in the late 1830s which was used as a heifer station.

Bogabigal [also Bugabigal] George Rankin's run joined Troubalgie, then Carrawobitty [Thomas Morris, second husband of Sophia Rawsthorne held that licence for many years] and William Cummings on Grudgery on the west of mountain range of that name. [The range is now called

⁴¹ S.M.H.-The Collits Family-Aug 6,1932-Herbert J Rumsey

⁴² Bathurst Court-Bathurst Free Press-Sept 16, 1854

Corradgery] Cummings bought the run from W.H. McKenzie in 1839 and the next one down was Begerabong, taken up by Dr David Ramsay in 1835. [On March 31, 1825 David Ramsay married Sarah Ann Lord, daughter of Simeon Lord.]⁴³ His superintendent in a letter to the Wellington Crown land commissioner William Wright, in 1846 stated that when he formed the run Baagerabong for Dr Ramsay in May, 1835, it was the lowest station on the Lachlan River.⁴⁴

Back to the south, some runs recorded in 1839 by Henry Crosby, Lachlan district commissioner were Goolagong held by the late William Redfern, and occupied in about 1831, next was Nanima, taken up by Samuel Blackman, 1832 or '33. [Bandon run was next but was unrecorded] George Wentworth a son of D, Arcy, held Tomanbil for a few years, but probably bought it from John Neville, who formed it in 1835 and left in 1837. Walla Walla was next, held by William Redfern Watt [Dr Redfern's nephew] and the next run adjoining down river was Coban [later Cacubedna/ Enocks / Gambador /Gumbiegewa /Cumbijawa /Wandary] all names being for the same place at different times. Wandary, in use in the 1880s was a corruption of 'One Dairy' by the local Aborigines. Coban was licenced to William and Ephraim Howe, [from Minto] then came Wongajong Robert Bonnor [part of it also became later included in southern parts of Forbes] next Wowingragong Robert White followed by Wallah Wallah, John West and Jemalong, Thomas Arkell which was on the west of the range. [Arkell lived south of Bathurst on the Campbell River, and was at one time superintendant of Government stock.⁴⁵ He separated from his wife, Mary, by deed on June 21, 1820.] Further west of Jemalong, were two runs held by Joseph Collits and his father Pierce, while between them was a run held by Thomas Evernden, who was police magistrate in Bathurst and named in Crosby's itinerary as Mr Evernden's station. Following his death in September, 1839, his land at Bathurst was advertised for rent, along with the run for sale.

Also, to be sold, a mixed herd of about 200 head of mixed cattle with right of station if required; these cattle are at present on an excellent run on the Lachlan River, and there are amongst them a good proportion of bullocks for the butcher.⁴⁶

The run was purchased by Ephraim Howe, recorded by Commissioner Crosby in his itinerary, in his visit dated February 15, 1840, with cattle numbering 1674. It was named Warroo where previously it had been simply Evernden's station. In the remarks column he wrote, "One black generally employed who has been about the station during the last 6 years." This indicated that the run was taken up at least as early as 1834.

This list was for 1839/40 but there were naturally changes in personnel in following years.

There were very few women who held squatting licences and those who did were usually widows whose husbands were holding one when they died.

Alice Gibson was one with licences in the Lachlan district for many years. She had been the wife of Andrew Gibson, a doctor and veteran of Waterloo who had been given a veteran's grant of land, south of Goulburn in 1827, arriving in the colony in 1826 as assistant surgeon with the N.S.W. Veteran's Company. In 1827 he married Alice Faithfull, who brought into her marriage, a dowry of 60 breeding cows, as well as 60 more cows, 200 ewes and 2 mares as a further part of her dowry from

⁴³ Sydney Gazette-April 7, 1825

⁴⁴ S.R. Box 4/2759 C.C.L -1847-letter-47/18-James Keay to Com.W.Wright

⁴⁵ Sydney Gazette-Sat. July 28, 1821

⁴⁶ S.M.H. Dec. 4, 1839. Advt. Oct. 8, 1839

her father. They lived on their land grant called Tirranna, on the south-west edge of the Goulburn plains, and by 1831 Andrew had retired from military service.

In his application for a squatting licence in 1836, he stated that he had 10,000 acres of land, 900 head of cattle and 7000 sheep. Commissioner Henry Crosby, in 1839, listed him in his itinerary as holding two runs in the Lachlan district, one being Boga Bogalong just west of present day Grenfell and Bogandillon, between the current towns of Forbes and Condobolin. Andrew Gibson died in September 1840 and in 1841, Alice Gibson was recorded as the licence holder of Boga Bogalong, and later Caragabal on the Bland creek near Marsden, but remained living on her property at Goulburn. In February 1840, due to a shortage of water on the out-station on the Bland creek, probably Caragabal, the cattle were brought into the main run, Boga-Bogalong. Unlike many widows who soon disposed of their runs, she continued with hers, and must have been a competent manager as she in time increased her squatting holdings. When she died in 1888, one son, an executor, had the lease of Caragabal.

Occupation of Land on the Lachlan and Belubula Rivers

Any squatting on land along the mid-section of the Lachlan in the late 1820s remains unrecorded as the occupation of land there was illegal and many of the people illiterate. There were possibly small squatters whose runs were absorbed by the larger one as they moved down the river in the 1830s. Thomas Mitchell wrote of one named Bullabugan, about five miles down the river after the party left its camp on Waugan but it disappears from any record.⁴⁷ The survival of some names of stations on later maps is the only indication of their existence. As the 1830s progressed, runs were formed further along the river, with many others being created away from the river, where suitable creeks or springs provided watering places. Mitchell also described the tree cover in the region as "open forest." The term "forest" at that time differed from to-day's concept, meaning spaced trees, sometimes as few as four or five per acre. This had been achieved by centuries of controlled burning of the landscape by Aborigines, to provide better grazing conditions for the various marsupial animals they were hunting. As most of the grass species were perennial, their butts produced a green growth after the dry top was burnt.⁴⁸

An indication of how the tree cover increased in the following years can be found in the papers of a station named Warregal, which was north west of Forbes. It fronted the Billabong creek, and had originally been a back part of Bogabigal run which adjoined Forbes. In 1883 the appraiser for the run wrote, "Warrigal run consists entirely of box, oak and pine, formerly open country, now covered in parts by low scrub."⁴⁹ The trees were returning as the controlled burning had ceased. Grass burning was practiced by the squatters, but may not have taken place with the frequency of the previous burning, as they had livestock on their holdings which could not relocate to fresh country like marsupials. Grass on runs with sheep was more likely to be burnt than those with cattle, as cattle will eat more of the dry tops than sheep.

⁴⁷ Three Expeditions into the Interior of Eastern Australia-Vol 2-Thomas Mitchell

⁴⁸ The Biggest Estate on Earth-Bill Gammage

⁴⁹ S.R.-Run Boundary Files-Box 8/2415-Wellington District

[“Box” trees are eucalypts, usually rough barked, but not always, “oak,” refers to one of a number of species of casuarina, and not at all similar to the oak of England, and “pine” is cypress pine, also an indigenous tree species. Much of the low scrub would have comprised of seedling growth of these trees as well as some species of acacia.]

In the early stage of travelling down the Lachlan in 1836 Mitchell wrote of encountering more cattle belonging to squatters than he had seen in any other parts of the colony. Later in the region of present Lake Cargelligo, he wrote of numbers of wild cattle which were possibly some squatter’s livestock. He mentions stockmen on occasions, but not where they were living. As an explorer, he wished to be first in a region, which could be supported by not recording occupation of land by squatters outside the limits of the colony.

A letter from Arthur Ranken dated July 12, 1827 to the ⁵⁰Colonial Secretary Alexander McLeay contains information from that period. Ranken writes that he made his selection for his grant six months previously on the banks of the Lachlan River [within the limits] about seventy five miles south-west of Bathurst. Mr John Grant, overseer to Dr Redfern was claiming the whole of that country as his own, taking possession of both sides of the river [the southern side was outside the limits] for twelve to fourteen miles on each side of him. He had seventeen men, seven flocks of sheep and one thousand head of cattle and Ranken wanted them removed. Grant had not been with his men for four months and they had been left entirely to their own guidance and he feared something very unpleasant would happen between them and the Aborigines who were very numerous in that part of the country.

There was no recorded reply to this letter indicating the Government at that stage had no solution to the illegal occupation. To have as many stock as that meant they could have been grazing on that land for a while, though Redfern did own land only a few miles back up the river. It is of interest to note how quickly the numbers of sheep and cattle had increased in the short period since the mountains had been crossed.

Arthur Ranken was able to qualify for his grant of land under Government Order no. 35, Regulations for the Granting and Sale of Lands, dated September 5, 1826, where under one regulation they were not permitted to sell their grant without subjecting themselves to its forfeit, while another stated that they were not required to pay any quit rent for seven years, though there was another condition in that “the parties whether purchasers or grantees will not be put in possession of title deeds till the expiration of that period.”⁵¹[7 years]This condition was the result of sales in previous years, of land given as a free grant, soon after people had taken possession. Once he proved that he had sufficient capital, he was entitled to select his own land, in proportion to that capital, but only within the nineteen counties. The western boundary of the limits of settlement as defined under regulation 5, of September 5, 1826 was very vague, stating it commenced along the Macquarie River from the Wellington Valley to the 33rd parallel of latitude, to 148^o east longitude, south to the Lachlan River, east to the Campbell River and then south to the latitude of Batemans Bay. With such ill-defined limits it was easy to understand that there was confusion for years where land was situated.

⁵⁰ McLeay held the position from 1825 to resigning in 1837

⁵¹ Sydney Gazette Aug.25,1828-Govt.Order No.35-Sept.5 1826

Later the western boundary was better defined in being traced from Wellington to Molong, then upstream along the Molong creek to Mount Canobolas, then on its southern side along the Panuara creek to the Belubula River following it to its junction with the Lachlan and back upstream to its junction with the Boorowa River, and then part of the county of King boundary is along that river south, creating part of the western boundary to the settled districts. The county of Bathurst's western boundary was for many years ill-defined, particularly along the Belubula River and was not fully recognised till 1834, creating confusion as to whether land was inside or outside the settled districts around the now Canowindra and Cowra regions.

An example of the uncertainty of the boundaries is shown in an application made on October 7, 1829 by Thomas Wills for rent of four thousand acres for William Redfern and three thousand acres for himself south of the Lachlan, about sixty miles south-west of Bathurst opposite Mr Arthur Ranken's grant. The reply was;

Beyond the limits. I beg however most earnestly to recommend the occupation to be permitted to any extent westward, if the parties are satisfied with the land on condition that they shall not only be confined to the usual frontages, but subject to give up the land if required by the commissioners for townships, or other public purposes.
Surveyors Generals office, Sydney, November 4, 1829. T.L.Mitchell-Sur.Genl.⁵²

This indicates that the occupation of land outside the limits was not clear cut. The reference to townships would show that Mitchell believed at that in time more counties would be added to those already in place in the west, not that there would be no more there for about 30 years. Another reply from the Surveyor General the following year, July 26, 1830 was "Beyond the limits of the colony-consequently cannot be complied with."

⁵³ Later in October 1833 John Grant applied to rent twelve sections [7680 acres] either side of the Belubula and this was approved January 6, 1834. As it was alongside his own land and Thomas Wills purchased land, Mitchell appeared to be comfortable with this occupation and approved it.

⁵⁴On October 17, 1831 Thomas Wills of Varroville Minto near Campbelltown, south of Sydney, applied for purchase eight hundred and five acres on the north bank of the Belubula River for £426/17/9 which he paid for June 20, 1834 with grants executed July 26, 1834. By 1836 the Government realises its error in selling land beyond the boundaries before they were known or fixed.

Letter from Thomas Wills to the Colonial secretary McLeay, Varroville June 30, 1836.

Sir..My return home yesterday from the interior put me in possession to purchase certain lands on the Belubula River I do myself the honor to observe in reply, that having made my former purchase the head quarters of my stock establishments and having carried into effect some improvements thereon, I am not disposed, nor am I in a situation to make the proposed surrender. I deem it never the less incumbent on me to thank his Excellency the Governor for the offer. I now decline which under some circumstances might be an equitable and a considerate preposition and greatly prejudicial to my interests as the

⁵² S.R.-Reel 3118-Applications to Rent Crown Land for Grazing Leases-1826-31-No.5-Oct.7,1829

⁵³ S.R. Reel-3118-Applications to Rent within the Boundaries-Oct.1833

⁵⁴ S.R. Reel-1198-Col.Sec.

Governor's decision may be. I feel reluctant and decline further to urge a concession which would embarrass or inconvenience His Excellency in the most remote degree. In conclusion however I must beg to observe that it is an error in assuming that the land referred to in my application is beyond the boundary fixed for location by General Darling, there being two or more grants of land in that locality, the property in one, if not the whole of which was decreed from that Governor and further, that the land I now possess and I believe a portion of that applied for was occupied by an individual under some permission to purchase, none of the conditions of which purchase having been complied with, it was thrown open for public selection. I have the honor to be Sir Your Most Obedt. Servant Thomas Wills.⁵⁵

A corner note has other papers with Surveyor General stating Mr Wills purchased the land he now holds beyond the boundaries previous to such boundaries being determined open.⁵⁶

Wills writes in another, "One portion is bounded on the west by Collitt's 317 acres." After a number of letters and margin notes the Government allows him to keep it; they had little option as there were others with land nearby already.

December 23, 1830. Joseph Pye is another who owns land outside the limits. He requests that the portion of his grant in the Field of Mars be transferred to a place called "Coninander" near Mr Street's station on the Belubula River near the river Lachlan. In a later letter it is called Conounda.

By October 1831 Pye finds James Collits in possession of his grant and requests to move west seven to eight miles on the north bank of the Belubula River to a place called "Uddigaul" and was informed by the Surveyor general that the place was probably vacant. In 1836 he sells to William Lawson who owns surrounding country, the margin note on the letter saying the land is beyond the boundaries.⁵⁷

Another application to rent land in another location came from John Maxwell, superintendent of Government stock at Bathurst, as well as its station at Wellington.

John Maxwell-May 31, 1831. 1000 acres, Narragual, west side of Bell's River, 5 miles east from Government stock station at Nooria.

Reply: Beyond the limits assigned to grants. I am not aware however of any valid objection to the receipt of rent for any given quantity beyond these limits, so long as no inconvenience could result subsequently when the colony might be extended.

Surveyor General, June 1, 1831. T.L.Mitchell.

Again it shows that Mitchell thought that the limits were only a temporary measure, in writing of "when the colony might be extended". Narragual [Narrogal] later became Maxwell's squatting run in the Wellington district.

The terms of employment of men on the land at the time is in a case heard before the Bathurst Bench in 1833, giving an insight into values at that time.

John Bamford, a free emigrant, swore on August 20, 1832 he became a hired servant of William Lawson Snr. The terms of the agreement were that I would receive £10 for the year,

⁵⁵ Letter 36/5438 July 1 1836-State Records of N.S.W. Reel 1198-Col. Sec. Correspondence

⁵⁶ Letter 36/5060 S.R. Reel 1198 Col.Sec.

⁵⁷ S.R.Reel 1174 Col.Sec.letter-30/9657

a weekly ration of a peck of wheat [$\frac{1}{4}$ of a bushel or contents of a 2 gallon container] 8 pounds of meat, 5 ounces of soap and 5 ounces of tobacco. The agreement bound me to serve the term under Mr Lawson Snr, or any other person, being his agent or superintendent and I have been placed under the order of Mr Lawson Jnr as my master's agent. I have been at a station named Bellubulla for the past eight weeks, during which fresh meat has been issued to me twice a week and I have not received with it any soap or salt whatever. Signed- John Bamford ⁵⁸

He also had no bedding as it had remained at another Lawson place and had not been provided when he moved west. The Lawsons were found to be at fault, and were required to provide soap and bedding. They were not fined, but were required to pay him one month's wages as compensation. Both Lawsons were magistrates attached to the Bathurst Bench, but not in this case. £10 was the amount later in 1836, set as the fee for a squatting licence, with this account placing that amount into perspective, as an annual salary for a farm employee.

An emigrant such as Bamford had to have in his possession at all time some paper that could identify him as being a free person, otherwise he was at risk of being taken into custody as an escaped convict and taken to Sydney to be identified. These requirements were well explained in a book published in 1848, by an ex-convict, Charles Cozens.

All free persons are supposed to carry credentials about them certifying their freedom. The emigrant must be able to produce a certificate of his ships clearance; the emancipist, one who has served his conditional term of his emancipation; the free by servitude, he who has served his full sentence is required to show his certificate of freedom; the ticket of leave holder, his printed ticket. Should anyone be so unlucky as not to possess any of these documents, he is supposed to be a convict illegally at large and is liable to be taken into custody and forwarded a close prisoner in irons to Sydney for identification; and should he eventually prove a free man, he is discharged without the least possible chance of redress.⁵⁹

This situation led to many carrying a piece of paper attesting to their free status for many years of their lives.

Five Squatters on the Lachlan from Different Backgrounds

Four of the squatters chosen would have been outside the limits of settlement well before 1836 when such occupation was permitted, with the fifth arriving later and purchasing established runs. Of the over 450 people who successfully received squatting licences in 1836-7 the majority arrived free in the colony and George Rankin [or Ranken] was one of those, who are sometimes referred to as "part of the establishment."

He is the first squatter licenced on Bogabigal [or Bugabigal or Bocobigle, all spelling variations of the same place] on the Lachlan River where part of the town of Forbes is now situated. He migrated with

⁵⁸ S.R.-Reel 663 Bathurst Bench Books-Jan.23,1833

⁵⁹ Adventures of a Guardsman-Charles Cozens

his wife from Scotland arriving in Sydney February 1821, settling on a grant of land on the Macquarie River Bathurst in 1822. The Rankins had landed first in Van Diemen's Land but failed to find suitable land there. He brought dairying to his farm, having started cheese making previously on 2000 acres of land he rented at Petersham in Sydney, for £200 for seven years from Captain John Piper, securing the services of a Cheshire man with good experience and making cheese which proved a great success. So excellent was the quality it sold for 1/6 a pound. [with a man's weekly wage well below that, it was quite profitable]

To put the price of cheese in perspective, a stockman's wage at that time was £10 per year with a weekly free ration of 14 pounds of wheat [contents of a 2 gallon bucket], 8 pounds of meat, 1 pound of sugar, 5 ounces of tobacco and 2 ounces of tea, the tea being very important for it meant they were drinking a boiled drink which was helpful health wise due to the frequent poor quality of the water. The men ground their own wheat daily to make into damper on a hand mill or grinder usually fixed to a post in the floor of the hut.⁶⁰

An advertisement in the Sydney Gazette of June 3, 1824 reported on the arrival of the first cheeses made on a western dairy at Kelloshiel, George Rankin's farm." Mr Prichett[an agent]has received a quantity of cheese from the dairy of Mr Ranken of Bathurst which fully equals in quality the last year's production from his farm at Petersham so much approved of. Mr Prichett will furnish any person on application with a sample. To ensure a speedy sale, it will be disposed of at 1 shilling and six pence a pound. Allowances will be made to wholesale dealers". [It was used exclusively by the military canteens until 1828-he had a supply contract.] Janet Rankin, George's wife was reported to be making cheese at their Bathurst farm in 1823.

Arthur Ranken, brother to George arrived in the colony in May 1826 from Scotland accompanied by James Sloan who was to be his overseer. He brought some goods with him including two Scotch iron ploughs @ £12 each, three Scotch cheese presses @ £8 each, four English saddles @ £5 each plus other articles as well as purchasing fine woolled crossed merino ewes from his brother @ £3 each, colonial ewes of an inferior description @ £2-10-0, six working bullocks @ £12 each, one riding horse @ £50, and cattle @ £5 each totalling £2027. This schedule of property submitted in December 1826 was in support in an application for a grant of land. In August the two brothers had ridden along the Lachlan River to an area a little upstream of the junction of that river with the Belubula and selected a site which became his 2000 acre grant called Glen Logan.⁶¹

In a letter to the Colonial secretary, he writes;

I further beg leave to call your attention to a Mr Grant, overseer to Dr Redfern and who claims the whole of that country as his own, since my going there he has actually taken possession of both sides of the Lachlan River for 12 or 14 miles, on each side of me-he has 17 men, seven flocks of sheep and 1000 head of cattle. I cannot describe to you how much I have been annoyed by these people and their stock and until they are removed immediately, it will be impossible for me to remain amongst them.⁶²

⁶⁰ National Library N.994.45 RAN-The Rankins of Bathurst- Mrs W.B. Rankin pub. 1916

⁶¹ S.R.Col.Sec letters- Reel 1174

⁶² S.R.-Col.Sec.-Reel-1174- letter-27/6823-July 12, 1827

There was no reply recorded, as the authorities knew they did not have sufficient police or military to enforce any eviction, especially at the settled limits of the colony. What is also of interest is the large number of stock already out there, though there would have possibly been a number of owners, including William Redfern and Thomas Wills.

Colonial secretary, received April 7, 1827- Kelloshiel April 3, 1827 [showing how quickly a letter could reach Sydney from the west of the mountains at such an early date]

As my stock are now too numerous for my grant I have taken part of it to the banks of the river Lachlan where my brother Arthur has his grant of land and wishing to purchase four or five thousand acres adjoining his grant. Signed, George Rankin.

A corner note has -Mr Oxley to refuse. ⁶³

A further letter in 1829, applying to purchase states in conclusion;

...there is a man of the name of Grant who has been continually annoying me ever since I took my stock there and now I find his flocks and herds all over that country.⁶⁴

There was no reply to this as the Colonial secretary would have known that neither man had any legal right to be occupying that land, especially as the county boundary was still undefined there.

A drought started on the Macquarie River in 1826, lasting three years, which could have also been an influence on him moving, there being insufficient feed for his stock at Bathurst.

In 1830 when he is applying to purchase the land on which he was already grazing his stock, three Government agencies submitted reports as to whether George Rankin was indebted to it in any way. These were the Deputy Commissioner General, the Collector of Internal Revenue, and the Auditor General, and all replied in the negative, except in a later note, from the Internal Revenue Office.

The following claim against Mr George Rankin appears in the records of this office, viz his bond dated April 30, 1823 for the penal sum of £480 granted by him in security for the return in kind of twenty cows, of not less value than £12 sterling each, nor under the age of two nor above the age of three, in lieu of a like number and description of cows lent him from the Government herds. Wm. Macpherson-Internal Revenue Office⁶⁵

As the office had stated the previous year that it had no record of any claims, this account shows simply that he had once started his cattle herd with some from the Government. Also, it indicates how valuable cattle still were at that time, 1823, in the colony, until they bred into greater numbers, creating a price decline. It also gives an insight, as to why cattle stealing was regarded as a very serious crime, with them being a valuable item.

Another letter of March 8, 1832 saying in 1826 he was with his brother when they discovered Arthur Ranken's grant and he applied to purchase 4/5000 acres adjoining it, believing that he had been successful under the terms of such an application and now finds the land is being advertised for public sale. He writes his principal dairy establishment is there, as well as a greater portion of his

⁶³ S.R.Reel 1174 Col.Sec. Letter 27/3554

⁶⁴ S.R. Reel 1174-letter-29/3671-May 11,1829

⁶⁵ S.R.Reel 1174-letter-30/126-Feb.5,1830

livestock. In another, he says he originally applied on April 3, 1827 to purchase five thousand acres of land adjoining his brother's grant on the Lachlan and repeating his application May 1829.⁶⁶The Surveyor general reported it was beyond the boundaries and he was refused but on August 29, 1829 the Surveyor General Thomas Mitchell finds it is within.

I beg to state that owing to the irregular outline of the western boundaries prescribed to settlers by the regulations dated September 5 1826 the land Mr Rankin was considered beyond the limits. On referring to the report of the late Surveyor General (Oxley) ½ monthly returns[H.M.R.] 1/15 August 1827 no 91 I find that this land is stated to be within these limits. On laying these down on an engraved map (for our surveys do not extend so far) it appears that the angle they would form at the Lachlan may just include the spot which I have been informed by Mr Rankin's brother was determined with some care. I have therefore to request that you will be so good as to refer to the report of Mr Oxley and consider it most correct. T Mitchell. ⁶⁷

The Governor has the final say when he adds his note stating that the application is cancelled under paragraph 6 of the Regulations of August 1, 1831.

Lands which have been reserved, on the application of individuals, for purchase.
Paragraph 6: As the applicants for the lands in question have not been required to pay rent, or authorised to take possession of them, they are considered as open to selection for purchase, under the regulations contained in the Government order No.22 , which will afford the persons who applied for them an opportunity of becoming the purchaser.

George Rankin either chose not to purchase, or was out bid as he did not secure the land. He had earlier encountered a Surveyor general who could not determine where the land was situated, even though it was alongside land already granted, and by the time it was found after all to be within the limits, new regulations were in force, cancelling out anything previously applicable. It does seem remarkable that when the newly arrived, Governor Bourke visited his dairy establishment during a tour he made west of Bathurst in 1832, it was either too late or Rankin had decided to move on anyway that nothing could be resolved.

The regulations describing the boundaries of the western counties, along with the rest, are dated September 5, 1826, but were not finalised till early 1834. An application in February 1830 from George Rankin, states the land is about 60 miles from Bathurst flagstaff west by south on the river Lachlan, whilst in another he wishes to bid for 4000 acres of land and writes he owns 2000 acres, 1000 cleared – livestock 25 horses 750 cattle 3800 sheep and employs 30 convicts and 15 free servants.[Later in 1836 James Sloan purchases some of this country calling it North Logan.] On February 8, 1830 he again attempted to purchase it at 5 shillings an acre or lease it but was unsuccessful. Legislation changed with Grant, Wills, and Mrs Redfern had all purchased land at the last sale. The Sydney Gazette of Friday October 24, 1828 has a Government notice.

Various applications to rent land with a view to purchase having been received while the regulations notified in Government order August 21, 1828 were under consideration and

⁶⁶ S.R. Reel 1174-letter-32/3114-March 8,1832

⁶⁷ Surveyor Generals office 29/6852

these regulations differing materially from those previously in force, the parties are informed that the application alluded to cannot now be acted on.

These regulations effectively cancelled any prior claim to the land being occupied by Rankin.

A cutting from the Sydney Gazette August 17, 1829 also gives changes to the legislation re land and mentions that George Rankin had been in possession of this land. These letters reveal a number of things of interest. One is in revealing what was commonly practiced of occupying and stocking land well before lease or purchase. Rankin was occupying this country for at least six years, paying nothing for the entire time, living there with his family, and one child being born there. He was also at the time squatting in the hills to the south of the river on Bumbaldry run which was licenced to him on November 16, 1836 with James Sloan his overseer, as a heifer station alongside one of General Stewart's. Another of interest is the confusion in Government as to where the county boundary actually was situated.

By 1836 he[Rankin] was nearly 50 miles down the Lachlan from his previous location. John Mc Guire, aged 10, in his reminiscences says in that year;

We proceeded down the river reaching Mundabong now called Forbes. George Rankin owned the site of the future town as a dairy, rented from him by Dick Nighton. [Richard Knighton as a convict had been assigned to Rankin in 1825].⁶⁸

McGuire had travelled down the river with Knighton on his return from Sydney after delivering a load of cheese.[It was usually covered with straw and bark for protection] This account places Rankin in that year though he was probably in occupation earlier. Bogabigal became his licenced run on the north bank of the river but it absorbed Mundabong as well as Mumberbidgile. These last two were still functioning in some form, recorded on a survey map February 28, 1851 by surveyor W.R. Davidson, with the position of Mundabong homestead south of the current racecourse at Forbes while Mumbidgil joins Carrawobbity. [Mumbidgil survives as a parish as well as Bocobidgle whilst Mundabong vanishes].The Bogabigal homestead was for many years on a hill beside the river, now the site of a council quarry, which was also where Oxley camped in 1817, not the so named one within the town of Forbes. As Rankin did not purchase any of the land he had been occupying upstream from the Belubula/ Lachlan junction where his dairy was located for many years, he chose to move his stock down river onto country to squat, requiring neither purchase nor rent.

Cheese making was a very important source of cash which was hard to generate in the colony and even harder inland. George Rankin was regarded as one of the leading cheese makers in the colony.

An article in the Sydney Gazette in 1830 contained the following.

So great is the repute of Mr Rankin's cheese that he cannot keep pace with the demand. He has teams constantly employed carrying it from Bathurst to Sydney. To this gentleman the colony is indebted for the excellence which its cheese has attained to the exclusion of the foreign cheesemonger. Before he arrived in the colony (about 8 years ago we think) it was

⁶⁸ Mitchell Library John McGuire's- Early Colonial Days FA923.41- M148.5 1A

wretched stuff, scarcely fit to put upon a decent table. He deserves and we hope he will make a handsome fortune.⁶⁹

Another article in the same paper of December 1831, the region of Warwick on the Lachlan river is recorded, which is down river from present day Cowra and refers to the excellence of his cheese.

...the land in the vicinity of Warwick...producing the best cheese in the colony..."Ranken's famous cheese" ...made at the finest dairy establishment in Australia.⁷⁰

A brief account of cheese making follows. In approximate figures, one gallon of milk makes one pound of cheese with the evening milk, added to the morning milk, [only possible when cows are milked twice a day] heated in a vat and later, when the curd sets, the cheese contained in hoops [bottomless round pans] with the process being completed each day by evening. Ten to twelve cows were considered enough for one person to milk and rennet which is essential for the clotting or curd formation in cheese making was obtained from the stomach of a sucking calf, up to a month in age being the most potent. "The rennet (used to coagulate the milk) is the fourth stomach of a sucking calf. It is carefully cleaned, without washing, rubbed with salt, stretched and then dried with artificial heat. For use, the dried rennet is soaked in brine, one rennet to a gallon of brine, and this liquid (rennet-charged brine) is used. One rennet is enough to coagulate more than 1000 gallons of milk; the usual quantity used being half a pint of the liquid to 70 gallons of milk."⁷¹ The prepared liquid kept in sealed jars or bottles, if stored in a cool place, would keep for an extended period of time, as would the dried rennet, making the supply readily available to the cheese maker. In another simple method, "... two square inches from a good rennet are sufficient for a cheese of 60 pounds."⁷² As 60 pounds of cheese equates with about 60 gallons of milk, this indicates how little rennet was required to make a quantity of cheese.

The dairy room for storage was often located below ground level, with a thatch roof just above, to keep the cheese aired and cool. As long as there was sufficient feed for the cows to stay in milk, cheese was made. Salt was a major component in the cheese, about one pound of salt to fifty gallons of milk originally in the vat was a base proportion. Salt was an important ingredient of the cheese for in a time pre refrigeration salt was the only product available to prevent food from spoiling. During the pressing process to remove liquid, the cheese was pressed every half hour for fifteen to twenty hours, cooled and turned daily for up to six weeks. Hard cheeses, as these would have been, can take two to three months to cure, so are very labour intensive, but with two to six tons production listed for some runs, it was a valuable sale item with each cheese weighing about twelve to fifteen pounds. With the depression in the early 1840s and the collapse of stock prices, cheese became an even more important source of income, though it also became much cheaper. In 1844 Rankin's cheese was reported to have sold for 6 pence a pound whilst other sold for half that amount.⁷³ Retail prices for cheese in 1845 were listed as from 7 pence down to 3 pence per pound, steadily climbing by 1857 to 1 shilling.

⁶⁹ Sydney Gazette-May 25, 1830

⁷⁰ Sydney Gazette-Dec 29, 1831

⁷¹ Australian Town & Country Journal-Preparation of Rennet-May 9, 1896

⁷² Australian Town & Country Journal-Rennet-Feb 14, 1891

⁷³ S.M.H.-Oct 26, 1844

George Rankin was very much a member of the establishment, being a magistrate on the Bathurst Bench from 1823, but was removed from the list when he went overseas in 1838. On his return to the colony he was re-appointed. In July, 1835, he gave evidence on crime in his area before the Police Committee of the Legislative Council, with part of it on squatting activity. Part of his evidence follows.

One of the greatest annoyances we suffer in the remote parts of the district is from squatters, who are very numerous; composed of expirees and ticket-of-leave men. There can be no doubt of these people deriving their means of subsistence from cattle stealing, receiving stolen goods and illegally vending spirits. They are also connected with bushrangers, to whom they give food, shelter and information.

I am quite satisfied that it would be a most beneficial measure to prevent squatting, unless by licence, to be obtained either from Government or the Bench of the district in which the squatter intends to reside and that this licence should not be granted to any person of indifferent character, or who is not possessed of property sufficient to enable him to support himself without resorting to cattle stealing and other dishonest practices.

A great proportion of the expirees become squatters as soon as they obtain their freedom and very soon become possessed of herds and flocks. I am of the opinion that no ticket-of-leave holder should under any pretence be allowed to locate themselves as squatters; and that all persons of this description should be required to show to the Bench of Magistrates in their respective districts, that they gain their livelihood by honest means.⁷⁴

When the Squatting act was framed about twelve months later, a number of these suggestions were included, though not the ones giving more power to the local magistrates.

A letter from Thomas Mitchell of November 12, 1832 said "...he is glad to learn that the Governor had for a chaperone such a worthy fellow as yourself during his Excellency's excursion to the Lachlan". Governor Bourke journeyed west of Bathurst, on his first trip over the mountains after being in the colony for about a year.

Mitchell, later wrote in his journal, when he was in the early stages of his expedition of 1836, that Mr Rankin accompanied him from Bathurst to Buree[Boree Cabonne, the squatting station of Captain Raine] and that he was a large man.

The financial problems of his brother Arthur are recorded in a letter to the Colonial secretary;

Sir, As my brother is at present in difficulties in consequence of having purchased stock at the highest price upon credit and is now about due, [he must have had three year terms]it would be of great advantage to him if you would oblige me by getting his grant made out for his land so that he would be enabled to get a mortgage upon it, rather than sacrifice his stock at the present very reduced price. His grant of land is on the river Lachlan where he has resided upward of three years and has now finished a dwelling house and other buildings and fencing fully to the amount of £1000. Geo Rankin.⁷⁵

⁷⁴ Evidence-Police Committee-Leg.Council-July 3,1835

⁷⁵ S.R.Col Sec Letter 30/3910-May 20.1830

It would have been impossible for Arthur Ranken to have received his deeds as the regulations for the granting and sale of land under Government Order No.35 dated September 5,1826 included "...fixing the period within which persons receiving grants without purchase will not be allowed to alienate the lands (without subjecting themselves to a forfeiture of the grants) will be here after notified."⁷⁶ The notification was not given till August 21, 1828 where in a Government order the relevant section had, "Land, received under the proposed regulations, is not to be alienated for a period of seven years, whether purchasers or grantees, will not be put in possession of the title deeds, until the expiration of that period."⁷⁷This was designed to prevent what had been a common practice of on selling land without making any attempt to improve it. The Government wanted bona vide settlers not land speculators.

As George had sold his brother over £1000 worth of sheep he may well have sold them on credit. He[George]purchased 640 acres called the Sheet of Bark August 18, 1836 on the Benni Creek near Carcoar previously owned by William Redfern and in 1837, George Rankin purchased Saltram from Thomas Icely which adjoined Kellosheil and moved there with his family, then leased them out for four years leaving the management of his squatted runs to James Sloan and sailed for Scotland in January 1838. Everything was prosperous when he left but a drought lasted from late 1837, not breaking till 1840. When the depression started he returned, with his to Australia in 1841.Rankin began boiling down fat cattle for tallow and salted beef was sent to the Pacific islands. Cheese making continued on Kellosheil with 150 milking shorthorns being milked. When dairying ceased in 1855 many of the cows were taken to the South Coast forming the nucleus of some milking shorthorn herds there. He also sent meat to Mauritius and speculated in cheese in Melbourne, but these ventures were not financial successful. Hugh Hamilton writes that in June 1852,

Mr Rankin, having just returned from Sydney, his affairs seeming to be in better order than has been the case for many years the gold having placed some gold in his pocket, although he has lost much by speculating with cheese to Melbourne and beef to Mauritius, both of which speculations have proved failures.

Leases being granted in 1848 defined Bogabigil boundaries as area 51200 acres with a grazing capacity of 1500 cattle.

Bounded on the south by the Lachlan river, on the east by a line commencing at the point where the Black Ridge comes into the Lachlan, running north for 10 miles, separating it from Troubalgie Mr Arkell's run; bounded on the west by a line commencing at the junction of the Bogdin creek with the Lachlan and running north for 10 miles separating it from Mr Rawsthorne's station [Carrawobbity] bounded on the north by a line running east to west separating it from unavailable Government land.[actually to the Billabong creek].

According to family records, when the 1844 floods came, which inundated the Glen Logan house, George Rankin 'owned' the stations of Mulyan Plains and North Logan where James Sloan lived. These were more than likely rented and near his old patch he had had to vacate earlier; the run Mulyan was during that period not licenced to him, but he could still have been in occupation under a sub-leasing agreement. George Somerville Rankin, known as Somerville, the eldest son, died at

⁷⁶ S.G.Sept 9,1826-Govt Order No 35-Sept 5,1826

⁷⁷ S.G.Aug 25,1828-Govt Order No 26-Aug 21,1828

Saltram on July 4, 1843 after returning very ill from one of his father's stations on the Lachlan. This left two other sons William and James 'owning' Bogabigil with James living on the run and William visiting occasionally.

The Bugabigal and Uar runs, the property of George Rankin, along with about 3000 head of cattle were sold to Messrs John Grenfell and Richard Cobham for a sum of £15,750, £6000 cash with the remainder on terms annually over three years.⁷⁸ The price equated to about £5 per head, with the leases, being Crown Land, not sold but transferred to the new occupants.⁷⁹ By December both men had been made magistrates, with Bugabigal given as their address.

Rankin and others held mortgages and when the partners were later unable to make repayments, the runs were advertised for sale by auction, in June, 1856, along with 2500 head of cattle. The improvements included a paddock [fenced] of about 2000 acres, and "A large dairy where about 100 cows are milked all the year round."⁸⁰ There had been an involved court case earlier in the year over the proceeds from the sale of cattle from the runs, which Grenfell had taken to Melbourne to sell.⁸¹ Cobham did not take part in any of the court proceedings and in 1858, he was managing properties in Queensland where he remained for many years. In the Insolvency Court of March, 1861, both men were listed as insolvent, owing £5802, a large sum of money for those times.

John Grenfell returned to the district when he was appointed a gold commissioner at Forbes, in January, 1862, and remained in that position till he was made a Crown lands commissioner, in October, 1864, for the Albert district, and stationed at Bourke. When returning to Bourke on a mail coach, December 7, 1866, the coach was held up by two bushrangers near Narramine station, about 25 miles from Dubbo. Grenfell fired a small pistol at the offenders, and in the return fire received a wound in the thigh, from which he died the following day. He was aged 36, and left a wife and two infant daughters, living at Bourke.⁸²

The Rankins reclaimed their runs, selling Uar later to William Fenn and John Green, but they still were holding Bugabigal in 1861 when gold was found in payable amounts on the run; within a short time thousands of men were digging shafts, looking for the gold reefs. The presence of so many people and the mining activity scattered the cattle from that region, where many of the main watering points were located. The gold commissioners wanted to call the town Rankin but James Rankin would only consent to a street with that name, with the town being called Forbes in November 1861. It had previously been referred to as the Lachlan diggings and the Black Ridge diggings, Lachlan River. The name Forbes had once been used on a mining site in 1859 called the Bald Hill diggings near Tambaroora on the Ophir diggings, but was never accepted, with the locals continuing to prefer it as Bald Hills so it was changed to Hill End, in May 1862. It appears that for six months there were two gold mining towns named Forbes. The gold Commissioners must have wanted to place it on another gold mining town, but it is difficult to establish the person it was named after, though Sir Francis Forbes appears to be the one most likely.

Portion of the run was resumed to form the western part of the population district of Forbes and it was sold in a reduced size to Joseph Collits for £3500 with the Government giving compensation of a similar amount to the Rankins, the licence of Bugabigil being transferred from W. B. and J. A. Rankin on April 8, 1862. [George Rankin died in England on December 18, 1860 and was buried in Woolwich

⁷⁸ Bathurst Free Press-Sept 31, 1854

⁷⁹ Govt Gazette-March 4, 1851-Crown Lands Beyond the Settled Districts-Transfer of Leases

⁸⁰ S.M.H. June 27, 1856-Sale-Bugabigil & Uar Runs

⁸¹ S.M.H.-Grenfell v McDonald-July 14, 1856

⁸² S.M.H. Dec. 14, 1866

in London] His will is interesting as there is no reference to the fortune he made from squatting as the wealth was only in the livestock which was movable.⁸³

Few references can be found to his wife Janet except a mention of her being involved in the cheese making at Bathurst in 1823. A brief mention also appears in the Letters of Rachel Henning where Mrs Rankin is a fellow passenger on a ship returning to Australia from England in 1861. She writes that.... "she is Scotch and the coolest, quietest person I ever saw. It's her fifth voyage and does not mind the gales at all and is good and kind to the sick people." After arriving in Sydney they then, after spending a few days there, journeyed together by coach to Bathurst over the Blue Mountains which was still hazardous with rocks, ruts, deep holes, stumps and fallen trees. This is the major road to the west over 40 years since it was formed.⁸⁴

The Second Example is that of an Ex- convict.

The main object of the squatting licences was to prevent persons of improper character from obtaining one, making it difficult for an ex-convict to get one approved. Although the 'exclusives' and other free born emigrants attempted through many means including propaganda through the press to prevent these people from gaining depasturing licences when they were first issued, there were many who succeeded. Robert White was one who did, holding the licence for Wowingragong on the southern side of the Lachlan opposite Bogabigal, though initially it was first held in the name of his employer, Thomas Willford. Allowing the superintendent to take over the licence was uncommon, as most with one held it, unless circumstances changed, such as becoming insolvent.

Baptised at Bath Abbey January 22, 1804, born October 29, 1802 to Robert and Mary White,⁸⁵ he came to Sydney as a convict on the Princess Royal, arriving March 9, 1823. Tried in Somerset at the Lent Assizes held at the Castle of Taunton on Saturday March 30, 1822, the charge being,

..of having burglariously broken into a factory and stolen there from a quantity of brown cloth and about 16 yards of kerseymere value £35 the property of Francis Nash Esq.⁸⁶

Two others were also charged, William White aged 23, William Golding also 23; Robert was 18.

Wm Goulding, Wm White and Robert White alias 'Cocker', three most notorious characters in Avon street were on Friday committed for trial, charged with breaking open the factory of Mr Nash of Twerton on the night of February 5th and stealing a quantity of brown cloth and about 16 yards of ribbed cassiniere, value 35/-. Robt. White and Golding each took some of the cloth to a tailor to be made up, and the cloth being not quite finished was identified by some of Mr Nash's workmen. There is a second charge of felony against Robt. White, W. Goulding and John Sheppard, another notorious character, upon the voluntary confession of David Rees, an accomplice, viz. For robbing a wagon belonging to Mr E L Lye of Warminster of a trunk containing wearing apparel etc, value 20/- the property of Mr Thos. Tovey, of Bath.[The newspaper undervalued the cloth]

⁸³ Will-George Ranken –Packet No.-5129-Series 1- N.S.W.

⁸⁴ The Letters of Rachel Henning

⁸⁵ Somerset County Records Taunton England

⁸⁶ Calendar of the Prisoners-Lent Assizes-Castle of Taunton-Saturday-March 30 1822

The Bristol Mercury again Saturday April 13, 1822:

Somerset Assizes concluded on Monday evening; the following are the sentences of the prisoners, in addition to those we reported last week :-Transportation... Seven Years: Wm and Robert White and Wm Goulding (old offenders) for breaking into a factory at Twerton and stealing kerseymere...⁸⁷

His indent papers read- 7 years conviction for larceny, native place Bath Somerset- age 19 years- milks and makes butter- 5feet 8½ inches tall- fair completion- dark flaxen hair- eyes grey- lost right eye-trade labourer.⁸⁸ He was assigned on disembarking to Thomas Willford of Bringelly a merchant and landowner and remained with him for the duration of his sentence. Willford arrived in the colony in 1813, purchased land in 1820 at Bringelly called Wilton Park, fronting the Bringelly road, property in Sydney and land over the mountains at Blaxland's Swamp on the Cox's river.⁸⁹ A ticket-of-leave to White of April 30, 1827 with conditions to remain in the district of Bringelly⁹⁰ was followed by his certificate of freedom May 25, 1829⁹¹[recorded as torn up-July 24, 1829-this was so it could not be used by somebody else.] In the 1828 census he's listed as stockman to Mr Willford Cox River and Bringelly and in another entry, stockman to Thos Willford Blaxland Swamp, Bathurst showing Robert was over the mountains before he was finally granted his freedom. The next record of Robert White is as superintendent on Thomas Willford's application in 1836 for one of the original squatting licences on land, situation Western, district Lachlan. At that stage names were seldom recorded for the runs but it would have been Wowingragong, and undoubtedly occupied some years earlier. It was a well watered run with about a five mile frontage to the Lachlan and the southern boundary being the Bundaburrah creek, both considered permanent.

October 7, 1839, Henry Crosby's visit is the first available official record showing Robert White both licence holder and superintendent of the run, 7 persons, 800 cattle, 12 horses, 1½ acres of wheat area 9 by 5 miles and watered by the Lachlan river.⁹² Thomas Willford had no further involvement with the run nor with Robert. It is possible he still owned some of the cattle but nothing recorded has survived. As an ex-convict, it would have been difficult for him [White] to be issued with a licence, but once he had been a superintendent, the authorities would have no grounds for objection. The 7 people recorded were 3 males over 12, 1 under, 2 females over 12 and 1 under. One of the females would have been Catherine Porter who was living with Robert. She was born Catherine Ready, her step-father Dennis Green of Bringelly was another of the original run licence holders on the Lachlan, but just where remains a mystery as he never again held a licence anywhere.[perhaps he sold his run] She married Daniel Porter in 1835 aged 14, had a daughter the following year and nothing further is known of Daniel. She later must have been living with Robert White as their first child, also Robert was born April 24, 1839 and baptised at St Lukes Liverpool August 17, 1839, mother's name Catherine, with parents address given as Lachlan River and a daughter followed, Eliza Mary, born July 8, 1841, baptised St Lukes with address this time given as Liverpool. Robert may have already been in ill-health for he died the following year on November 25,

⁸⁷ The Bristol Mercury of Sat March 9 1822

⁸⁸ S.R. Fiche 649-page 241

⁸⁹ Between Hartley and Bathurst

⁹⁰ S.R.-Reel 909-Ticket-of-leave-27/323

⁹¹ S.R.-Reel-984-Certificate of Freedom-29/497-May 25,1829

⁹² Itinerary of Henry Crosby Lachlan District-1839

1842 aged 40. He left a wonderful will, leaving his livestock to his infant children, wife, family and friends, quite an achievement for a man transported only twenty years previously.

Robert White's Will: Purkam Farm November 19, 1842: [This was Dennis Green's farm at Bringelly and when⁹³ he, Green, died at Wowingragong in 1855, it was written that Purkam Farm had been his residence for 40 years, showing that he had lived on it since 1815. ⁹⁴John Hosking had been granted 200 acres by Macquarie on August 25, 1812 which he named Purkham, which had South Creek as its western boundary, and Bringelly road its northern. Green appears to have only rented the farm during the many years he lived on it. The farm of Thomas Willford, Wilton Park where White was assigned when he arrived in the colony was only about a mile west, while his executor, Robert Bell's farm, was directly across Bringelly road from Purkam Farm.]

This is my last will and testament in which I bequeath my effects in the following manner, namely to my brother Joseph now in this colony one hundred head of mixed cattle, two mares and two foals, one of which is a filly and the other a colt, namely Nonocrena and her daughter with their foals. To my son Robert White, three mares and three foals of which two are fillies and one a colt of my old Fanny's breed, also two hundred head mixed cattle. Also to my daughter Elizabeth White one hundred head mixed cattle and a Grey mare and filly foal with a yearling filly branded E W. To my wife Catherine White one hundred head mixed cattle, one black mare Blossom and one bay mare Bashy, one horse dray and three sets of harness and new tarpaulins. To my above named son Robert White, one two year bay entire colt and four yearling colts and twelve working bullocks. To Dennis Green Junior, one two year old filly bald faced and branded R W and W together with twenty head of young cattle. To Dennis Green Senior one team of eight working bullocks with dray and also one stock horse Darby. To James Goodwin one team of eight bullocks and a stock horse Bobby. After all the aforementioned cattle are collected all others that are over and above the number specified go to my son Robert White. To pay the expenses of my funeral I leave forty head of fat cattle in charge of James Goodwin out of which he is to bury me in decent manner namely to pay for a hearse to carry my remains to Cobbity and to erect a tombstone with a suitable inscription and Mr Robert Bell will see that the service is attended to. Mr Green and family to have a suit of mourning each out each out of the said forty fat cattle. Robert White- witnesses Thomas Shepherd, Robert Bell.

Written and signed this 19th day of November 1842. I do hereby appoint Mr Robert Bell and Mr James Goodwin [also an ex- convict] to be my executors to take care and see that the within mentioned be attended to-----Robert White

We do hereby agree to the above --Robert Bell, James Goodwin.

Joseph White's whereabouts remained unknown as an advertisement in a Sydney paper showed.

Joseph White: Notice. If the above named individual who is supposed to be a native of Bristol will communicate his address or make personal application to Mr James Goodwin, of

⁹³ Sydney Morning Herald- Tuesday March 20, 1855

⁹⁴ S.R.-Reel 2561-Reg. of Land Grants & Leases-1788-1865

the Lachlan River or Mr Robert Bell, Bellfields, Bringelly, he will hear of something to his advantage. January,31.⁹⁵

The bush dray, as mentioned in the will was the most common carrying vehicle in the colony. Usually pulled by eight to ten bullocks, it was a pole dray, which meant it had only two wheels and could carry fifteen to twenty bales of wool and about two tons in weight. It was open and low, the floor of broad slabs, no sides but pins and iron guards on corners and sides, with a tarpaulin covering the load. They were the main carriage vehicle in the colony, from the very early days till into the 1850 to 60s when it was gradually replaced by wagons, which had four wheels, pulled by horses as well as bullocks, and having a larger deck, carried much bigger loads.

Included in the will packet was;

In the will of Robert White late of Lachlan District in the Colony of NSW Settler deceased. Account of the disbursements of Robert White acting executors under the said will filed in pursuance of the Rule of Court of June 17, 1845.

By proceeds of sale of 40 head of cattle directed to be sold by testator in order to be defray funeral and other necessary expenses and which realised £3/10/0 per head £140.

On the other side of the ledger;

To amount paid for hearse £ 21 for coffin £8/8/0, mourning for Mr Green and family as directed by the will £29, Clergyman and sexton's fees £3, Tombstone £6 Probate of Will £ 16/12/2, paid Mr John Darcy[he held a publican's licence for the Red Bull on Parramatta road, Sydney where White stayed the previous year] amount due from Testator at time of his decease £17, Paid wages due at time of Testators decease viz to £25, ditto £15 , Total £ 141/0/2. Balance due to Executors £ 1/0/2.

Another letter in the packet reads;

Cabramatta August 28, 1845 G. P. F. Gregory Registrar and Prothonotary of the Supreme Court- Sir, In answer to your communication of date the 8th of July last sent with the Sydney post mark of August 12 and only received by me within a few days requiring of me as executor of Robert White an inventory of the goods and chattels and credits of the said Robert White. I beg to state for your information that James Goodwin the other executor named in the will of the said Robert White has always acted and is at present in charge of the property that I have never received anything on account of the said estate, that the said James Goodwin has had full charge and management of the same that I have applied to him for an account of the property that it might be sold and invested and he has refused to sell or give me any satisfaction and as the property is nearly 300 miles from Sydney and as the said James Goodwin resides at the Lachlan River at which place the property is I beg to refer you to him for the necessary statement as I am unable to give any inventory of the goods and chattels and credits of the said Robert White. I have the honor to be your obed. and humble servant Robert Bell. ⁹⁶

It is doubtful that Robert White ever wanted the run sold as it was not mentioned in his will and with the country still in a financial depression it would not have been profitable, since the cattle belonged to family and a run bare of stock would have sold very cheaply.

⁹⁵ S.M.H. Feb.13, 1846.

⁹⁶ Will of Robert White-Probate packet No.-1453-Series 1- State Records-N.S.W.

James Goodwin arrived as a convict on the Eliza November 26, 1822, was assigned to Thomas Wills at Airds and later re-assigned to William Redfern at Bathurst. As Wills was attorney for Redfern, his brother in law, he would have soon been on one of holdings out west, with John Grant, Redfern's overseer being his employer. An interesting situation followed Robert's death, in that instead of the run licence being held as the estate of Robert White or with junior following the name, it was held by his four year old son. This could not have been done covertly as the father had a public burial, a probated will etc and the commissioner visited the run at least twice annually, never making any comments in his remarks column, and the legality was never questioned. James Goodwin became the superintendent and to all intents and purposes it was his run.

The Commissioners report November 23, 1844 the run had Robert White licenced, Goodwin superintendent, 7 people, 40 acres wheat, 950 cattle, 25 horses, 5 tons cheese, 1 ton butter. In the 1844 flood on the Lachlan John Mc Guire said he worked for Goodwin, on Wowingragong and after the flood went with Goodwin's men gathering weaner cattle. The mosquitoes were so bad they covered their heads with cloth with holes for eyes and mouth, mustering about 150 weaners, and taking them to Maudry [Goodwin's run near present day Grenfell]. The river based run would have been covered in many places by floodwater with grazing areas reduced. Catherine bore Goodwin two daughters marrying him in 1849 in Carcoar. Daniel Porter may have died by then, making the marriage possible. James Goodwin died February 26, 1851 and was buried beside the river at Wowingragong with a headstone still there, but dying intestate.

In the Supreme Court in Bathurst in the estate of James Goodwin late of Maudry on the Lachlan in the colony of NSW Farmer and Grazier deceased, on December 13, 1851 Catherine Goodwin of Wowingeragong on the Lachlan aforesaid widow being duly sworn maketh oath and saith as follows the above named James Goodwin deceased departed this life on or about February 26 last intestate leaving me his widow without children and leaving no other relations as I verily believe I am the only person entitled in distribution to the personae estate and effects of the said deceased estate....within the Colony under the value of £500.⁹⁷

How she could make such a statement under oath is puzzling with two daughters of his, one born in 1844, and the other in 1846 and baptised at the Parsonage, Lachlan River on March 17, 1847. The estate consisted of 400 head of cattle, total £400 and 24 horses @ £4 each. She took over the licence for Maudry and married again June 18, 1852 to William Fenn. They established an inn at the Wowingragong homestead beside the river where there was also a ford, with it becoming known as Fenn's Crossing during the gold rush.

⁹⁸Catherine died in Orange, after a short illness on April 17, 1866 aged forty five, but son Robert predeceased her.⁹⁹ He died at Wowingragong on December 16, 1856 by a severe fall from his horse at seventeen years of age, but he must have lived for a time as he reportedly left a will, but it cannot be located. There were two portions of land on the run, one of 320 acres, the other 318, each applied for by him as a pre-emptive purchase in 1856, but not surveyed till 1862. They were recorded as being in the hands of his trustees, acting for his sister Eliza, with one application dated

⁹⁷ James Goodwin-Maudry-Lachlan- No.-2381-Series 1-Administration-Dec.13,1851

⁹⁸ Sydney Morning Herald-May 23,1866

⁹⁹ Sydney Morning Herald-Jan.21,1857

December 1862 referring to him as the late Robert White. The delay in survey may have been caused by the area around the homestead being within a reserve, one of many created by James Larmer when he mapped the Lachlan district around 1850. Although he died in 1856, as far as the Government was concerned he was still alive, with the licence for Wowingragong being recorded in his name for a number of years. His mother only about a month prior to her death wrote to Beckham in March 1866 complaining about someone selecting land on Wowingragong, but was told to refer her case to the Chief Commissioner of Crown Lands. The licence she held for Maudry was transferred in 1868, two years after her death. When her daughter Eliza dies many years later in Bathurst, the local paper writes that her mother, Catherine, was the first white woman on the Lachlan. It would only be for that part, as there would have been some back up river when she arrived, one being Janet Rankin when she was with husband George who was occupying land on the river near the Belubula-Lachlan junction in the early 1830s.

There was another woman who had come to the Lachlan a bit later than Catherine who was Joseph Miller's wife Mary Ann. They married at Hassans Walls on the Blue Mountains on March 1, 1841 and lived on Joseph's run Geeron, which was about 30 miles further down the river from Wowingragong. He died in 1856, and Mary then married William Onions, she dying in her 98th year in 1916.

The third example is Thomas Hadley, a first generation born Australian.

The son of an ex-convict Charles Hadley, these young men could generally satisfy the respectability criteria to obtain a licence and as long as they had sufficient property and livestock, they usually became successful squatters. Charles Hadley was a convict on the Matilda in the 3rd fleet, arriving in Sydney on August 1, 1791, having been sentenced for life at the Warwick Assizes, July 23, 1788 for shoplifting. In the 1800-02 muster he is listed as a convict servant to Dr John Harris and was probably a clerk as his signature many years later was that of a well educated person.

A Grants register has the following;

February 7, 1800- Governor John Hunter, in consideration of the good behaviour and character of Charles Hadley, deeming him a proper object of Royal Mercy and to enable him to become a settler, do at the intercession of John Harris Esq Surgeon of the NSW Corps, conditionally remit the remainder of the term or time which is yet unexpired of the original sentence or order for transportation passed on the said Charles Hadley in the year 1788 provided always and on condition that he continues to reside within the limits of this Government for and during the space of his original sentence- otherwise he shall be subject to the pains and penalties of reappearing in Great Britain or Ireland during the term or time of his original sentence or as if this remission had never been granted- June 4, 1800- Jno Hunter ¹⁰⁰

By January 1802 he has an absolute pardon making all the previous conditions irrelevant. A trip to England must have quickly happened as he was reported coming free to the colony on the Argo which brought John Macarthur back in 1805, arriving in Sydney June 9, 1805, having left England November 30, 1804 and sailing via Rio. The 1805-6 muster has him renting 30 acres from Martin

¹⁰⁰ Lands Office Sydney-Grants & Leases of L & 3C

Minz at Nepean. It may have been to get money because in August 12, 1806 he purchased from Martin Minz 30 acres on the Nepean river for £45. This was named Hadley Park, having a two storey house built in the 1820s and is still there, surrounded by sand quarrying, deposited by millions of years flooding by the river which flows on its western boundary.

An advertisement in the Sydney Gazette in 1822 gives an indication of some of the problems faced by people living in an isolated farmhouse, away from Sydney or Parramatta.

£20 sterling reward. Whereas on Tuesday August 20, a gang of 5 ruffians, strongly armed, broke into the house of Mr Charles Hadley of the Nepean, and after cruelly beating him and family, began to search for plunder, which was prevented by an alarm being given, when the villains decamped, taking only with them a watch, makers name Charles Thomson, London, number 55,717. The above reward will be given on conviction of the offenders. C. Hadley.¹⁰¹

Of interest is that it is the victim and not the authorities giving the reward and with the watch number published, making it more difficult for the watch to be sold.

In the 1822 muster he resided on a farm at Windsor, 18 acres wheat 18 maize 1½ barley ½ beans/peas ½ potatoes 2 acres garden/ orchard 230 cleared ground 400 held[some would be leased] 6 horses 89 cattle 87 pigs 30 bushels wheat on hand 300 of maize and 1 assigned servant. He also held a publican's licence for the First and Last on the western road beside the Nepean river. 150 acre grant promised by Brisbane in 1824 finally was fulfilled in 1831 but did not live till then, dying in 1828. Charles Hadley married Sarah Spencer [or Phillips, born Norfolk Island November 1791] and Thomas was born in 1810 followed by another 7 children 1 boy and 6 girls. The Reverend Henry Fulton was an executor to his will with the estate valued at £3500[he owed £500 to Charles in two promissory notes]. Thomas along with his brother and sisters was educated at Henry Fulton's school at Castlereagh with their father leaving money in his will for the schooling of his young girls. Hadley Park was left to son Charles with Thomas getting an adjoining 80 acres.

In a letter to the Colonial secretary Thomas Hadley made an application for a grant of land, stating that he is 21, married, to a native of the colony, the daughter of John Andrews and has no children. They are all come from the district of Evan and he has a character reference from the Reverend Henry Fulton." He is a farmer and resides on his brother's farm who is a minor which adjoins his own and is not likely to reside himself on any lands granted to him as he requires it for his stock viz. 50 head of cattle and 200 sheep and is the son of the late Charles Hadley settler of the district of Evan who died about a year ago leaving a large family of infant children."¹⁰²

He does not appear to have ever been successful in gaining a grant, which seems to be a problem with the first generation descendants of convicts. Darling was endeavouring to restrict their ownership of as much as possible, even when the property qualifications are adequate, with a preference for immigrants with capital, thus increasing the number of a better class of settler. When applications became too great he restricted them to only the immigrants, for a period, who had arrived with permission to settle. Governors such as Darling had found it difficult to come to terms with the wealthy emancipists; convicts and their descendants were meant to suffer in the colony, not to become rich.

¹⁰¹ Sydney Gazette-Friday-Oct.4,1822

¹⁰² S.R.Col.Sec-letter 30/2163-Feb.8, 1830

Hadley purchased 640 acres in the county of Georgiana on the road from Bolong and Cook's Vale and Bathurst for £160(5/-an acre).It was located between Goulburn and Bathurst with the Bolong river running into the Abercrombie which then flows to the Lachlan.¹⁰³ He immediately sold to a neighbour, John Thorn, on December 27,1837 for £256. It is probable that he ran stock on the place well before its purchase, moving them to the Lachlan to his squatting run after he sold. Samuel Blackman who owned land not far away at Bigga held the licence for Nanima which joined Hadley's run on the Lachlan.

Thomas Hadley's name first appears as a squatter in Henry Crosby's itinerary for the Lachlan District in 1839 when he visits his run called the Tin Pot Alley. He was not mentioned amongst the original 1836 applicants but that does not mean he was not in possession, just slow like many others in applying for a licence. The run was small in comparison with many nearby, just 15000 acres, no river frontage but located about eight miles from the Lachlan on the eastern side of Nanima which joined Goolagong run. On October 9, 1839 Thomas Hadley held the licence for Tin Pot Alley with William Andrews superintendent [probably his brother in law], three people on holding, buildings were bark huts and a stockyard, two acres of wheat, 300 head of cattle, 31 horses, no dairy, area 3x3(miles), soil loamy and herbage good, watered by springs, timber gum pine box iron bark, seven miles to next station, remarks timber good land tolerable, two muskets at the station.

With the following years tending to be drought affected, the run was never de-stocked indicating that the springs were permanent. As well as having land interests, he was a publican like his father but the inn was probably operated by his wife Rosetta. The Horse and Jockey at Evan July 8, 1830 was his first licenced inn with others to follow. It is difficult to determine whether some of his subsequent hotels were just different names to the same inn or others. In 1832 his licence was for the Horse and Groom, next back to the Horse and Jockey again in 1835, then the King's Head at Penrith in 1836. The next was the Australian at Castlereagh, Penrith also in 1836 as well as 1837 and then the Australian Inn Penrith on the Nepean, situated at its crossing place in 1838 and 1839. His wife was probably helping to run them as he would have been away with his land across the mountains plus the Hadley family were also butchers.

He was also in partnership with two other publicans running a four horse day coach between Penrith and Parramatta, meeting the steamer there and returning to Penrith that night.¹⁰⁴

At the age of 37, on September 7, 1847, Thomas Hadley died of consumption [T.B.] and was buried at Penrith, September 10 with the Tin Pot run operating as his estate with his brother-in-law Issac Titterton in charge. Titterton was also an agent, and had the licence for the Talbot Inn, George Street, Sydney. He wrote to the Colonial secretary as executor for the lease of Tin Pot applying for the licence on April 6, 1848 and later Commissioner Beckham sent a letter transmitting its description. In 1850 the run was transferred to Thomas Morris, who had a number of other runs in the area.

The boundaries of Tin Pot Alley in 1848 were—Bounded on the west by the Mullyandra creek as far as the corners camp; north by the Tin Pot ranges which separate it from the runs occupied by Edward Sheehan(Goolagong) James Brady (Duggans Station) and Edward O'Hara (Nanima); east by a lagoon on the Two Mile creek; and south by an ironbark range which divides it from the Bald Hill

¹⁰³ S.R.Reel- 1135-letter-37/11923-Dec.28,1837

¹⁰⁴ S.H. July 16,1842

run, occupied by Thomas Boland, and thence by a line to the lagoon upon the Two Mile creek mentioned in the eastern boundary which divides it from the Warraderry run held by William Cummings. He was born in Ireland and was transported as a rebel, in 1824 on the Prince Regent. On gaining his freedom he gradually acquired land, including a large property at Peel, near Bathurst, where he lived, as well as holding land on the upper Macquarie, a run on the north bank of the Lachlan called, Grudgery, and land in other squatting districts. He became a parliamentary member for East Macquarie in 1860.

The area of Tin Pot was twenty square miles or 15360 acres with estimated grazing capabilities of 1000 cattle and 60 sheep, though the actual area was more than double that given.

The fourth example of a Lachlan squatter is another first generation born Australian.

Thomas Wills [born 1800] like Thomas Hadley, also the son of an ex-convict, Edward Wills, a merchant partner of Thomas Reibey.[Edward was pardoned June 4, 1803, died 1811 and wife Sarah remarried in 1812 to George Howe newspaper owner of the Sydney Gazette]Thomas married Reibey's daughter Celia in 1822 but she died 1823 leaving a daughter, Alice who died in infancy. In about 1819, aged only nineteen he was principal accountant for the Bank of NSW which was established in 1817. He must have suffered depression from the deaths of both wife and daughter as his mother-in-law wrote "...poor Mr Wills is getting into the same way as Celia. I think he will soon follow her if he does not very soon take a turn. He is a very fine young man-he goes up country tomorrow morning to Mr Redfern's, his brother-in-law who is a surgeon and I think the change of air may be a service. I have been packing his things up-he says he thinks he never will be able to come down again alive."¹⁰⁵

In a letter sent to the Colonial secretary in July 1827 requesting a grant of land he gives an account of his life to that stage. He states that he was a native of the colony, educated at Reverend H. Fulton's Academy for between four and five years, then became a student of medicine, but finding that there was little prospect of obtaining a competent knowledge of that profession in the colony he relinquished it, and entered the Bank of NSW as principal accountant for three years. Then he managed Dr Redfern's agricultural concerns for three years while he was out of the colony. Now 27, married very young to a native of the colony who died about four years ago. Because of his health, he took a voyage to Mauritius, remained for about a year, and remarried. His father[Edward]left property at his death to the amount of £11,000 or £12,000, [a huge sum in those days] the family, but owing to some law proceeding, had never become possessed of any portion of it. Dr Redfern in support of the claim writes that he has known the applicant from a child. Edward Wills engaged in mercantile pursuits and left considerable property behind him, a great part of which the family has not received in consequence of a law proceeding. One source of funds is £500 left to Thomas by his grandfather. He was also a part owner of the brig "Ann" sailing from Sydney and as his brother-in-law Thomas Reiby, in partnership with his[Reiby's]mother, Mary, had a virtual monopoly of the sea trade from their wharf in Launceston, he may have been involved with them, as he wrote, he made several voyages to Van Diemen's Land. After the death of his wife, he took a voyage for health reasons to Mauritius where he remained for about a year, where he remarried in 1827 to an English lady, Mary Anne Barry, sister to the Greek professor of the college lately established in the Isle of

¹⁰⁵ Mitchell Library-Letter-Sydney,Aug.5,1825

France.[Mauritius]The application for a land grant was refused on the rather dubious claim that he had not sufficiently improved a previous one. Thomas Wills' reply stated that there was a great distinction between those born in the colony and those who have emigrated[in getting grants of land]and that he had capital equal to what was required from the most favoured emigrant.

This problem was mentioned in the address to Governor Darling, February 1, 1826 with, "This class of colonist has been too much neglected...and unfortunately they deeply feel this neglect.

Grants of land...have been lavishly bestowed upon strangers, without capability of improving it."

[Commissioner John Bigge was blamed for establishing this situation.]

For many years all colonial birth had been held in contempt and the native born Australians felt the denial of their ability to gain positions of government office and the large grants of land being gained by emigrants.¹⁰⁶

In January 1831, Viscount Goodrich abolished the power of the governor to grant land and substituted it with Crown land being sold. In a despatch from him to Darling he stated;

On assuming office he found many abuses in the granting of land in the colony, which have not prevented large tracts of land from being given to people unable to improve and cultivate them and¹⁰⁷"they were founded upon the erroneous view of the true interests, both of the colony and of the mother country.... There is also another strong objection to the existing system, viz, the suspicion to which it unavoidably exposes the colonial authorities of improper partiality to individuals."

All governors favoured some people over others; Darling was no different, and certainly would not have given any special treatment to the wealthy son of an ex-convict.

Wills owned land south of Sydney, and in the west around Canowindra, was attorney for Dr William Redfern (his brother-in-law) before and after Redfern's death in England, owned property in Sydney and was a partner with James Forrester in a number of squatting runs. These were Belubula on the same river, Yamma and Monwonga on the Lachlan, Willandra(or Wallandra) in the hills near Eugowra, a run on the Goulburn river in the Port Phillip district in 1838,and another called Yallama on the Edward River near the Murray. As applicants for a licence, they state they are gentlemen residing at Sydney and Bathurst. In the itinerary remarks column Henry Bingham Commissioner for Murrumbidgee writes "This establishment kind and considerate to the natives." Wills, later sold his home place Varroville at Minto, south of Sydney to Charles Sturt, leased other property, was made a magistrate December 8, 1838, becoming the first native born to become a Justice of Peace and was in Melbourne by 1839 purchasing land and building a large brick home on a place called Lucerne on the Yarra with the 1841 census showing it unfinished[it was noted for its 'pillared and balconied front' set in an English style garden and survived into the 1950s] and later building another one on land on the other side of the Yarra, calling it Willsmere, which later becoming the site of the Lunatic asylum. In 1840 he purchased 932 acres in the county of Grant and in November 15, 1841, was made a trustee of the Port Phillip Savings Bank. He seemed to survive the financial demise which ruined so many speculators in Melbourne in the early 1840s when land prices collapsed, as he was still buying land in 1845. Wills spent time in England, where four more children were born, but returned to Melbourne, dying there in 1872, leaving a substantial estate.

¹⁰⁶ H.R.A.Vol 12 Darling Jan. 1825

¹⁰⁷ H.R.A.Vol 16-Goodrich to Darling-Jan.9,1831

A notice in a Sydney paper in 1850 had, "The Partnership hitherto existing under the firm of Wills and Forrester, sheep farmers and graziers, Belubula, has expired from effluxion of time. All claims will be settled by James Forrester. Thomas Wills-James Forrester. Sydney. April 17,[1850]" ¹⁰⁸ James Forrester continued with the runs on the Lachlan, after John Grant bought Belubula. Hugh Hamilton mentions Forrester in his journal as a friend, an old bachelor, who in former years had been a benefactor of his father in Jamaica. He visited him on his run, Wallandra, situated on the Mandagery creek during the 1851 drought and was lent £100. Hamilton was surprised that the garden there was flourishing with pumpkins ready to eat, whereas, his run, only about 20 miles away as the crow flies, was still drought stricken, indicating how variable rain fall can be, particularly summer storms.

Forrester only held his runs for a few years, with Wallandra where he lived after the sale of Belubula, being sold due to ill health. Hamilton wrote that when he visited him he was "much troubled by a cutaneous disease", which were probably skin cancers. After disposing of his runs, he sailed for Glasgow, Scotland where some family members lived and he died in 1858 with an estate of over £10,000, a fortune in those times. He left some bequests to Australian institutions including £50 to the Benevolent Asylum Sydney, Sydney Infirmary £50, Destitute Children's Home £50 and Bathurst Hospital £50. Also included in his estate were 50 Commercial Banking Company of Sydney shares valued at £25 each. The Bathurst Times reported in 1860 the receipt of £54 as a bequest to the Bathurst Hospital from the executors of the late James Forrester who died in Scotland.

Thomas Wills Papers

Included in this packet is a letter sent from Wills head station on the Belubula to him in Melbourne and two from John Gilchrist, his agent, copies from his sister Sarah, Dr Redfern's widow, living in Glasgow, Scotland and remarried there to James Alexander.

Belubula January 15, 1838..Thomas Wills Esq..Sir

I recd. your favour of Dec 31 by the shepherds who reached this on Friday evening, Mr Grant having detained them to bring up some sheep. I observe you have altered your former arrangements about the stock to be sent to Port Phillip. I addressed you on the 4th inst. Mentioning that I thought we would require a couple of spare hands in case of any unforeseen occurrence or accident taking place and I again beg to call your attention to it- pray what are we to do with the rams and ram lambs. I am informed that if they are even bagged, that it often gives way and does the rams much injury, and if the former happens, the ewes may get tuppied; they will not only be dropping in a very irregular manner, but at a most inclement season considering the southern latitude that Port Phillip is in- and will I not require a person to give me a little attendance to cook etc. I enclose a letter for Mr Gilchrist for your perusal with a list of supplies required for this establishment and joinery if you are to have out what you expected from Scotland; we will only require as slops warm clothing for the men for Port Phillip, the men whose names I have sent are the best I could select for the journey with the exception of Watson who is a mutinous character although useful in case of any breakage, Your old servant John I have put down for the person I thought I would require. Our drays will only be enabled to start to-morrow, having had a dray detained for ten days at Waugoula getting four tyres cut and some yokes ironed. Another man who was detained for three days getting two horses shod, as we now have to pay for

¹⁰⁸ S.M.H. April 18, 1850

what work is done, the loss of time and uncertainty of getting it done is a serious inconvenience. Can you remedy it by endeavouring to get a person to take up the business in this neighbourhood? Howard informs me you have a bushell measure, riddles, horse shoes, steel and clothes etc. at Varrovilla; if you do not require them, by letting us have them here it would save the expense of having them anew, charging me with what you think is their value; if so perhaps you may find means of having them[sent] to Sydney when the dray reaches. I have not engaged Howard as he goes with the teams- you will have an opportunity of doing so. I trust you will make him enter into a written agreement, so that he cannot tamper and annoy us as he has been doing. I will say nothing further about him- you must know him better than I can.

Young Whisker was rode from this neighbourhood Friday two weeks; a person came over from Waugoula in a dray to our neighbours-he did not leave with the dray-was seen riding past Burly Jackey sheep station. Whisker was seen coming from Penny Royal swamp on this Saturday with saddle marks, on Sunday at Lipscombe Pools, since at Coombing. I have had Howard, Dodd and Thomson in search of him but have not as yet found him. I am completely at loss what to say about these proceedings in this neighbourhood. I am aware that Whisker will take two men to catch him and he was with our horses on Friday and the person who rode must have the aid of our neighbours or his people to get him. Howard will inform you of the person.

Mr Boyles has sent his account which I enclose; you will perceive he has declined to act as agent, part of his account cash and charges for servant I do not know about. I enclose it please to settle with him. The post master appears to be a decent man; if we were to appoint him and deposit a few pounds with him I think it would answer- the £16/10/- you paid Mr Grant was for wheat had in December '36, January and February '37 before our flour came up. I returned him flour for the said wheat. Haydon has absconded- he brought no pass and I neglected to take his description; I will feel obliged by you sending it to me. I have reported his name in Bathurst. You promised to send us a little second hand furniture- very little will do us. You promised one of the blacks at Cardom a plate- he is making many enquires about it- his name is Charley. I remain- Most Respectfully –Yours very Faithfully- Jas. Forrester.

P.S. I think it advisable and requisite that you will have all your horses branded on the shoulder for if the people at Lipscombe Pools could have seen Whisker's brand they would have secured him. ¹⁰⁹

James Forrester was Thomas Will's overseer and later a partner, on his squatted holdings. John Gilchrist wrote letters to the Colonial secretary as agent to both Wills and Forrester, requesting permission for their assigned servants to proceed to Port Phillip, which was granted. The complete indents of the fourteen convicts listed were included in the letters, though they would have been gone from their designated district, long before permission was allowed.¹¹⁰ This was necessary as convicts were required to remain in their designated district, and though magistrates could allow them to move to another, to travel so far probably required permission from the Governor.¹¹¹ By 1842 though, assigned servants were no longer permitted to be taken to those regions by their

¹⁰⁹ Mitchell Library- AW 87

¹¹⁰ S.R. Reel 1840-letter38/3936-April 23,1838-John Gilchrist to Capt.McLean Principle Super.of Convicts

¹¹¹ S.R.2931-Letters-Col.Sec.-J.Forrester-Feb.6,1838

masters, as the Legislative council was concerned at the growing expense to government in maintaining police there and in returning them to Hyde Park barracks if they were unsatisfactory.

In 1847 he is one of the witnesses appearing before a committee of the Legislative Council, inquiring on the subject of police in the colony. He stated that he was a partner in the firm of Wills and Forrester, lived 32 miles from Carcoar since arriving in the colony eleven years previously; the nearest police were stationed at Carcoar and the court met there monthly. Often there was only one magistrate sitting, which meant cases that required two sitting magistrates could not proceed, leading to great inconvenience and on occasions their abandonment. He agreed to the formation of a Bench at Canoindra[Canowindra] which would be closer to his residence. When questioned on the size of their business, he stated that they ran 12,000 sheep and 3000 cattle.¹¹²

The plate mentioned in the letter would have been a brass plate worn by the military. It was engraved with the name of an Aboriginal man who was a tribal leader in the area, and worn around his neck. It was prized, as it indicated that he was a person of importance, usually a designated chief.

This letter contains many pieces of information about run management at that period. The time of over six months to receive a letter from Melbourne does seem quite long, though perhaps the shepherds had it with them for quite a while."Bagging" the rams probably meant tying a bag around their bellies so they could not serve the ewes. It may have been a common practice with many places having no fences to keep them apart from the ewes. A "tup" was a ram; the term has ceased being used in Australia, but is still in use in the U.K. Wills had a run on the Goulburn river in the Port Phillip district, a distance from Belubula of over 400 miles, which would have taken the men at least three months droving the sheep there, as well as another on the Edward near the Murray river. The other two letters in the packet were duplicates of letters sent by John Gilchrist, Wills agent in Sydney, to Melbourne. They dealt mostly with Thomas Will's extensive land transactions, problems with the stock management on his western land, including a recipe of a number of substances to treat sheep with scab, but also instructions from Scotland where Will's sister lived, on the possibility of disposing her sheep and renting the land.

John Gilchrist was also a director and large shareholder of the Bank of Australia holding over £3000 worth of shares before it failed in the mid 1840s. Thomas Wills also held then £440 worth.

The Role of Agents: Due to the remoteness of rural property including the squatting runs from towns or Sydney, agents for the settlers and squatters played an essential part in their business operations. Also the extreme shortage of cash was another factor with notes "promising to pay" passing through many hands as a substitute. They paid many of the important bills including the annual licence fee, arranged the sale of produce and organised purchases for the running of the station against those sales, becoming moneylenders in the process and through that, holding squatting licences themselves if the squatter defaulted, particularly after the 1840s depression.

The Journal of a Lachlan Squatter-The Fifth Squatter

¹¹² M.L. Votes&Proceedings-Leg.Co.N.S.W Police of the Colony-James Forrester-June 30,1847

The example of this squatter is different from the others as he came to the colony after squatting had been legalised, with capital or access to it to invest in a squatting run and work on it himself. Many like men were occupying land in the Port Phillip district which was opening up, but he chose to purchase an established run on the Lachlan. Hugh Hamilton, the fifth example of a Lachlan squatter was accepted into the upper level of society in Sydney, and was a young man when appointed a magistrate.

He kept a diary from when he left England in 1841 to settle in Australia. He was on the same ship which George Rankin and his family were returning to the colony, and came from Ayr in Scotland from whence the Rankins had lived. He was not a relative, but the families would have been familiar, though the Hamilton's wealthier. This journal appears to have been compiled and abridged from several, the account had been at some period type written from written material, with only one gap in the writings, which was when the person transcribing could not decipher the name of the place where the rum was purchased for the branding of Hamilton's newly purchased cattle on Tomanbil and Boyd.

Hugh Hamilton returned to Scotland with his family in 1860, and though he returned some years later it does not appear as if he returned to the land on the Lachlan. The writings in his journal were those of a literate and successful man, proud of his achievements, despite many setbacks. This journal would have been compiled from daily diaries, perhaps during one of his trips to or from England. He gave an insight into the actual management requirements on cattle run, he being a working squatter, holding the licence and involving himself in the actual running of his holdings, though much more is recorded of his successes rather than his failures.

Some letters that he wrote to members of the Sloan family from Scotland are with their papers in the Mitchell Library. In one written in December 1860, he says that shooting (grouse and pheasants) is the principal part of his occupation and he had spent three weeks in London with George Rankin before he died. Another one dated from Ayr, September 24, 1862 saying, "It is sad to think of Canimbla [had been Arthur Ranken's run across the river and managed by Ivie Sloan, brother to James] being all cut up by small settlers, but I dare say in the long run it will bring wealth to the country and to have it thickly populated. I am glad I escaped from the Lachlan before I had the chance to see my run similarly destroyed." He would probably not been as philosophical had he still remained in Australia.¹¹³

The journals of Hugh Hamilton commenced when he sailed to the colony in 1841, from which he compiled and condensed the previous writings, provide a wealth of information on the many aspects of living and working on a run during the 1840s to '50s period. He was a working squatter, who lived and worked on his runs, whereas many with similar education and social position, had others to manage their stock and land for them. Within the district, the majority of the working squatters were not sufficiently literate to have kept an account of their daily activities. The amount of riding across the country and distances travelled seemed frequent, with trips to Bathurst, a distance of about 100 miles often taken and over only three days or so, staying at the homes of friends on the way, showing how much these men stayed in contact with others, when you imagine that they were remote from towns.

¹¹³ M.L. MSS 33 Sloan Family

He wrote of having forty cows in his dairy on Tomanbil in 1848, which was rented out for £30 a year with him providing the cows. In addition he received "milk every day and butter for my own use as well as a fat pig in the winter," which was raised on the skim milk from the dairy. Some of the milking was often performed by children of the dairyman, who were working at many tasks an early age, and Aborigines are recorded "following the milkers."

He records frequently of the time spent with Patrick Boswell, a neighbouring squatter on Enocks run, further down the river, as well as Edward Murray, on Trajere, up river, John Rodd's superintendent and brother-in-law, and when Boswell returned to Scotland to claim an inheritance, Hamilton managed his run. The three friends and neighbours were all made J.P.s in December, 1847.

The clothes gentlemen wore are seldom mentioned, but there was one of Boswell's attire when he was leaving Bathurst to return to the Lachlan, wearing mustard coloured tweed trousers, seat and legs strapped with leather of much the same colour, a short stable jacket, a cabbage tree hat, and a cotton shirt with a bright pink pattern.¹¹⁴

They married sisters, Hamilton first to Margaret Innes, and Boswell later when he returned to Australia to her older sister Annabella.

The number of people on these holdings, as recorded by the commissioners in their itineraries is quite small, with often on the cattle runs, numbering only two or three, making it difficult to understand how they could run these large places. They were the permanent workers, but the extra labour to work on these holdings seemed to come from a mobile workforce travelling in the district and available during busy periods, such as branding and marking calves or erecting fences, a very slow process made at that time of post and rail. Also if someone such as a hutkeeper was dismissed, his replacement was soon found and signed on. The aboriginal men also took part in stock work but again their involvement is seldom recorded, though mention is made of one who was a stockman on Hamilton's first trip to Melbourne with cattle. He also mentioned hiring three China men through Captain Towns and they came up with his stockmen when they brought a tilt dray up from Sydney, after returning there from Melbourne by steamer after the cattle were sold. No reference was made as to what form of employment they were engaged, but with a great shortage of all kinds of labour as a result of the gold discoveries, it may have been just replacement station labour. When he visited one of his friends in Bathurst, John Rodd, a fellow Lachlan squatter, he lamented the lack of domestic help in the house and stated that the daughters have to involve themselves in "servile duties". The gold period and exodus of people in its search, was probably the beginning of the decline of servants, particularly domestic ones, in the nation. Prior to then, there had always been a supply, either convict, ex-convict, immigrant or colonial born.

The labour employed was usually under a contract, for a specified time, one to three years, rations supplied, the wages to be paid and any other conditions recorded. Dairies were rented with the squatter getting often some portions of the cheese-women were often involved in the cheese making. Stockmen who were often paid in livestock, being cattle on the Lachlan runs, were given a grazing allowance, their stock at times being sold as theirs in the market or else remaining on the run and increasing in the case of cows having calves. Horses were also bred on the runs, with stockmen often breeding their own. James Newell, stockman for Hamilton on Tomanbil, in 1850, drove a mob of 65 horses, some his own as well as others, down the Lachlan to Adelaide for sale, the

¹¹⁴ Further Recollections of My Early Days in Australia-Annabella Boswell Mitchell Library-A902.7/B741.1

trip taking about four months there, with Newell returning in mid-January. James Newell came out to the colony, aged 19, as a bounty immigrant on the "Eleanor", arriving on August 22, 1841, from Ireland, home place possibly Galway. He was illiterate, but was taught to read and write by Hugh Hamilton. As there were still very few women living on the Lachlan up to that time, Hamilton seldom includes them in his writings, but on one occasion he says;

On Tuesday [August 5, 1850] I crossed the river in a canoe and swam my horse over at Wongajong new hut; I got some dinner from the stockman, Tom George who has got an active young wife and having been service maid in an inn at Carcoar, seems to know something about cooking, a rare attribute in the bush.

Only some of the places had gardens and with hutkeepers [men] doing the cooking, it was mostly salt meat, usually beef and damper, a monotonous diet. If the station had a dairy, they kept pigs, feeding them on skim milk and bacon varied the rations a little.

When the drought of 1850/51 became more severe, he took some of his best cows and calves to the tablelands area east of Bathurst, but they did not do well there, so he later brought them back home. When returning from there in March, 1850, he went via North Logan, James Sloan's place.

On Monday (March 10) I rode out with Sloan to see his waterholes and as a number of Blacks arrived in the evening, Sloan thought it advisable to take advantage of them to get Blackwood's catarrhed sheep killed by them, and wished me to witness the operation, which I did, remaining there till Saturday morning when I returned to Tomanbil. Blackwood's sheep are very poor, so much so that the worst being drafted for the first slaughter were not considered after examination to be worth opening to take the caulor kidney fat from them; they were skinned and their carcasses thrown in heaps and burned.

This is an interesting account of skilled work being performed by the local Aborigines as they travelled along the Lachlan, a job that they had obviously done before.

Whilst a Gold commissioner, he writes about a ball held in Bathurst by the commissioners, in honour of Governor Fitzroy when he visited the Ophir goldfields and others in April 1852. This gives a glimpse of the attitudes of positions in society at that time. The commissioners wore uniform, Hamilton writing that he was wearing his for the first time as formal wear.

...the Ball being a subscription one and the first in Bathurst passed off very well; there were about forty of the trading class who behaved very well and whom showed as good a breeding as any in the room. The Governor seemed very well pleased and stayed till ½ past 3.

The following day the Governor and his party toured the goldfields on the Turon river. When the miners held a dinner for him;

...there were about 120 men at the dinner who came all dressed in red shirts; we left it early, but I believe afterwards there was some disturbance at which there was little wonder, as some of them were drinking champagne out of tumblers.

During the cold winter when he was collecting licences, he describes an interesting shelter. An Aborigine, who was a member of his squad, stripped a sheet of bark of a tree, which was slightly

bent over him, forming a very good gunya and with a good fire at his feet, he slept very comfortably. He also records that at times when it was wet, he slept quite dry under one.

When Hamilton returned to his runs after resigning his position as a Gold commissioner in May 1852, he rehired one man for a year, wages being £40 and a double ration, but with a £10/10/- deduction for depasturing stock [no numbers or type recorded]. James Newell was also hired for three years as stockman, find his hutkeeper, and get £30 and double ration [he was married];

...he rents the dairy, besides he is to give me £40 out of every £100 of clear profit that he makes and take proper care of my cows and calves. I also purchased his cattle at 15/- a head which was a high price but they are mostly my own breed running on my stations and old enough for market as I have been buying his calves for two years.

The wages paid to stockmen increased with the discovery of gold which created a shortage of labour available for such work. A stockman giving evidence in a court case in Bathurst in 1848 stated that he was employed at £26 and rations ¹¹⁵[per year] which is 10/- [10 shillings per week or 1 dollar in modern money.] This amount doubled a few years later.

Theft of livestock is occasionally mentioned, usually horses, but seldom anything else, though Hamilton does record theft when his cattle were mustered in November of 1852 on Boyd, prior to being driven to Melbourne.

I now had everything ready for an overland journey to Melbourne; Mr Murray and James Newell were preparing the packs for the horses and I went to Boyd to collect the cattle; in this I was doomed to be disappointed for some cattle stealers had been before me and had taken between forty and fifty of my best beasts and not ascertaining the fact to be a reality for some days I looked for the bullocks for a whole week, thus delaying my expedition. ¹¹⁶

As he received at that market £10 for his best, this represents a loss of nearly £500, a large sum at that time. No mention was made as who may have been responsible for the thefts, but that region, with the Weddin mountains not far away became later a haven for thieves. His pending trip would have been well known in the district and his stockmen would have known how many were fat enough to take, so the thieves waited till the cattle were almost ready to leave, before stealing some of them.

The Journal of Hugh Hamilton is in Appendix B.

Salt Usage in the Colony

Throughout the years in the colony, prior to the development of refrigeration, salt was one of the

¹¹⁵ S.R.-Judge Manning's notebook-Bathurst Court-Ford v Hood-Feb 26, 1848

¹¹⁶ Journals of Hugh Hamilton National Archives of Australia-M.S. 956

most important requirements for preserving meat as well as curing hides from cattle, as well as skins taken by the sealers in the southern parts of the continent. Large tonnages needed to be imported, though there was salt being produced as early as 1805.

20,000 pounds of salt on account of the Government, made from the salt pans at Newcastle, under the direction of Mr Throsby¹¹⁷ [This would have been produced by convicts.]

This salt from Newcastle at that time was sold to the settlers at 3½ pence a pound, to be paid for by them with meat or grain.¹¹⁸ The colonial salt was for years considered to be inferior to imported salt, with some of the additional salts not being removed during processing. The “bay” salt of the types imported was the best quality commanding a higher price, as it was believed that meat when cured with it, preserved for longer.

John Maxwell, superintendent of Government stock, west of Bathurst wrote.

3000 pounds of beef requires 6 hundred weight [672 lbs, approx 300 k.g.] of salt to cure it¹¹⁹

The salt requirements of people can be gauged from a part of a letter sent in 1823 by the Colonial secretary Goulburn to Lieut. Simpson, Wellington Valley.

Weekly allowance for each soul of a quarter of a pound of salt.¹²⁰

This figure gives an indication of the amount of salt required in the colony, just for the perseveration of meat as it was the only way meat could be kept for a period longer than a few days, with salted meat constituting a major portion of people’s diet throughout the colony, particularly in the more remote regions.

In a copy of the Gazette in 1830 was an advertisement from J. Blaxland, under the heading of Colonial Salt, manufactured at his works at Newington on the Parramatta River, priced at £3 per ton, with “several hundred tons of salt manufactured by me at my works, 1 to 3 years old.” He stated that he had been making salt for ten years, and that “salt in store for one year drains away the sulphate of magnesia.”¹²¹

An article in the Gazette had the necessary steps required to salt beef to be stored in casks.

The animals intended for slaughter should be in good condition; 24 hours before they are slaughtered they should neither have food nor water, and the operation is best performed in the evening; when cold enough to cut up, the meat should be divided into pieces weighing not more than 6 lbs, the shanks, offally and bruised parts being rejected. Men should be ready prepared with thick leather mittens to cover their hands, to rub the salt well into every part of the meat.[The salt removes the blood] It should then be stacked on a sloping bench to drain for 12 to 24 hours, or until the salt has penetrated well into the meat; each

¹¹⁷ Sydney Gazette Sept.8,1805

¹¹⁸ Sydney Gazette Feb.24, 1805

¹¹⁹ S.R.Reel 6031-4/7029A-Oct.8, 1823

¹²⁰ S.R. Reel 6010 4/3507 p.445 March 13,1823

¹²¹ Sydney Gazette June 3 & Oct.14, 1830

piece should then be dipped into a tub of weak brine, which takes off any slime that may adhere, and it should have a second rubbing of salt. Clean casks ought to be ready, not larger than will contain 300 lbs. Coarse salt(which may be sifted from the intended salt) ought to be strewed on the bottom of the cask, then a layer of beef, over which coarse must again be strewed, and so on until the cask is filled to the chime. The very strongest brine should be prepared, into which a pound of coarse sugar, and the full of an ordinary hen's egg shell [as a measure] of saltpetre should be dissolved for each cask; when this brine has been 12 hours in the cask, it should be drawn off and re-boiled and skimmed, the cask should be refilled with this brine and securely coopered, the bung kept upwards to allow fresh pickle to be occasionally put in until the meat is required for shipping. The quantity of salt ought not to be limited; that made in the colony by the improved system of evaporation is found equal to imported salt and is always available at a very low rate.¹²²

Though these were designed as instructions for the preparation of salting beef for export, the methods of its preparation for general use would be similar. At the time, 1830, the Government was only giving one penny a pound for fresh beef from people who had tendered its supply, so exporting was being considered with an ever increasing herd in the colony, except there was very little market, one being to the whaling vessels sailing in the southern oceans as well as to other ships requiring supplies for a return voyage. The whaling vessels working in the southern fisheries required the beef in the casks to keep for two years, such was the duration of time that they could be away from ports where they could replenish their supplies especially if they had not had a successful season hunting whales. The casks were mostly made of imported timber as it was found that those made of local timber tainted their contents.

Livestock on Land Outside the Limits

When people at the time referred to as settlers or sometimes stock owners moved their flocks and herds to the west to graze in areas which later became defined as outside the settled limits, they established their runs in exactly the same manner as they had been accustomed to using under occupation licences, with features such as creeks or ranges of hills as the run boundaries. Conditions in an occupation licence such as who was in charge of the stock and a fee charged, were later similar requirements in the 1836 Squatting Act, except the fee became much greater as a deterrent to those people "of bad character" who were already squatting. The magistrates had hoped that they would have sole authority to issue licences in their region, but fortunately the Governor did not agree. As most of these men were squatters outside the limits themselves, it would have enabled them to create their own little "empires" in those parts, by excluding all outside competition for land.

A ticket of occupation in the Bathurst region in 1823.

Sir, I am directed by the Governor to convey to you his sanction for your occupation for three months only of all of the land extending two geographical miles in every direction from your stockyards to be erected due north of Bathurst and nearly 45 miles distant for the use of your herd as a Grazing Run to be placed under the charge of Mr Edward Wills provided it

¹²² Sydney Gazette Jan. 19, 1830

is now depasturing by no previous occupant and that the cattle kept thereon are marked as described in the margin R/Q on hindquarter. I am Sir your Obedt. Servant F. Goulburn
Colonial Secretary to Thomas Wills.¹²³

It is interesting that this ticket has a time frame of only three months, whereas other ones have no time limit. The Government may have been granting or selling land in that region by then, 1823, and so was not prepared to give one on unlimited time, knowing that Thomas Wills was entitled to an additional period of six months, from the time that the ticket was cancelled.

These runs could not be cultivated or cleared, only grazed. These grazing leases were sometimes referred to as Permissive Occupancy or more frequently as Tickets of Occupation and sometime as two mile circles, but one was much smaller, the applicant only receiving "...for the purpose of depasturing fifty head of cattle...temporary possession of five hundred acres of land."

The early use of the word "run" refers to a piece of land, leased from the Crown for grazing purposes from the very early days of settlement in the colony. There was confusion later amongst the men with stock beyond the limits as they believed the same rights that applied within the boundaries would also apply to their runs outside, when that occupation was legalised in 1836.

When men moved their stock, usually cattle, along the rivers and creeks, they were continuing a well established practice of shifting livestock to more favourable locations where there were no other animals in close proximity, frequently being from a shortage of feed or water or both. Cattle that were newly introduced to a run were brought to a camp daily around the middle of the day till they became accustomed to their new territory. This could take up to six months, otherwise, with no fences to stop them from roaming, could return to their old country, with some travelling back over 100 miles. Dogs were also used by some stockmen in assisting to round them up as well as if there was a dairy, to help bring in the milkers. Daily handling helped to settle them down and when accustomed to this, they got quite tame, but, if neglected they became wild.

Henry O'Brien was another settler who had been in the colony for many years, arriving in NSW from India in 1815, and later settling on the Yass Plains at Doura on the Yass River where Yass township was later built. In a letter he sent, dated June 30 1830 to Colonial Secretary:

...receipt of your communication of November 27, 1827 No 965 in the subject of my deeds at Bathurst. I have been for the last two years personally employed very distant in the interior in the care and management of my stock, a circumstance which has till now prevented me from attending to the deeds of my land at Bathurst.¹²⁴

He had settled on the Yass Plains early 1820s following their discovery by Hamilton Hume in 1821. In five years his flocks and herds had increased to such an extent that he decided to go further afield in search of fresh pasture lands. He mustered 1000 head of store cattle and loaded a bullock dray with sufficient rations to last his men for a year. Starting near Yass he followed streams to the Lachlan and as O'Brien followed down the river he found all the suitable land occupied so he got to the junction of the Lachlan and Murrumbidgee Rivers, then travelled back up the Murrumbidgee River and formed two fattening stations on its lower reaches called Groonal and Bendrenbah.¹²⁵ . As

¹²³S.R. Reel 6010 Col.Sec-letter- 4/3508-p.55-March 29, 1823

¹²⁴ Reel 1168 Col Sec letters

¹²⁵ Mitchell Library-Reminiscences of James Gormly-1913-19-991.7 G-published in various newspapers

he already had squatting runs on the Murrumbidgee, it is remarkable that he did not travel down that river to find new country. The season must have been favourable as there is no mention of a shortage of feed or water during his journey.

On February 1, 1827 he applied to rent land for his sheep and cattle on the Abercrombie River, where he wrote "...which under the expectation of your Excellency's permission, I have already taken the liberty to occupy." He had a station named Kudgiong on the Murrumbidgee, but the furthest down that river when Charles Sturt, travelled down it in 1829, was Stucky's in the later Gundagai region. He reached the Lachlan/ Murrumbidgee junction on Christmas day. Aborigines had advised him along the way that the Murrumbidgee flowed into a great river, while later, an Aboriginal man prevented an attack on Sturt's party as their boat travelled over a shallow part of the Murray river, which Sturt named after the Secretary of State. The river upstream remained being called the Hume for many years later.

A letter dated, June 30, 1830, O'Brien applied to rent 960 acres on the south side of the Murrumbidgee river about five miles from Kudgiong[now Jugiong] in a southerly direction and also wishes to rent under existing regulations for 2 shillings and 6 pence per annum per 100 acres.

[O'Brien wrote.] It is my stock station and the first established at this distance from Sydney (200 miles on the Murrumbidgee River).¹²⁶

In August 1830 his application for 950 acres had;

County unnamed -Surveyor General to ascertain and report whether beyond the boundaries of the colony or not. This is uncertain and if not it cannot be complied with. October 25, 1830.

Though there was uncertainty where the land was located, a letter dated October 13, 1830 had;

Pray tell me whether you think that the accompanying application of Mr H.O'Brien for a monthly lease ought to be complied with-beyond the boundaries.

I should let him rent it. T.Mitchell¹²⁷ [Surveyor General]

The land was situated well outside the limits, in fact nearly forty miles west of Yass, making it at least thirty miles outside, showing the uncertainty of even the Surveyor General at that time, just where the county of King's western boundary was located. It was most likely still un-surveyed, as when its northern and western boundaries were mentioned in the Sydney Gazette of October 17, 1829; they were "to be surveyed."

O'Brien was attempting to rent the land, under the regulations of October, 1828 which granted temporary leases of Crown lands adjoining their land, but the land referred to as his "stock station" was actually a piece of squatted land.

...with the view of further restraining unauthorised individuals from driving and depasturing their cattle in all parts of the colony, to the great injury of the settled inhabitants, his

¹²⁶ S.R.Box 7/1227 Sur.Gen. Monthly Returns of Rent-1829-31

¹²⁷ S.R.Box 7/1228 Sur.Gen.Monthly Returns-Purchase 1829-31

Excellency has deemed it expedient to permit settlers to occupy, the unlocated lands immediately adjoining their respective grants, at a low rent... after the rate of 2/6 per annum for every 100 acres ...subject to be resumed at one months notice to the occupant.¹²⁸

He was unsuccessful with a decision of the Governor, cancelling the transaction by the Government notice of August 1, 1831, where amongst other changes, in this case stated that grazing leases would be put up for sale, but as it was outside the limits of the colony, it could not be sold.

The example of the other settlers like Wills and Redfern, Maxwell, Grant in their occupation being sanctioned by surveyor Mitchell, indicates that he was not totally opposed to them stocking the land in various locations outside the proscribed limits and paying some rent. These others also failed to gain approval from the Governor, so they all continued squatting on the land they had attempted to rent.

When the limits of location were made by a Government order of July 5, 1826, published in the Sydney Gazette, tickets of occupation were suspended at the same time, to be replaced by annual leases, the fee being charged at £1 per 100 acres, and this may well have been a factor in encouraging the movement of stock further west, where they could continue grazing animals, free of charge as many had done for years. Some though chose to stay on runs which they had occupied for years and pay the rental, while many just continued as before.

Some letters from William Howe, police magistrate at Minto, in 1827 gave some evidence of the problems created with their suspension in the Burrogorang Valley where he had held a grazing run.

The whole country in Burragarrang is at present over run by people's stock who have no right to be there and [are]suspicious characters.¹²⁹

In May, he wrote again to the Colonial secretary.

I beg to explain my situation as to my cattle run at Burragarrang. Two of my sons have grants there of 640 acres each and I have had temporary occupation of 2000 acres by ticket of occupation. My stock and my sons' stock are now there hither to we have held undisturbed possession, but now some men have come down and insist on turning their cattle (a very large herd)on the land we are now depasturing. If this step of theirs is sanctioned by the Government, it will go near to ruin me situated as I am at present. I trust therefore that I may be protected from so serious an injury to my family, particularly as I am ready to take the land by renting it, by purchase or in any other way and on terms that the Government will allow me to retain possession, which I have had for many years.¹³⁰

He later in the year wrote that there were from 5000 to 6000 head of cattle in the valley, with one man "...taking stock from any person at a low rate," and that these intruders "...are a very great nuisance to those who have authority to possess lands there." Also he included that his son [not named] was the first person to explore the place, receiving a grant there. The letters ceased when he was able to rent land there.(William Howe and his son Ephraim later held licences for a short time for squatting runs on the Lachlan before moving to the Murrumbidgee.)

¹²⁸ Sydney Gazette October 17,1828

¹²⁹ S.R.Reel-1141-Col.Sec.re Land-Wm.Howe-Glenlee House-Jan.13,1827

¹³⁰ S.R.Reel 1141-Col.Sec.re Land-letter 27/7566-Wm.Howe May 4,1827

The tickets of occupation were abolished as a result of the concerns of established settlers that they were being used by “nefarious characters” increasing the number of animals they were grazing on Crown lands by stealing animals from surrounding flocks and herds from nearby holdings.

This abolition probably did little to alleviate the problem with these people who would have then squatted in remote locations and continued their activities.

Lease payments were reduced to 2/6 per 100 acres in 1828 as the figure of £1 was too high, especially for land which had been previously used for grazing livestock without charge.

The Nineteen Counties

In January 1825, the Earl of Bathurst, the minister responsible for the colonies, wrote in a despatch to Governor Brisbane informing him to make a general division of the whole of the territory of N.S.W. and Van Diemen’s Land into counties etc, and to make a survey of the whole colony. Also was included in part, “...you will exercise your own discretion... of any serious difficulty which has not been anticipated in this country, should oppose such an extension of the plan, you will be at liberty to suspend the execution of it...” This means that at that point in time, there were no plans to limit settlement in the colony. These instructions were acknowledged by Brisbane in June 1825,¹³¹ but he was replaced by Governor Ralph Darling in December of that year, so it became his task to resolve this issue. He arrived with a number of instructions, one in part stated,

Ralph Darling, full power and authority with the advice of our said Executive Council, to issue a proclamation dividing our said territory of N.S.W. into counties...¹³²

By July 22, 1826 Darling was writing to Bathurst saying, “I was directed to survey the colony and divide it into counties...such a survey with the means placed at my disposal was unfortunately tedious.” He also adds that he was concerned about individuals arriving in the colony with capital, wanting land to settle on immediately on arrival and being unable to accommodate them. This was due in part to a clause in the instructions he brought with him, Clause number 42, which was the main obstacle to settlement, particularly when there were very few qualified surveyors in the colony. It stated in part...”no land can be granted without purchase until after they have been surveyed and valued by a Commissioner and put up for sale for a period of six months.”

The newly arrived immigrants, many with letters of recommendation from highly placed people back in England, were afraid that their money would be used up, before they could get land.

Surveyor general Oxley wrote a very detailed submission to Darling, stating it would be impracticable to carry out the provisions of section 42. “They should be permitted to select as speedily as possible at the rate of one square mile (640 acres) per £500 capital, which will embrace a good portion of good land and bad land.” He also included “...that settlers from England should be permitted to settle in the settled districts, but not to extend their selections beyond certain limitations of distance and surveyed country.”

Darling’s solution to this was an Executive council suggestion that ...”settlers...are allowed immediately to select land within certain prescribed limits.” He then described the limits.

¹³¹ Historical Records of Australia-Vol X1

¹³² H.R.A. Vol. X11

....taking a line from Port Stephens to the Wellington valley, the river Macquarie and a direct line thence to the latitude of Bateman's Bay in a line westward to 149^o Longitude as the southern boundary.¹³³

The Sydney Gazette when it printed the Government order No 35, September 5, 1826 had another version which was also vague. "The northern boundary to be from Cape Hawke in a line due west to Wellington Valley. The western boundary to be the river Macquarie from Wellington Valley to the 33rd parallel of latitude; from thence the line to be extended to the 148th degree of east longitude; and from that point directly south till it reaches the river Lachlan; thence due east to Campbell's river perusing the line of that river to the southwards and so on to the latitude of Bateman's Bay which forms the southern boundary." ¹³⁴These ill-defined borders placed some land already granted outside the colonies' limits.

Although the boundaries of the nineteen counties were soon changed, to be within more natural features rather than an arbitrary line, it meant that the limits to settlement in the colony of N.S.W. were Darling's creation, with advice from the Executive council and Surveyor general, John Oxley, and not imposed on it by the Government in England. The people creating these limits could not have foreseen what far reaching effect it would have on land settlement, affecting it until nearly the end of the century. There was another concern that the authorities in the colony felt a need to change, which were tickets of occupation. When these were suspended on July 5, 1826, its chief aim was to prevent the legal occupation of Crown land by people of 'doubtful character'. Oxley stated that "Persons obtaining them, take in cattle for payment from other settlers at the rate of 10/- per head and there are instances of individuals possessing scarcely any property and of doubtful character receiving £400 to £500 per annum in this manner." The unstated concern was that with such people scattered amongst the free settlers, the risk of stock theft was greatly increased, which was a concern both real and imagined. The tickets were replaced by an annual lease at the rate of £1 per 100 acres, which was a big rise on the previous rate, and again set to both increase revenue and put land occupation beyond the reach of these 'doubtful characters'. It was little realised that in time it would lead to an expansion of squatting.

Darling agreed to relinquish reserves of land that the Government was holding from Bathurst to the Wellington valley, opening it up for settlers, but still retaining one of 10,000 acres in the immediate neighbourhood of Bathurst. These reserves would have been a contributing factor to the spread of livestock past them to grazing land with secure water such as the mid Lachlan and Macquarie rivers.

A despatch dated April 2, 1827; Bathurst to Darling gives agreement to remove clause number forty two from the instructions and to the entire discontinuance of tickets of occupation which were "extensively abused."

It is not till a Government order dated October 14, 1829, printed in the Sydney Gazette of October 17, that the boundaries of the nineteen counties were definitively given. It was remarkable that such a far reaching piece of legislation should only be made as a Government order, not coming as a statute or Act, and not appearing for years in despatches.

Part of the western boundary of the county of Bathurst is of interest where it crossed the Belubula River at its junction with the Limestone creek, putting the land around present day Canowindra, to

¹³³ H.R.A. Vol X11 page 375

¹³⁴ S.G.Sept 9,1826-Govt.Order No 35-Sept 5,1826

the junction with the Belubula and the Lachlan, outside the limits, while some of that land had already had grants permitted. The western boundary of the county of King [west of Yass] simply stated, "...on the north and west by natural boundaries to be surveyed." So if the authorities were not certain where the limits were, it was not likely that people with stock in these regions would be any wiser.

Not till February 25, 1834 were the nineteen counties boundaries defined and described with Surveyor general, Thomas Mitchell stating that the work was complete, except "...the Belubula River has not been surveyed to its junction with the Lachlan." This led to continuing confusion in this region as the north bank of that river was outside the limits, with the land on both sides being occupied for many years, as granted, rented, purchased and squatted.

The Extension of Squatting

Squatting beyond the boundaries was a continuation of a long held practice of occupying Crown land for grazing purposes adjoining granted, purchased, or leased land within the settled districts. The expanding flocks and herds soon overgrazed the small holdings that Macquarie would have liked to maintain, and with the creation of occupation licences, he did permit the legal grazing of stock on Crown land, but he still envisaged the colony settled by yeoman farmers and remained in conflict with the larger landholders right up to his departure. During Darling's governorship, the limits of settlement, later known as the limits of location were defined, but by then there were already large numbers of livestock along many of the inland rivers, beyond those limits. There were seven separate Government notices with new regulations involving the occupation of Crown lands from July to September in 1831 which would have contributed to people moving out, particularly those who had paid nothing for years to use the lands of the Crown for grazing free of charge. With one of the new regulations, grazing leases were to be put up for sale, with "individuals allowed rent land with a view to purchase." The Government notice of July 1, 1831 virtually abolished free grants of land, with the exception of discharged army personal, with all land not already held by grant or purchase to be put up for public sale at a price not less than five shillings an acre.

As early as 1831 a letter in a Sydney paper from a settler, was suggesting a license to depasture stock as a way of relieving the grazing restrictions that were in place. He stated in part; "Now one of great source of colonial wealth is our livestock of the various descriptions and of course it is of such vital importance to our very existence that every unnecessary restraint as to its depasture etc is likely to produce the most disastrous consequences to us as pastoral people; therefore...I proceed to give you an idea...and that is to let every stockholder take out a license annually...to depasture animals on the Government...unlocated lands...a code of regulations could easily be concocted for carrying the measures into effect."¹³⁵

It was not till about five years later that very similar regulations were enacted for the occupation of Crown lands outside the settled districts.

Good land cleared for agriculture though in the Bringelly region in 1834, was being advertised for lease for seven years at 10/-[ten shillings] per acre per annum, payable each January or in wheat at

¹³⁵ Letter-Sheep & Cattle-S.G. Aug 20, 1831

the market price, with the tenant being required to fence their portion with a substantial three railed fence. The owners were also making a pair of working bullocks and a plough available to each tenant for rent, with a preference given to those willing to hire themselves for occasional labour on a large neighbouring property. This shows that there was a premium for quality farming to lease even at the time when other land was much cheaper to rent or even purchase.¹³⁶

References to “squatters” or “squatting” do not occur in newspapers till the early 1830s. One in 1832 records near Bathurst “abuses practiced by the small class of settlers called squatters,”¹³⁷ while another also at Bathurst a month earlier had “...the unauthorised occupation by suspicious persons of unlocated land, with instructions given to the constables to warn off those who existed as ‘squatters’, to evacuate the same and to burn down any tenements they might have erected.”¹³⁸ As the Bathurst district extended over several hundred miles and there were only seven police there, little could be achieved. There may have been a change in Government policy as magistrates later complained that they had no power to evict squatters.

Appearing before a committee of the Legislative Council investigating police in the colony in 1835, George Rankin stated that there was only one constable beyond Bathurst at Mandurama, 35 miles to its west.¹³⁹ He also added, “One of the greatest annoyances we suffer in the remote parts of the district, is from squatters, who are very numerous; composed of expirees and ticket-of-leave men.” The following year the complaints continue with references in the southern districts near Goulburn of convicts becoming free, are too idle to work and build huts on Government land, becoming squatters and become possessed of herds of cattle and flocks of sheep without any visible means of acquiring them, unless by stealing or receiving from stockmen on neighbouring estates.¹⁴⁰ There was seldom any mention of the large number of men from the establishment, the better class of men, including magistrates who are themselves squatters, except for a letter calling them “...gentlemen squatters, i.e. large settlers who have stations far in the interior for the maintenance of their superabundant of flocks and herds.”¹⁴¹ As the complaints about squatting came mostly from people with land within the boundaries, occupation on the outside seldom rated a mention, and though it was quite extensive, it was beyond the reach of the authorities. The approaching legislation for some legal occupation increased the editorials and letters in the Sydney press.

Squatting. The system of squatting has lately increased to an alarming level and cattle stealing and every other crime that not only tends to demoralise the moral population, but to increase the general insecurity of property continues....In every part of the country squatters without any reasonable means of maintaining themselves by honesty have formed stations and pursued a predatory warfare against the flocks and herds in the vicinity...We have seen and unavailingly deplored the evils of squatting. From all quarters complaints have emanated and in the universal outcry, by the higher orders, it is not to be supposed

¹³⁶ Sydney Herald-Sept.18,1834

¹³⁷ Sydney Gazette June 19,1832

¹³⁸ Sydney Gazette May 29,1832

¹³⁹ Sydney Herald-Evidence before the Committee on Police-July 8,1835

¹⁴⁰ Sydney Gazette Dec.26,1833

¹⁴¹ Sydney Gazette June 27,1835

that the Governor is unacquainted both in the proposed remedies of those qualified to form opinions, and the extent to which these thieving practices are everyday carried.¹⁴²

This was only one example of many articles in the papers which were being printed in an endeavour to influence the Governor in framing the proposed act, providing some form of legal occupation of Crown lands by suitable people.

Another letter on squatting had that the exclusives were wishing to prevent ex-convicts from owning or leasing land or owning livestock, which had been frequently expressed in articles.

These good gentlemen seem to forget that the colony was selected by the British Government in 1788 as the most distant spot on the globe, as a place set apart for the reception of convicts from the mother country. British emigrants finding the colony becoming prosperous by convict labour were induced to come out, not for morality sake, to reclaim convicts, but for lucre, to realise fortunes by convict labour-those intruders..... immediately mounted the high horse and attempted to dictate to the Government how that it should treat convicts.

[Further on in his letter the writer had;]-...in the name of justice give no discretion to magistrates or benches of magistrates, as to whom they shall think proper to license-let the control of Crown lands remain with the Crown.¹⁴³

The basic conditions of the proposed squatting act must have been publicised in some way well before its tabling for an outline was printed in the Sydney Gazette about a year before it was tabled.

[The first section had]-It is proposed to oblige every person who has not purchased or rented Government land to do so or failing this to apply for a licence annually to the bench or magistrate near to the place where he resides, for permission to rent any portion of land for one year.

[The second had]-That such a person possessing this license should have permission for that period upon any unoccupied ground.

These may be considered as the real foundations of the proposed regulations. If adopted it would give justices the power of ejecting all intruders. A bad man would have no land, no residence and no stock. An honest and reputable person would be guaranteed in the quiet possession of property for a stipulated period, renewable only on proof of good conduct.¹⁴⁴

Using a modern phrase, these parts of the proposed act to control squatting may have been “leaked” to gauge the strength of public opinion, though when it was tabled before the Legislative Council, over twelve months later, Governor Bourke chose wisely not to give the magistrates power to evict. Many of them were already squatting on land to come under licence, where they could have then had full control over it by excluding occupants, and dividing it up amongst themselves.

When the act was created, it was only unoccupied Crown land outside the limits of the colony it applied to, the rest still remained open for lease, but the section where only people possessed of property remained, and thereby excluding many from securing a squatting licence.

¹⁴² Sydney Gazette April 28,1835

¹⁴³ Sydney Gazette April 30,1836 Letter on Squatting

¹⁴⁴ Sydney Gazette July 14,1835

Once it became necessary to hold a licence to squat beyond the boundaries, it was remarkable how quickly, the term “squatters” achieved respectability, as an example at a race meeting held at Yass in October, 1837 showed, where a race on the third day of the meeting was the “Squatters’ Purse”, valued at £30, for all horses the bona fide property of resident squatters outside the limits.¹⁴⁵ So in a short space of five or six years, the term squatter changes from a person reviled to someone respected, at least as long as he only holds land in the unsettled districts.

An Act for Protecting the Crown Lands of the Colony from Encroachment, Intrusion and Trespass -Gazetted, August 28, 1833.

Three Commissioners of Crown Lands were created, who were already surveyors, adding to their already extensive workload, and they were given instructions to make perambulations [going from place to place]and surveys of Crown lands in any district of the colony. In 1835 they were reported to have never left Sydney, so it would have been impossible for them to apprehend any intruder on these lands. Their task was quite hopeless as Governor Bourke had decided not to displace any temporary occupier of land beyond the boundaries. A complaint in 1835 from one of the bench magistrates in the interior was that they had no authority to eject any squatter from government land. In his despatch to Lord Stanley in clarifying the Act on November 26, 1833 states;

I do not however propose nor do I recommend it is a measure of sound policy to seclude settlers from temporary occupation without payment of those tracts of country in the remote interior which are already so occupied with stock stations.¹⁴⁶

Governor Bourke would have realised that he could not evict an ex-convict squatter without doing the same to one of the local magistrates who was occupying land nearby. In an attempt to improve on an Act that clearly was inadequate to prevent people from crossing the boundaries he wrote in a despatch October 10, 1835 to Glenelg –on expanding the limits to Twofold Bay, noting a reply from your Lordship’s predecessor, Earl of Aberdeen, who stated in his despatch December 25 last;¹⁴⁷

His Majesties’ Government are[sic] not prepared to authorise a measure in consequence of which would be to spread over a still further extent of territory a population which it was the object of the late land regulations to concentrate, and to divert for a distant object, not immediately necessary to the prosperity of the colony a portion of its revenues, the whole of which is barely sufficient to maintain in that state of efficiency, which it is so desirable, the various establishments and institutions required by the inhabitants of the districts already occupied. ...you will not fail to discountenance any plans which may hereafter be proposed to you for settling the territory beyond the present limits to which location of settlers is restricted.¹⁴⁸

¹⁴⁵ Sydney Gazette Yass Races Oct.10-13,1837

¹⁴⁶ H.R.A. Vol 17 Bourke to Stanley-Crown Lands Encroachment Act-Nov 22, 1833 page 271

¹⁴⁷ H.R.A. Vol 18

¹⁴⁸ H.R.A.-Vol 17-p.616- Aberdeen to Bourke-Dec 25, 1834

The key word in that despatch was 'revenues'. It had been realised in England that to permit expansion beyond the nineteen counties would involve greater expense and so in the interests of economy, the colony would have to accept containment. What may have been thought by the Colonial Government to be a temporary measure, till there was an increase in the number of surveyors available, became permanent.

Glenelg gave Bourke no more support than Aberdeen had. These men who would never visit the colony, could never conceive the vastness of the country and a local Government that was powerless to prevent the spread of people and livestock crossing invisible boundaries of the Nineteen Counties.

An Early Recorded Example of Squatting Outside the Settled Limits

A young man named Thomas Pope Besnard arrived in Sydney from Ireland in March 1833. He became a clerk to the bench of magistrates and postmaster in Goulburn later that year, where he received a salary of £100 a year. While there he purchased a small flock of sheep and put them out to graze on the thirds- the person who runs them on his land and takes care of them is entitled to a third of the wool and a third of the increase. After two years in the colony he resigned his position, purchased sheep, working bullocks, provisions for one year as well as taking on some assigned convicts and decided to squat outside the boundaries. The "Bush" then was the name for the districts beyond the limits and used only for grazing. He went not far from where he had been living, west of Boorowa to a run called Douglas. An ex-convict who had taken it up first, agreed to sell, providing the name remained, which Besnard was prepared to do. They had come from the same neighbourhood in Ireland, the ex-convict serving seven years in NSW and at the end of his sentence took to the bush, clearing some ground and building a small hut.

[This is a rare account of what may have been practiced on many occasions during the early squatting era and with some form of regulation or control over squatting being foreshadowed, these ex-convicts were probably aware of the difficulty they faced in holding onto their land.]

Besnard also states "...my land is held rent free but I pay a small annual fee to squat."¹⁴⁹

How these arrangements were made remains a mystery as it was still nearly eighteen months till the 1836 Squatting Act was implemented, with the first licences being applied for in October 1836, and commencing January 1837.¹⁵⁰ Perhaps there was an arrangement with the local Goulburn bench magistrates as he had been a clerk there. His brother was later, occasionally, a clerk for the Yass bench in the mid 1830s.

In the earliest surviving itinerary of the Lachlan district, Douglas was the first run Henry Crosby Crown Commissioner for Lands visited on September 22, 1839, it being eighteen miles from Binalong, Crosby's headquarters, with Thomas as well as his brother Nicholas R. Besnard listed as licence holders and superintendents. Another brother, Robert Langford Besnard was a clerk to the Yass bench in 1836.

¹⁴⁹ A Voice from the Bush-T.P.Besnard-published 1839-Mitchell Library-991/B

¹⁵⁰ S.R.-Reel 3123

The writings of David Lindsay Waugh in Extracts from letters to his friends in Edinburgh 1834 to 1837, gives more information of early squatting and land management in the same region.

When a convict is out of his time and buys twenty cows not prime for £1 a head- he goes to the Burrawa(sic) Plains fifty miles from us or some open spot and builds a hut with an axe in a week- encloses two or three acres, breaks it up for wheat, makes butter and cheese- his cattle increase- he pays no rent- his butter and cheese far more than pay his expenses- there he lives with everything in plenty. One man served his time and now has two hundred cattle. They sell their butter etc at Goulburn, buy what they want and go away again.

There was by then a weekly mail service between Goulburn and Sydney. He then gives information on some of the sheep management practices during that period. There were usually at least two flocks, taken out to graze in the morning, brought back to the huts in the evening, counted and yarded during the night with a nightwatchman, who was usually the hutkeeper, sleeping in a box between the pens to keep the native dogs away. Dogs were also tied up to the corners of the yards as well. Moveable hurdles were used, being relocated every few days to help to control the spread of footrot and meant that the sheep could be yarded at nightfall where they were situated, removing the need to drive them back to permanent yards. The watchman's box was portable with handles front and back like a sedan chair. Sheep shorn on the place only cut two and a half pounds of wool unwashed [less than a quarter of the wool cut of recent times] and little over half of that quantity washed, getting about 1/-[one shilling] a pound greasy, double for washed, with sheep being washed in a creek. One method used in pressing the bales was the woolpack was placed in a hole in the ground and the wool pressed with a heavy lever or packed in with a wooden spade. Some of the smaller drays used for general carrying only held six to eight bales, and were pulled by four to six bullocks. In July of 1836 over one hundred and fifty drays were bogged up to their axles on the road between Goulburn and Sydney, staying there for about six weeks waiting for dryer and warmer weather to continue their journeys. Due to the scarcity and expense of horses at that time only squatters and overseers rode, stockmen did their work on foot. Cows were milked for butter, being sold in Goulburn; ten to twelve were enough for one man to milk otherwise they spend too much time in the yards. Sheep stations visited once a week with supplies for the shepherds often involved a twenty mile or more trips on some of the runs. The use of the name station which was originally referring to the part of the holding where the stock, usually sheep, were stationed with shepherds but there was a gradual change in its usage, with it also being uses for a squatting run; both descriptions were applied concurrently over a period of time.

He also relates on the method of damper making.

Every farm keeps several steel mills, like a pepper mill, for grinding wheat- each man grinds his own and then sifts it with a fine wire sieve. They bake all the bread into dampers- make dough, but no yeast and make it into a round cake two to three inches thick- then take hot embers of the fire wood mixed with ashes, so as not to burn and make a strong thick layer of them and put the cake in the ashes and cover it with four to five inches of ashes for half to three quarters of an hour- it makes a very good bread.

He travelled to Goulburn in 1834 to work on a place called Mummel, six thousand acres in area running four thousand sheep and one thousand five hundred cattle managed by Mr Barker, twelve miles from Goulburn and is paid £40 a year plus board. Tree density was given as six to twenty per

acre with the livestock also "... ranging over an extent of capital government ground, fifteen miles one way and twenty five the other."Pejar of eight thousand acres belonged to the place, being fifteen miles to the north with the Wollondilly River running through Mummel.[The Pejar dam which provides a water supply to Goulburn would cover most of that land now.]The following year he obtained the management with a rise in salary and bought some sheep running them on vacant government land twenty five miles away on the thirds, cared for by a squatter named William Regan. Waugh wrote that "Had I not got this situation I would have gone to Bathurst and seen Mr Rankin or General Stewart or Mr Secretary McLeay from all I had pressing invitations."¹⁵¹

This account shows how only a short time elapses between arriving in the colony from the other side of the world and managing a large stock establishment as well as having many assigned convicts. There must have been a great shortage of men who could be trusted to take these positions.

An advertisement in the Sydney Gazette in 1822 shows how some of these young men received employment, especially if they arrived in the colony without any letters of introduction.

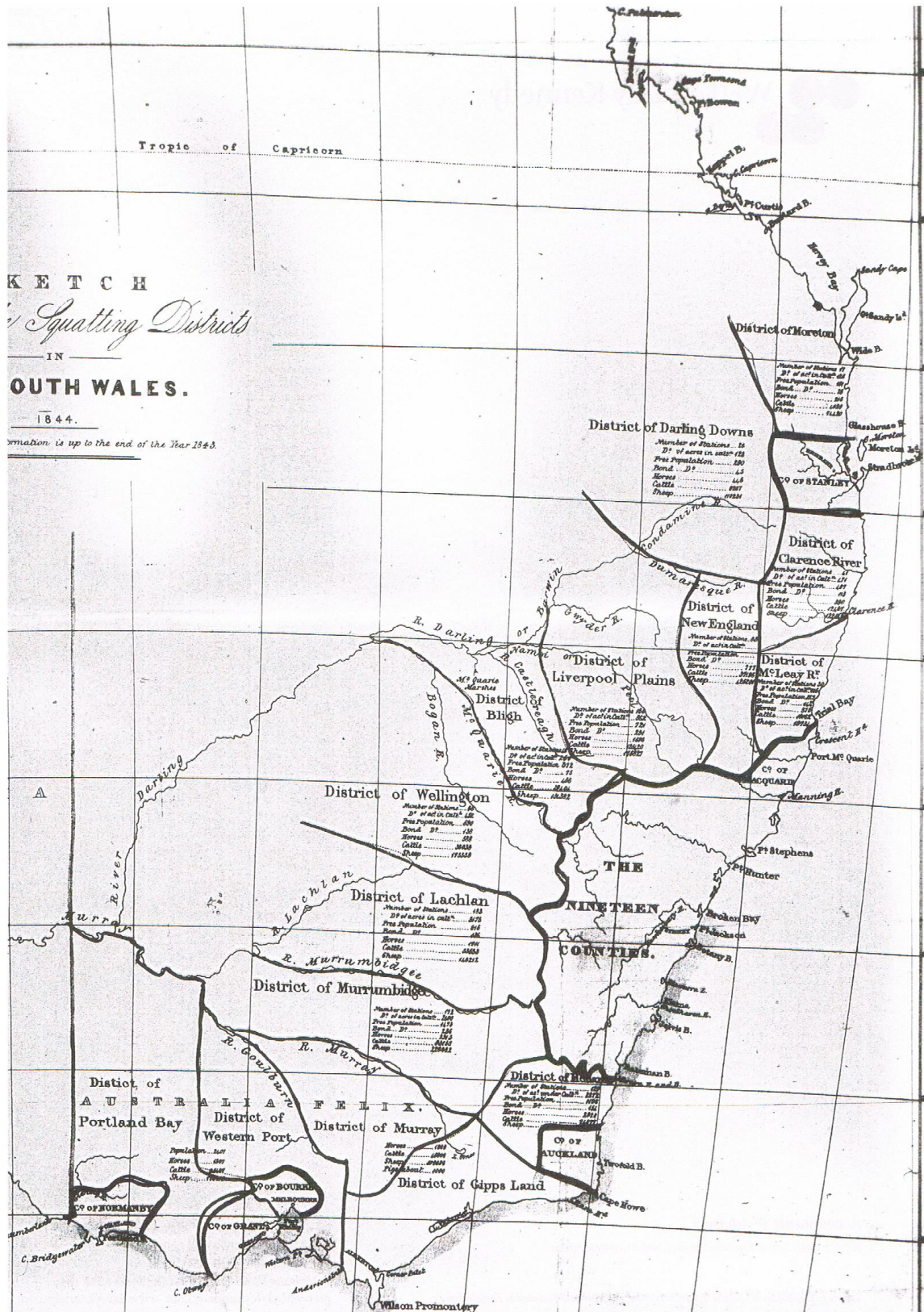
¹⁵²To gentlemen, farmers and others. A young man of respectable connections in this colony, lately arrived from England, thoroughly acquainted with farming in all its branches, wishes to engage himself with a gentleman to superintend his farm. Applications to be made at the Gazette office.

In 1825 the salary of a superintendent on a property running sheep and cattle near Bathurst was £85 with all his living expenses paid and as his salary was paid with sheep, at the end of three years, he owned a flock of over 400. ¹⁵³This was the method used by many men during that period to accumulate enough capital to qualify for a land grant, becoming land holders within or later squatters outside the limits themselves.

¹⁵¹ Three Years Practical Experience in N.S.W.-David Lindsay Waugh-Mitchell Library-994.402/69

¹⁵² Sydney Gazette-Friday July 19, 1822

¹⁵³ S.R.Reel -1127 Col. Sec. Letters re Land 30/5698



1844 Map of the Squatting Districts in N.S.W.

The 1836 Squatting Act[October 1, 1836]

An Act to Restrain the Unauthorised Occupation of Crown Lands.

With the creation of seven squatting districts outside the nineteen counties by the Act, the Lachlan River divided two of them. They were the Wellington district between that river and the Macquarie and the Lachlan district, south from it to the Murrumbidgee, with their eastern borders joining some of the counties. When a map printed in 1844 showed the district limits, Wellington's southern boundary, instead of following the whole length of the Lachlan River, went west from the northern most point of its course, where the Kalingalung creek flows from the north into the river, which meant that from that point on, both sides of the river were part of the Lachlan district. This point is between present day Condobolin and Euabalong. Although the northern border of Wellington extended to the Darling River [dividing it from the district of Bligh], the southern one ended well short of that river, creating a large area of 'nothing' territory, but being poorly watered, it interested no squatters at that stage.

The colonial office in England adopted a policy of concentration of the population in the colony in the belief that there was adequate land available for the small number of settlers, and the expense curtailed in servicing additional towns etc created in more distant parts. This policy was contrary to what was happening in N.S.W. as the flocks and herds moved beyond the limits of the colony. Drawing on his experiences earlier as a Governor in the Cape colony in South Africa helped him to understand better than the previous governors, the need for larger areas to graze livestock in a dry climate and was consequently more sympathetic towards the stockholders' desire to move their animals onto Crown lands, particularly when feed and/or water became scarce, stating in a letter to his friend Thomas Spring Rice in 1835 that "Sheep must wander or they will not thrive."¹⁵⁴ With sheep producing wool which had become the colony's major source of export income, any restriction to their spread, if at all possible, would have an effect in reducing that income. Another aspect of concern was that he had already seen at the Cape that such occupation in time could be converted into a form of ownership that deprived the crown of its rights.

The new colony of South Australia was at that time just being settled under the so called Wakefield plan, with settlers being required to purchase land. The promoters of this settlement were naturally opposed to any land occupation in the adjoining colony for little expense, when the South Australian land was priced at £ 1 per acre.

Bourke attempted to persuade again the Secretary of State for the Colonies to extend the southern boundary of the coastal county to include Twofold Bay;

I cannot avoid perceiving it impolite and even impossible to restrain the dispersion (of stock) within limits that would be expedient elsewhere. The wool of NSW forms at present and is likely long to continue its chief wealth. It is only by a free range over the wide expanse of native herbage which the colony affords that the production of this staple article can be upheld at its present rate of increase in quality or standard of value in quality. The proprietors of thousands of acres already find it necessary equally with poor settlers to send large flocks beyond the present boundary of location to preserve them in health throughout

¹⁵⁴ Letter-Bourke to Thomas Spring Rice-1835

the year. The colonists must otherwise restrain the increase or endeavour to raise artificial food for their stock. While nature presents all round an unlimited supply of the most wholesome nutriment either course would seem a perverse rejection of the bounty of providence. Independently of these powerful reasons for allowing dispersion it is not disguised that the Government is unable to prevent it. No adequate measures could be resorted to for the general and permanent removal of intruders from waste lands without incurring probably a greater expense than would be sufficient to extend a large share of control and protection of Government over the country they desire to occupy. One principal objection to dispersion thus becomes as powerful against its restraint.¹⁵⁵

Bourke was unsuccessful in his attempt to alter any county boundaries but what this despatch indicates is that wealth in the colony from wool production was more important than concerns over the spread of grazing animals past the proscribed county limits.

The difficulty faced by the Government in NSW in framing this Act can be gauged from the despatch from Governor Bourke to Lord Glenelg.

Another cause to which Mr Burton [Chief Justice] attributes the prevalence of crime in the colony is the occupation of waste lands by unauthorised and improper persons. To state this complaint in general terms is far easier than to grapple with the difficulties which beset the subject and to suggest an appropriate remedy. The persons which Mr Burton alludes familiarly called Squatters are objects of great animosity on the part of the wealthier settlers. As regards however the unauthorised occupation of waste lands, it must be confessed that these squatters are only following in the steps of all the most influential unexceptionable colonists whose cattle and sheep stations are everywhere to be found side by side with those of the obnoxious squatters and held by no better title. This being the case it is evident that no partial regulation can be both be introduced and I find it extremely difficult to devise any plan that will satisfactorily meet the circumstances of both classes I have mentioned. The subject is never less under my serious consideration and I trust I shall be able to adopt some measure that may moderate the evil complained of without putting a weapon into the hands of selfishness or oppression. I had been in frequent consultation with Mr Burton on the subject before his delivery of the address under observation and I hope to make a project submitted by him the groundwork of a Regulation or Act of Council adapted to the necessity of the case. I have already informed your Lordship (Despatch October 10 last no. 99) of my intention to avail myself if possible of the opportunity this question presents for obtaining such recognition of the title of the Crown from all occupiers of waste lands as will prevent any difficulties in their future resumption by ordinary legal process. The most desirable plan appears to be to let or licence the land at a small rent. My chief difficulty is a fear I cannot but entertain lest even those wealthier settlers who are most loud in their complaints of the squatters should prefer their present unauthorised title to a lawful one, acquired even at the smallest expense. If the more respectable class should come forward voluntarily, it might be comparatively easy through them to compel the rest or to take

¹⁵⁵ H.R.A. Vol.18-Bourke to Glenelg-p.156-Oct.10,1835

measures for ejecting defaulters. But it cannot be disguised that to attempt enforcing any system against the general will would be no less a hopeless than ungracious task.¹⁵⁶

In a despatch to Glenelg, dated September 14, 1836, Bourke explained some parts of the Act.

The motives which have led to the proposal of an act of this nature [to restrain the unauthorised occupation of Crown lands] have been partly disclosed in my despatch of December 18, last. I have there said it is very difficult to devise a plan that shall meet the circumstances of all the parties in the unauthorised occupation of Crown lands, and to restrain and remove the dishonest, without putting a weapon into the hands of selfishness and oppression. There is a natural disposition on the part of the wealthy stock holders to exaggerate the offences of the poorer class of intruders upon Crown land, and an equal unwillingness to submit themselves to such restraints as are essential to the due and impartial regulation of this species of occupancy. Of the former disposition, I have had ample proof in the result of an enquiry lately instituted as to the number of ticket of leave holders in unauthorised occupation of Crown land. The dishonest practices of this class of persons in such occupation had been represented as one of the principal evils which required remedy. I have not, however discovered from the returns of the magistrates, which I have called for, more than from 20 to 30 ticket of leave holders occupy Crown lands throughout the whole colony, and of these a great proportion are reported to be particularly industrious and honest. The measure originally before the Council rendered every species of occupation, down to the mere wandering of cattle, obnoxious to a penalty. I found however a strong objection to this on the part of the wealthy graziers in the Council, and was induced to yield to them so far as to restrict the Act to cases in which the occupation is manifested by some kind of building or cultivation. On the other hand, I have compensated for this alteration, made in favour of the rich by a further security from the oppressive enforcement of the law against the poor, confining the power of informing under it to the Commissioners of Crown lands, who are appointed by the Government. The bill first introduced (which included equally the cattle and sheep of the rich and the hut and crops of the poor) enabled any proprietor of land to inform and sue for the penalty.

From the commencement of the next year, I propose to grant licences for occupying Crown lands, as contemplated by the Act. I have no desire to disturb any honest occupier without the limits of location, nor to remove any within those limits, unless to make room for a purchaser. Within the limits, leases will be granted heretofore.¹⁵⁷

Bourke wrote of just how much he was aware of the wealthy squatters exaggerating the risks of theft of livestock by ex-convicts, so as to reduce these people's ability to occupy land outside the limits, though a key word in his writings was 'honest' and magistrates were frequently, later, to use some previous minor crime to deny a licence.

Richard Bourke had been born and raised in Ireland in the County of Limerick and after a period as an officer in the British army, at the end of the wars in Europe, he returned to his estates, managing them as well as being a local magistrate. His experiences in Ireland would have been a great help to

¹⁵⁶ H.R.A. Vol.18-Bourke to Glenelg-p.156-Oct.10,1835

¹⁵⁷ H.R.A. Vol.18-Bourke-Glenelg-Sept.14,1836-p.538

him in understanding the problems he encountered later in his later life as a Governor in dealing with the many conflicting issues, particularly those involving land occupation.

Bourke prevailed over the opposition in England, and his act was the first official recognition by the authorities that squatting beyond the boundaries was here to stay with the creation of defined squatting districts and the appointment of Crown Commissioners of Lands within each one travelling from run to run and recording details of the people in occupation. Lance Dulhunty and John Lambie who had been commissioners for hearing and determining upon grants of land in 1834, were given positions under the new act, while a number of the others had come from a military background. A licence fee of £10 a year paid with their application was required. With the fee being set at about the level of a stockman's annual salary, it was hoped that the smaller "obnoxious" squatters would be excluded from gaining licences.

One major change affecting the squatters already occupying both sides of river land, a common practice, was that if that river divided two squatting districts they were required to locate on one side so had to decide on which side their huts were situated, thus defining their district. The squatter could still hold land on the other side, but as a separate run. In the case of the Lachlan, that named district commenced on the south bank of the river and Wellington was on the northern side.

There were similarities to the old ticket of occupation, discontinued ten years previously, where the applicant was named as well as the person in charge, but only a general area recorded such as west of Bathurst (the county.) How the act was to work was something of a mystery to most squatters, as the land beyond the limits they were already occupying was not defined where it had been with a licence of occupation. That occupation had been on land within the limits of the colony which could be granted or sold, but the squatting holdings were outside the limits on unsalable Crown lands. There had been a "de-facto" ticket of occupation of stock grazing outside the limits for years, with the squatters believing they had a permissive occupancy over where they were located, when the act came into force, whereas the act only gave permission for someone licenced to depasture stock outside the nineteen counties. This omission of place was the cause of disputes over intrusion for many years. Margin comments on surviving letters by the Colonial secretary, or his staff, on letters from enquiring squatters and even Commissioners of Lands indicate how unclear they all were on the workings or interpretation of the act. One of the key parts of this Act was to create some control over the class or character of the people who were occupying land outside the nineteen counties or applying for licences to do so. Newspaper articles from a supportive media and meetings of respectable men managed to influence legislation in banning or removing squatters possessing little wealth. Crimes such as a conviction for stealing livestock or selling spirits without a licence were used successfully against some of these applicants. The Yass bench of magistrates, dominated by Henry O'Brien, himself a major squatter, was particularly severe on applicants, perhaps as it was near the county boundary, and in a number of cases, refused the granting of a licence, simply because the person was not known in the district.

A memorial to Governor Bourke has an early description of squatting.

We, the undersigned, proprietors of stock in this colony, beg leave respectfully to draw your Excellency's attention to the part of the final report of the committee of Police and Gaols which relates to the occupation of land by unauthorised persons of the denomination of "Squatters;" and suggesting that some regulations should be adopted by the Government

strengthened by legislative enactment, to place these squatters under the strict control and summary jurisdiction of the police.

In the terms of this report, we beg leave to add our personal knowledge of the fact that the interior of the colony is infested with gangs of cattle stealers and other disorderly persons, whose depredations are carried on to an alarming extent. Those gangs consist of freed men who have served short sentences, or those of long sentences holding tickets-of-leave, who combine with the assigned servants to plunder the herds of their masters. The nefarious practices of these men are greatly facilitated by the system of taking unauthorised possession of Crown Lands or Squatting, which now prevails. It appears many convicts who become free by servitude, take possession of Crown Lands in remote districts; and thus screened from general observation, erect huts for their temporary purposes and become what is generally termed Squatters. These people move from place to place as suits their convenience, and conceal their practices, whilst they raise a property by committing depredations on the neighbouring flocks and herds; or by selling spirits and providing other inducements to thieving, gaming, and every species of debauchery, seduce the servants of established settlers to assist in their lawless proceedings. Many of these men are known to possess large herds of cattle, obtained in a very short time by a series of schemes for stealing them, which cannot be detected or prevented, so long as they are permitted to move from one part of the country to another, and take unbounded possession of remote and unfrequented tracts of grazing ground. ¹⁵⁸

The Government's problem was that probably most, if not all, who signed the letter were themselves squatters as well, but would not consider such actions applied to them. The definition of a squatter had a very rapid change in meaning, from that of a despised occupier of land, to that of a respectable one and only over a short duration of time. Letters such as these would have helped the Government create conditions within the Squatting Act, making it difficult for the ex-convict to obtain a licence to squat when the Act came into force.

When the district Commissioners of Crown Lands wrote of the people they visited on the runs, they usually referred them as "settlers" or "stockholders", seldom as "squatters." As a settler was also the person on land within the settled districts, and often a small landholder, the use of squatter gradually became used to describe someone who was beyond the limits of the colony, holding by annual licence, large areas of Crown land, or Waste land as it was often referred as.

A correspondent to a paper at that time, stating that he was a squatter, questioned the sections of the petition desiring "a considerable augmentation of police force, in the appointment of magistrates, inspectors and constables, and a large expenditure of money in the erection of gaols, court houses and locks up, in order to protect the honest squatter.[from cattle stealers] It is purely an indulgence on the part of the government in allowing the settling beyond the limits of the colony; to those who are located within the prescribed limits, the law affords every wholesome and necessary protection, and if settlers find it profitable to go still further with their flocks and herds, they subject themselves to the inconveniences of which they complain, and cannot in fairness demand any further protection..." The newspaper editor inserted a footnote; "We have inserted the above letter at the request of the writer, but object to the principles of the correspondent." ¹⁵⁹

¹⁵⁸ Votes and Proceedings of the Legislative Council, June 28, 1836.

¹⁵⁹ S.H.-Squatting April 14,1836

This comment indicated the paper's belief in a need for a greater police presence in the colony, regardless of the expense.

McLeay's reply to the memorial, dated April 4, 1836, was addressed to Sir John Jamison and John Eyde Manning of the Legislative Council, and had in part "The process of English law...by which intruders are removed from Crown lands...is much too tedious to meet the extensive mischief....that his Excellency is fully convinced of the expediency of placing under proper restrictions the occupation of vacant Crown lands..."He added, "...a permissive occupancy, thus guarded against abuse, is required by the best interests in the colony. Tracing the present unexampled prosperity of New South Wales, chiefly to the production of fine wool, his Excellency is desirous of avoiding any unnecessary limitation of pasturage. The arrangement...will therefore embrace the occupation beyond the limits allocated for location... permission to use those lands for grazing, upon payment of a small rent, as a recognition as to the rights of the Crown will be granted to such persons as the Governor has reason to suppose, will not abuse the privilege."

This reply showed that the authorities in the colony knew it would be impossible to remove people from Crown lands with the limited police force available. It also indicated that a key component of the act was to attempt to have some control over the type of person who was to be permitted to occupy land outside the nineteen counties. Even McLeay's son was recorded as an applicant for a licence when squatting became legalised, land which he had possibly occupied on the Murrumbidgee after being a member of Charles Sturt's exploration party, indicating that illegal occupation of land outside the nineteen counties was considered acceptable, right to the heart of government.

Many of the witnesses appearing before the Legislative Council committee in the preceding months before the squatting act was presented, made recommendations on how it could be implemented, with many of them utilised. One though that was not included was their wish to give local magistrates more power over applicants for squatting licences in their locality. As most of the witnesses themselves were magistrates, this was a frequent request, but Bourke chose not to extend their power, being aware that most, if not all, were squatters themselves and they would be able to successfully exclude any who did not reach their criteria, particularly any with a convict background.

By the time Bourke was governor, there was a shift in attitude towards grazing stock on Crown land, particularly by respectable people, than had been the case with previous governors, as he was aware how vast the area of land available to grazing was, and he had less concern over limiting its usage. He was also aware that stock, particularly sheep, grazing on these lands produced wealth, in the form of wool which could be exported, which would not be the case if they remained idle. Wool was an ideal product for the colony, remote from markets on the other side of the world, as it was non-perishable, light to transport and in demand in England. Sheep also were animals well suited to the environment in the colony, once they moved inland from the wetter coastal regions.

The very use of the term "waste lands" which was increasingly applied to Crown lands, indicates that they were not considered as being productive unless they were occupied by people with livestock grazing on them. The timber on it was considered valuable, but it always remained the property of the Crown on such lands, and licences were required to cut trees down if they were producing a product for sale.

On Tuesday, June 28, 1836, Governor Bourke laid on the table of the Legislative Council, "A Bill to Restrain the Unauthorised Occupation of Crown Lands." He also presented a minute.

In presenting this Bill it may be proper to remind the Council that the interference of Government has lately been sought by large numbers of respectable colonists, who represent that the commission of various offences is occasioned and prompted by the indiscriminate occupation of those lands. To remedy the alleged evil, so far as can be effected by the speedy removal of dishonest, or suspected persons, it is necessary to give to the magistrates the powers proposed to be conveyed by this Bill. It is not however, intended by means of its provisions, or by any other course of law, to interdict the use of Crown lands to persons of good repute. It is proposed to permit their occupation under regulations, of which the following is an outline: -

The Waste Lands, situated within the limits will still be accessible to the colonists under the regulations of August 1, 1831. Permission to occupy those beyond the limits may be obtained by application to Government; licenses, renewable annually will be granted to persons of good repute to depasture sheep and cattle beyond the limits of location, which licences will protect the holders from any proceeding against them under the proposed Act. A certain sum will be charged upon the issue of each licence and its annual renewal, to defray the charge for Commissioners of Crown Lands, and other necessary expenses required to effect the purposes of the Act. These expenses will at first be considerable, and it is proposed to charge them on the revenue derived from Crown lands, to which the amount received for licences will be carried. Sufficient time will be given, previously to the operation of the Act, to allow of application for licences being received and considered by the Government, and of leases being obtained for land within the limits of location, in the usual way. It is understood, that by the issue of the proposed licence, no expectation is held out that any greater protection by the civil or military force in the colony will be afforded to persons placing themselves beyond the limits of location, than is now enjoyed in those parts.¹⁶⁰

The Act was passed by Council on July 29, 1836, but the relevant requirements to occupy land beyond the settled limits were not included. These were published later as regulations in the Government Gazette, October 5, 1836, issued by the Colonial secretary, October 1. Clause three had in part that the application had to be accompanied by "...a certificate of character from the nearest Justice of Peace, or Commissioner of Crown Lands..." and "Persons desirous of depasturing in distinct parts of the Colony will be required to take out a separate licence for each district". Where the Lachlan River, for example became the division of two districts, the squatters who had land on both sides of the river, had to decide where they would locate their huts and yards, as no run could straddle a major river as had been the practice previously, where it had become a squatting district boundary. It had been a common practice when these lands were first "sat upon" to occupy both sides of a river, especially as they frequently did not flow for long and created no obstacle to livestock crossing to the other side.

Part of Regulation number 6 contains an interesting comment on the boundary limits.

¹⁶⁰ Votes & Proceedings of the Legislative Council-1836

Any improvement effected upon Crown land depastured under the authority of a license, will be at the risk of the party holding the same, as such land whenever it may be deemed expedient to extend the boundaries of location, will be liable to be put up to completion at public auction, in the same manner as other unalienated Crown lands.¹⁶¹

This indicates that the Colonial Government still considered that the present county limits were a temporary measure, to be extended in the foreseeable future. There were later two more added on the coast, but nothing else for years, excluding the three later in the Port Phillip district which was a special case, due to its remoteness from Sydney and the rapid expansion of Melbourne.

The commissioners were required to compile an itinerary, listing the runs visited and various aspects of each, to be forwarded to the Colonial secretary. They were also informed that as the itinerary did not contain all the information required by Government, they were to send all the names of people occupying Crown lands without a licence, their habits, character, as well of those living with them, which was in effect, adding a policing task to their many other activities.

In the Sydney Gazette of July 12, 1836 was a letter on the Squatting Act which at that time had not been passed, but its content must have been known, where the writer evaluates some pertinent points. One was that "...the avowed object to the new laws is to put down cattle stealers" which was in effect the Secretary of State's later observation in England that it was about law and order. The next point the writer made was, "The real object and effect will be to throw the whole landed property of the colony into the overgrown monopolists by excluding the small agriculturists and graziers from the possession of any portion of the soil, who have neither name, nor station, influence, nor interest to obtain a license."¹⁶² When it is considered that the letter was written before the Act was even passed by council, let alone come into force, it was extremely prescient.

A letter addressed to the Colonial secretary, dated December 22, 1836 from the Police Office Bathurst, signed by eleven Bathurst magistrates wanted more control over the issuing of licences. They were attempting to create their own rules by not signing any applications unless there were three magistrates present so as to prevent improper characters from obtaining any depasturing licences. As a result there were very few applications presented with people going elsewhere to have their form signed. Most of the eleven had themselves been squatting outside the limits for some time, including the police superintendent.

..the number of bad characters who are living both inside and outside the boundary of this district and have become in possession of large herds of cattle...

The reply of January 5, 1837 stated;

Inform the parties that it does not appear to be necessary to make any change in the Government notice of October 1, 1836 given in their behalf.¹⁶³

As a number of these magistrates had for some time occupied outside land, it would have been in their interests to have such people as they chose to refuse them licences, thus making more country

¹⁶¹ Govt.Gazette-1836-Reg. No 6 of Squatting Act Oct.1,1836

¹⁶² Sydney Gazette July 12,1836-letter-July 7,1836

¹⁶³ S.R.Reel-3123-letter-37/125-Jan 4,1837

available for their own use. There were property and wealth qualifications in force to obtain a licence initially in 1836 but the benchmark was unclear. Even an applicant “not being known” by magistrates in the area was sometimes given as a reason for refusing a licence.

In another example of similar concern, a police magistrate and landowner, Lachlan Mc Allister, from the Argyle and writing on February 12, 1837 about people in Georgiana County on the upper Lachlan River, particularly the area between Bathurst and Goulburn. He wrote to the Colonial secretary with a list of twenty four people of bad character including their livestock numbers and habits. Number four on his list is described.

A man named Felix Mc Grady and John Lynch who had only one pack bullock three years ago now has hundreds of horn cattle and a great deal of horses and Mc Grady has a team of bullocks and on the road to and from Sydney and when he comes home collects all the stockmen from the lower part of the Loughlin(sic) and O’Connors Plains and across to Goulburn Plains and treats them to rum, brandy and wine and his payment is no object only will make up a mob of cattle.

Number five: A man named Joseph Shepherd best known by Boddered Joe in like manner had only a few head of cattle two years ago and every day of his life riding round looking out for a chance and makes butter which he brings to Sydney –brings nearly as much rendered tallow as well and brings back twenty or thirty gallons of lickquer(sic) and in a few days will sell forty to sixty to stockkeepers. Another is tanning leather from green hides he receives and if the tanned hides were examined it would be found the brands cut out –his ticket-of-leave is living with a woman as a bed companion in a state of adultery.

Number seven:... is retailing rum and keeps two generous women.

Number eight:... has two dozen brands in his house. ¹⁶⁴

So the list goes on in similar fashion. The tallow was probably being made in the big round cast iron pots from the whaling period when blubber was rendered onshore and is an early report of boiling down an animal, well before the practice was used in the depression period of the early 1840s. It was also a way to get some return from a skinned animal, especially one that had been acquired illegally. At this time commissioners had not been appointed to counties inside the boundaries but Mc Allister was informing the governor on these people’s character and habits, and if any of them attempted to obtain a depasturing licence in the outside country, they most likely would be refused. There were a number of such references amongst old letters at State Records but this was the longest list still available.

The character of people applying for licences created much concern and correspondence for authorities, especially when local magistrates refused a licence and then find later one was obtained in Sydney. A licence may be refused if the people giving a reference to the applicant came from a different region and were not known. It was sometimes stated that the act was as much about law and order as anything else.

As late as 1852 “character” still featured in a Commissioner’s report of annual returns, one writing;

¹⁶⁴ State Records Box 4/2348.2 Letter 37/1657

...was certifying that he had reason to believe the applicants named in his district return are of sober, honest and industrious character and habits-to whom licences to depasture stock beyond the limits of location may with safety and propriety be given. ¹⁶⁵

In regulation 9 of the Act the case of protection of people beyond the limits is addressed.

It is to be distinctly understood that the issue of licenses to depasture lands beyond the limits of location gives to the holders no claim to any greater protection by the civil or military force of the colony than is now enjoyed by persons residing in those parts. The Act ...referred to has been passed and these regulations consequent upon it are now promulgated, as a first mode of putting an end to the mischief arising from the unauthorised occupation; and the fee paid for the license can only be considered as a necessary recognition of the rights of the Crown and as a means of procuring funds carrying these regulations to effect. ¹⁶⁶

As the people outside the nineteen counties already had no protection, they were being informed that the situation would continue as before. The use of the word "mischief" is a surprisingly soft word for both the illegal occupation and frequent thieving of livestock which took place. The licence to squat was really an extension of the old "ticket of occupation," suspended by Darling, ten years previously, with some changes which did cause confusion with all parties concerned for some years.

The licence holders chose to ignore the fact that they could not expect protection as there were soon letters of protest to the Governor to provide protection against attacks by Aborigines on livestock, shepherds and stockmen on the runs, particularly in the more distant places.

During the period over a number of years the Sydney Gazette contained many articles on, first the proposed Squatting Act, and then on some of its failings following its enactment, repeating strident claims that the Crown lands were overrun with cattle stealers and sly grog sellers whose actions were affecting the respectable settlers and their servants. On one point in particular it frequently condemned the Government for not giving the local magistrates more power to enable them to evict squatters from Crown land before the Act was in place, and later, those unlicensed who were still squatting. It also attacked the Commissioners, who had only held their positions for less than twelve months, of incompetence, when they still had to come to grips with their role in representing the Government over a vast area of the colony.

The following article is just one of many that appeared in that paper over a period of time, giving a valuable view of the attitudes prevailing at that time

The Squatting Act: The evils which had accumulated in consequence of the insufficiency of the powers of the colonial magistracy to restrain improper persons from settling, or squatting as it is now more familiarly termed on Government land, had arisen to such a height before the passing of the act of the local legislature, usually called the Squatting Act, as loudly to call for the enactment of some law, which, while it would prevent the occupation of Crown lands by improper persons, would at the same time encourage

¹⁶⁵S.R. Reel 3122 Annual returns of Depasturing Licences-1850-54

¹⁶⁶ Govt.Gazette.Reg.No.9 Squatting Act 1836-Oct 1,1836

respectable squatters to pioneer the way for extension of colonisation. Whole hordes of emancipated convicts had previous to that period congregated in various directions beyond the bounds allocated for location by the Government order of October 14, 1836, where they pursued their unhallowed vocation of cattle stealing and sly grog selling almost without check or hindrance; the colonial magistracy possessing no power to compel the removal of improper characters from the Crown lands in their neighbourhood, and the bond of union existing between the various gangs of cattle stealers being so strong as to render detection almost impossible. With cattle stealing, sly grog selling was generally combined, grog being found by these gentry a powerful adjunct in the furtherance of their schemes, the stock-keepers on distant stations assisting the gangs by placing such unbranded cattle as they met with within reach, and receiving remuneration for their trouble in the shape of spirits. The cry against the existence of these hordes being longer tolerated had been so loud and general that the Governor (although by the way, we learn that since in his despatch to the Secretary of State in reply to Judge Burton's charge to the jury, attributed this cry in a great measure to the existence of a feeling of jealousy on the part of the respectable squatters) was compelled to take some measures for the suppression of evil, and the Squatting Act was accordingly laid before the council and passed. The act itself met with the approbation of all, except those against whom it was intended to militate; it consequently passed into law, amid general acclamation, and great hopes were entertained that should the provisions of the act be carried into effect as promptly as it was originated, the effect would be to eradicate totally the mischiefs complained of.

The Squatting Act has now been in force since the commencement of the year. [1837] The evils which it was intended to remedy are as crying as ever, yet, as far as we have been able to observe, the only effects which have been produced by the passing of the Bill are—the opportunity it has afforded Sir Richard Bourke for the exercise of his patronage in the appointment of Commissioners of Crown Lands, and the consequent expenditure of probably an extra thousand pounds from the colonial purse. No attempts whatever have been made by these new “Jacks-in-office” to enforce the provisions of the Act; numerous squatters, many of whom are of the most infamous character, are still to be found, who have made no endeavour whatever even to obtain a license, yet are allowed to carry on their old practice without any attempt at hindrance. We are not at this moment aware of a single instance of complaint being lodged before any bench of magistrates, throughout the colony, by any one of the new fangled commissioners.

In some districts in the interior, where vigorous efforts have been made by the local magistracy to clear their vicinity from the nuisance of such disagreeable neighbours; instances have occurred of licenses to squat being obtained, not only without consent, but even after the refusal of the bench of magistrates, nearest to the location of the squatter, to recommend the application, in consequence of the improper character of the applicant. The remedy adopted in these cases, to obviate the consequences of the refusal of the bench to sanction the applications was extremely simple; merely to pay a visit to Sydney, purchase a puncheon of rum from one of our merchant magistrates, and then produce the application for a license, requesting the signature of the magistrate, a favour which the merchant cannot of course refuse to so liberal a customer. This course of proceeding is so obviously at variance with the intention of the Act, that we cannot but express our surprise that the

Government should in any instance, grant a license on any recommendation but that of the bench of magistrates nearest to the applicant's residence.

An instance which has come within our notice, however, would lead us to believe that some ulterior object was intended to be obtained by the appointment of these commissioners, which does not at first sight meet the eye. For the particulars of the case which follows, and which we believe may be depended on, we are indebted to the kindness of a correspondent at Yass. A man of an infamous character, resident some fifty or sixty miles from the Yass court, and whose application for a license had been refused the recommendation of that bench, had, it appears, despite that refusal, managed to obtain a license through the kind assistance of some of our Sydney magistrates. Information having been received at the Yass bench that this individual was harbouring a bushranger, a detachment of the mounted police was despatched by the bench to search his house, and the bushranger was actually found at work on the squatter's premises. The squatter was brought before the bench and the evidence being too strong for denial, he was fined the full amount of the penalty the magistrates had it in their power to inflict. The proceedings of the case were laid by the bench before the Governor, with a view to the withdrawal of the license from so improper a character; which after the conviction that had taken place, could scarcely, we should have imagined been avoided. "To the surprise however of the whole neighbourhood," says our correspondent, "instead of the immediate withdrawal of the license the proceedings were remitted to one of the youthful Commissioners of Crown Lands lately appointed by the Governor with directions for him to enquire into the matter, and report thereon for his Excellency's." It would seem from this that Sir Richard Bourke in appointing these commissioners, had in view the propriety of instituting a kind of Court of Appeal from the decisions of the magistrates, to supersede the necessity for the exercise of that department of the Court of Quarter Sessions, and at the same time to furnish himself with an efficient body of spies, to keep a strict look-out on the proceedings of the independent magistrates. We know not how otherwise to interpret an act that bears very much the resemblance of an attempt to degrade the magisterial character.¹⁶⁷

This is a contemporary, but rather biased view of the period when the Government was struggling to create some order from the illegal occupation of Crown lands, especially outside the nineteen counties. The writer, probably the paper's editor, does not properly differentiate between the squatting activities on land inside or outside the borders. At the time of writing, no commissioners had been appointed for the inside country so unregulated squatting continued in those parts. Evelyn Sturt, the first commissioner for the Murrumbidgee district, who the writer was probably referring to as his headquarters were based in Yass, wrote in 1837 to the Colonial secretary.

As in the course of my journey here [Yass] I have been informed by several magistrates and others that unauthorised occupants are if anything more numerous within the limits of location than without.

[Requests as to whether to include them in his report]

¹⁶⁷ The Sydney Gazette Oct. 5, 1837

Your duties are to be confined to the district without the boundaries and other provision will be made for the district within.¹⁶⁸

The writer appears to have a simplistic idea that the solution to all the squatting problems could be solved by the local magistrates, without once admitting that most of them were also squatters, and they were no means "saints" in their behaviour. The requirements of the commissioners in servicing their huge districts were still in a formative stage, but the magistrates through the media were trying to recreate a role for themselves in gaining more control in those places, while Governor Bourke knew that this needed to be in the hands of an independent group of men, answerable to him. He knew that if the local magistrates had more control over licences, they would split up the land in the squatting districts amongst themselves.

Applications for some Depasturing Licences in the Lachlan region in 1836.

The applicants had to give property qualifications in an attempt to prevent "undesirables" from obtaining one, but their holding was un-named on the list.

One of the few applications found was from Thomas Pye, a Lachlan squatter who sent an application from Bathurst on November 1, 1836 and received by the Colonial secretary on November 5.

Application for a Licence to depasture [on] Crown Lands beyond the Limits of Location.

Thomas Pye residing at Campbell's River in the district of Bathurst applies to his Excellency the Governor for a licence to depasture cattle and other stock upon the vacant Crown Lands situated beyond the western limits of the colony known as the district of Bathurst for one year from the first day of January next ensuing and the said Thomas Pye declares that he is free and married and has three children and he intends to depasture his said stock under the charge of Edward Shean free overseer to be stationed on the banks of the Worgan creek near the Lachlan River. That he is lawfully possessed amongst other property of the following real or personal estate -- 300 acres of land, 1000 head of cattle and 50 horses.
Signed Thomas Pye [to] The Honorable Colonial Secretary

I, Thomas Evenden Esq being a Justice of the Peace acting for the district of Bathurst, do certify that I have reason to believe the applicant to be of sober, honest and industrious character and habits and a person to whom a licence to depasture stock beyond the limits of location may with safety and propriety given. Signed Thos. Evenden Supt Police.¹⁶⁹

Another early application that survived came from John Harris [Dr John Harris]

To the Colonial Secretary-Shanes Park, South Creek, October 28, 1836.

Sir, Observing in the Sydney Gazette of August 17, a paragraph alluding to the holding location of ground for the depasturing of stock without his Excellency's sanction on January 1, 1837. And not has had authority for that purpose since the period of Major Goulburn holding the situation of Colonial Secretary.

I have to request that your honor will procure for me a sufficient document from his

¹⁶⁸ S.R.-Box 4/2348.2 Col.Sec-letter E.Sturt-April 14,1837

¹⁶⁹S.R. Reel 3123 Depasturing Licence Applications-1836-letter-36/9053-Nov.5,1836

Excellency authorising me to continue the depasturing of my sheep and horned cattle and not be considered a squatter at a place called Kallangan or Callangang about one hundred or one hundred and fifty miles beyond Yass. I do not know the name of the district or in what boundary it is in the chart. And that you will kindly favour or allow my name to be put down for the purchase of two sections around each of my sheep and cattle stations.
Yours etc [signed] J Harris¹⁷⁰

In a court case at Goulburn over disputed boundaries, Harris was reported to have stock occupying the land as early as 1827, squatting for ten years with rent free possession.¹⁷¹

On November 16, 1836 Harris sent another letter, again stating that "I might not be considered a squatter." This time he revises his distance from Yass, "...about thirty five or forty miles above Yass(not one hundred or one hundred and fifty as stated by me) and about thirty miles from the Murrumbidgee." He requests again permission to purchase two sections each [1280 acres] "... and to that time that I might be allowed to rent the said four stations for the keep of my stock." In conclusion, "I am really sorry to be thus troublesome to you but necessity obliges me."
Yours etc. J Harris.¹⁷²

To get his distances from Yass so inaccurately stated, would indicate that he had never visited these runs before, relying on stockmen to manage them entirely.

The two places mentioned were near Binalong and where the later town of Murrumburrah formed. His letters have some interesting information. In wishing to "not to be considered a squatter" reveals that even though, that is what he has been, he does not wish to be included amongst that class of people, and shows that at that period of time it was a derogatory expression. His belief that he could purchase or rent land beyond the limits indicates that he, as well as others, had no idea that this would not apply in the squatting districts. The request to "...rent the said four stations for the keep of my stock" shows that at that time, the term a "station" was being used for a section or six hundred and forty acres. Later the whole run was called a station.

In another application, Major General William Stewart, whose granted land, Mount Pleasant, was just west of Bathurst, gives details as to where his run is situated and wrote that its name was "Dannanbilly," south west of the county of Bathurst.

Following is a selection of applicants, mostly on the Lachlan or nearby, who were among the original people applying for a squatting licence, with the date of issue. The name in brackets is the run they were possibly holding, as they were recorded holding them later in 1839.

October 29, 1836 John West Snr. Address is given as Macquarie Plains, with the land beyond the Western limits. The land to be occupied is situated on the Bundabury creek about fifty miles below the junction of the Belubula River.[with the Lachlan]It was most likely WallaWalla run near Jemalong mountain, John Moore, overseer. It was licence number one. This application is rare as it specifies where his run is situated amongst the list of applicants.

November 2 - Major General William Stewart, Mt Pleasant Bathurst, located South West boundary of the county of Bathurst, Lachlan River, George Mills Ticket-of-leave [Dannanbilly]He is the only

¹⁷⁰S.R. Reel 3123-letter-36/8792-Oct.28,1836

¹⁷¹ Harris v Welman-Goulburn Court-S.M.H.-Feb 15,1851

¹⁷² S.R.-Reel 3123-letter-36/9593-Nov.16,1836

person to say that his cattle have depastured on vacant Crown land for upward of four years past and are now there.¹⁷³

November 16 -George Rankin, Bumbaldry,James Sloan [he did not continue with this licence]

November 26 -Thomas Willford, Western, Robert White, free [Wowingragong]

December 8- Thomas Arkell Grazier: He was principal overseer of Government stock at Bathurst living on Charlton, Campbell river. [near Bathurst]His qualifying property was 5450 acres 750 cattle 4500 sheep 35 horses, indicating he owned considerable land and livestock. The man in charge of his runs was James Hanrahan, free, with the land located in the Western region and southern side of Lachlan River. His main holding was one named Troubalgie on the north bank, but was possibly straddling the river when a licence application was made.[Commissioner Crosby in 1839 travelled from Wongajong to Tomanbil runs, a distance of nearly 15 miles without recording two large river frontage runs which the following year were visited. It was possible that they had both been sold to new occupants, who had not taken them up. Crosby gave the area of Tomanbil as 34 by 21 miles, but its later river frontage was reduced to 3 miles.]

December 10- Thomas Pye, Worgan[Waugan] on Lachlan with Edward Sheehan free in charge.

December 12- Thomas Wills as attorney for William Redfern in England, Lachlan [Goolagong] with William Redfern Watt superintendent. He was Dr William Redfern's nephew, arrived in Sydney September 19, 1831, and married Mary Grant daughter of John Grant in 1833.

December 12 -Thomas Wills, River Lachlan, Western [Yamma] and James Forrester free, who only arrived in Sydney July 7, 1836 so he must have quickly learnt about stock management in the colony.

December 14- Samuel Blackman, Lachlan [Nanima] Thomas Mc Guinness, free.

December 20- Dennis Green, farmer and grazier Bringelly, Western, Lachlan River Married 5 children, John Murphy, free Property 253 cattle 14 horses [He was never recorded again to locate his run.]

December 30- Pierce Collits; Beyond Bathurst, property, 1070 acres 2000 sheep 990 cattle 15 horses James Collits free[Bundaburra plus other runs]

December 31- Thomas Rawsthorne, two children, James Collits overseer [Carrawobbity]

Thomas Rawsthorne died in 1837 aged 39 and then his widow Sophia, nee Collits, held the licence till she remarried to Thomas Morris. In 1824 he[Rawsthorne]was overseer of bullock teams at the Government station at Emu Plains, marrying Sophia in 1826.

John Neville, was recorded as occupying Tomabil in 1835 and he received a licence on the Lachlan river, but he was also recorded later as a licence holder on Mulyan, up river, so it is unclear which one he was claiming. He may have sold Tomanbil to George Wentworth who in 1839 was recorded as licensee by Commissioner Crosby for Tomanbil but he was gone by 1840.¹⁷⁴

Major General William Stewart of Bathurst, a large landholder, had been appointed Lieutenant Governor on May 4, 1825, [at that stage was a lieutenant colonel] and was in charge of the colony between Brisbane's departure and Darling assuming office. He sent a letter in 1836 to the Colonial secretary which gives an example of the uncertainty of squatters who had been grazing stock on outside land for some years earlier.

¹⁷³ S.R. Reel 3123-letter-36/9052-Nov.5,1836

¹⁷⁴ S.R.Reel 3123-Col.Sec.Letter no.-36/9052-Nov 23,1836

Sir, I have the honor to acknowledge the receipt of your letter of the 10th instant in which you obligingly forwarded to me the printed form of an application to His Excellency the Governor for a license to depasture cattle beyond the settled limits of the colony.

I now beg leave to return the form in question duly filled up and certified by the Police Magistrate at Bathurst but in doing so I beg leave to observe that great fear is entertained that much confusion will arise from the locality for which the license may be granted not being distinctly specified. No name is known nor does any appear on the face of Major Mitchell's map of the colony for the district lying to the southward and westward of the river Laughlan[sic]but admitting that this will produce no difficulty from the number of licenses which will be issued for the same district ,without specifying any particular locality the numerous individuals who will receive those licenses will consider themselves equally entitled to depasture their stock anywhere within the district where they may think proper to send them and a general clashing of interests and improper interference with each other will most likely be the result.

I may here adduce an instance. I have had a Heifer station established for four years past on both banks of a creek chain of ponds extending from a place named Dannanbillie at an opening in a range of hills to the east downwards to another branch of the same creek named in the native language Bendick Murrell. Mr [George]Rankin also has had a Heifer station for a number of years past established at a short distance below me on the same chain of ponds but since my former application to you for a license of occupation a small settler living at or near Goulburn named Miles has brought a herd of breeding cows to occupy the banks of the same creek between Mr Rankin's Heifer station and mine and we understand he refuses to remove but we are not yet aware whether he has received a license of occupation. If he has and can retain possession the object of our forming Heifer stations in a situation so secluded will be compleatly[sic] frustrated. If practicable therefore it would confer on me a favour if the locality of my Heifer station could be described in my license of occupation in which case I presume instructions to that effect must be given to the officer who issues the license.

[Heifer stations were generally isolated from the main station, to keep them apart from bulls and allowing them to grow in size before joining at about three years of age.]

I have the honor to be Sir Your most obedient servant
William Stewart Major Genl.

The reply is written across the back corner of this letter.

Inform in reply that the inconvenience which he describes was not overlooked by Government but as it results from the occupation of land not offered for sale or lease by the Crown situated in unsurveyed districts for which no Civil force is appointed it seemed incapable of remedy. The license to depasture beyond the limits of location gives no legal right to the exclusive use of any particular spot and the provision of the Act of Council requiring it to be taken out is chiefly intended to enable the Government to prevent improper Persons from resorting to the remote districts.¹⁷⁵

¹⁷⁵ State Records Col.Sec. letters-36/9817-Dec 3,1836

This reply revealed that the licence to graze stock beyond the nineteen counties was different to all previous land occupations. The squatters probably thought that this would be similar to the short term grazing leases they had been using in the settled districts, prior to their suspension in 1826, particularly where in an occupation licence, it was only applicable “providing it was depasturing by no other occupant” on the described location. Many had been occupying places for years, rent free as indicated by Stewart’s letter and felt that possession was secure with a licence. Subsequent letters to the Colonial secretary from affected squatters, having intrusions of livestock on their runs, were frequently informed “give them the same reply as was given to General Stewart” and even enquiring Commissioners of lands received the same answer. In the Stewart case, Miles remained alongside on a licenced run for a number of years till the General took over his run.

Another example of a similar nature occurred on Lanyon, James Wright’s holding near Queanbeyan.

Sir, I beg to request that you will do me the favour to place before his Excellency the Governor the following facts which seriously affect my interests ;the case is similar to numbers which have arisen since the new law relative to the occupation of land beyond the prescribed limits for location came in force.

I have been a resident on the east bank of the river Morumbidgee[sic]two and half years upon land purchased from the crown and almost from my first location I have occupied sheep stations on the western side of the river having commenced with considerable numbers. Upon promulgation of the new Act I obtained a license to continue the occupation of these stations in compliance with its provisions.

Some time after the tenor of the new law became known but before it came into operation, a Mr Robert Cooper from near Lake George placed a number of cattle upon land my sheep were accustomed to graze in the immediate vicinity of one of my station huts. I sent forthwith to inform him that my sheep had long occupied that ground; he replied that he was well aware such was the case, that it was only temporarily and only for a few weeks that he wished to place his cattle there as he intended to fix them elsewhere and should feel obliged if I would as a favour order the shepherds to keep my sheep away a little till he could remove them. I acceded to the request but instead of removing these cattle as he promised to, he has continued there upon the ground and brought five thousand diseased sheep during the night of April 20 across my purchased land for the convenience of crossing the rivers; these sheep in conjunction with the cattle above named are now stationed upon the ground previously occupied by my stock and that of others which he has displaced and he has ploughed up ground within one hundred yards of my hut upon the most favourable spot for my ewes to lamb upon.

Mr Cooper’s overseer says openly that he and his brothers purpose effectually to obtain possession of the country and drive away all others as they hold a license and therefore have as good a right to use the land as myself or anyone else saying preoccupation has nothing to do with the case the strongest and boldest shall retain the country and has threatened to take possession of any of the stations I occupy and seize and make use of the woolshed I have erected within 150 yards of my house on the opposite bank of the river.

As this Mr Cooper and his people appear to disregard alike all good feeling – the usual rule

amongst others not to interfere with each other's runs or anything but compulsion-
AND THE GOOD OLD PLAN, THAT HE MAY HOLD WHO GETS,AND HE MAY GET WHO CAN.

and as the matter is serious, not only to myself but to every individual who holds a single
out station I wish to learn if I may expect protection from the Crown either thro' the
Commissioner for this district under the act or in any different manner and if not is there any
other mode I can seek to obtain redress.

Trusting that his Excellency will give the matter that early consideration its importance
urges me to hope. James Wright.¹⁷⁶

This letter is revealing on a number of points. One is that the land being squatted on for
some previous years had been treated as rented land though rent free-this was probably the
common practice. Another is the provisions of the new Act had been publicised before it was
gazetted and men like Cooper knew that "possession is nine points of the law" no longer applied.
The occupation licence which these people were familiar with and what they thought was being
applied to stocking outside the limits had in part a provision "...provided you do not interfere with
the grazing runs previously established." So the established requirement of not grazing on Crown
land another person occupied with livestock, which had been in place since the early days of the
colony, no longer applied. Wright also wrote that there many similar cases of intrusion which do not
come to the notice of the government.

A number of comments are written on the back of the letter.

First—Any precedents August 8—Urgent. Next—This a similar complaint from Gen Stewart
August 9. Then—I conclude that a similar answer should be returned to this applicant as on 37/7343
to Gen Stewart

August 9 –Finally –The same answer – explaining perhaps the meaning of improper by substituting
the phrase, Persons engaging in "illegal or dishonest practices" in the preamble of Act-August 11.
[All these comments written by a different hand]¹⁷⁷

The intrusion continues through later years for Wright except the intruder becomes a relation of
Cooper named Richard Drummond Passmore known as the Corsair, a sea captain, who was on a
licenced run called the Port Hole of only about 4000 acres, adjoining one of Wright's. Many letters
were sent by Wright to the Colonial secretary – one had a note on it from the Governor Gipps
saying" I regret that I can do nothing more than refer Mr Wright to the Commissioner for the district
also. This is properly a matter for the decision of the Commissioner of the District. I cannot interfere
in it." The commissioner stated that he "can receive the full benefit of his crops of wheat and Mrs
Passmore can retain the huts until our pleasure or convenience."

On November 1, 1838 Wright again mentioned there were several such cases in the district. Then on
October 9, 1839 Passmore pledged to remove his stock by January 1, 1840 from the Port Hole
station, but later lost a court case involving trespass on Wright's station, and was fined £100.¹⁷⁸

¹⁷⁶ S.R. Col.Sec.-Letter No-37/7343-Aug.8,1837

¹⁷⁷ State Records Col.Sec.Letter 37/7343

¹⁷⁸ S.M.H.Oct.24,1839 Wright V Passmore

Wright continued in later years with the run named Port Hole, but became insolvent, August 12, 1842, with certificate number 858, being dated April 24, 1844.¹⁷⁹

During the same period but in another district, Wellington, there was a similar but much more serious act of intrusion than which occurred on Lanyon, affecting many more licenced squatters than in the previous case. Towards the end of 1837 the William Lawsons, Senior and Junior had 12,000 sheep intruding on the long established runs of five squatters in the Wellington district near the Macquarie River. In the case of one, James Blackett of Woolandry on the Macquarie, Lawson's overseer Charles Bayley took over his run when Blackett's sheep were removed for shearing in January 1838. [Lawson's sister Hannah, was married to Henry Bayley, making Charles probably Henry's brother.]

All affected men wrote similar letters to the Colonial secretary;¹⁸⁰ James Blackett wrote on May 26 1838,

...grant me protection from such violent intrusion [Lawson's men taking possession of his hut and yards] for if the Government does not do it, it will be necessary to take the law into our own hands, which will lead to nothing but murder and bloodshed.

A margin note on Jno Maughan's letter;

It is understood that Mr Lawson's license will not be renewed for 1839 unless all these disputes are amicably settled. Initialled G G August 11 [George Gipps Governor.]

Lawson Snr. had a run not far away on the Macquarie River called Cumbooglecumbong. There were 47 convicts on the run 41 male and 6 female, while Lawson Jnr. had his further down the river but in the Bligh district. In a letter submitted to the Council from C Bayley, Lawson's overseer to Lawson.

Mr Jones under Dulhunty's direction brought a party of men and a team of bullocks and burnt pulled down and totally destroyed 2 sets of yards I had put up for your wethers and took possession of one flock shepherded by Wm Jones the other flock they are in search of.

A Summary Extract No 3 from Minute of Council No 29 June 9, 1838 in part stating it has letters from all parties Maughan and Raymond ,Blackett, R V Dulhunty[Commissioner's brother] and Captain Booth, William Lawson Jnr and L V Dulhunty Commissioner of Crown Lands, for the Wellington district. It states;

His Excellency the Governor laid before the Council several letters which have been received from persons amongst whom a disagreement seems to have sprung up respecting their right of occupancy of Crown Lands beyond Wellington valley.

Certain of these letters, viz, those from Messrs. Maughan and Raymond, Blackett, R.V.Dulhunty and Captn. Booth R.N. contain representations against the encroachment of Mr William Lawson Junior, on the country in which they have been accustomed to depasture their flocks. There are also letters on the same subject from Mr L.V.Dulhunty, Commissioner of Crown Lands, and brother of the writer of one of the letters above mentioned.

There is a letter also from Mr Lawson, recriminating on the other parties and particularly on

¹⁷⁹ S.R. Box 2/8743

¹⁸⁰ State Records Box 4/2439.1 Letter 38/5262

Mr Dulhunty the Crown Commissioner who is supposed to be part owner of the flocks which pass in the name of his brother.

Mr Lawson has not yet obtained a licence for the present year, his application having been received only on the 25th ultimo.

The Council are(sic) of opinion,

1. That if Mr Dulhunty(as asserted by Mr Lawson) has in his character of Commissioner of Crown Lands, taken upon himself to judge of trespasses and encroachments, to allot runs for stock and to determine their boundaries, and to burn or otherwise destroy the stockyards of those who will not submit to his decisions, he certainly has exceeded the powers conferred by the Act of the Governor and council 7 Wm. 1v no 4.

2. That it is very desirable that Commissioners under that act should not be owners of stock depasturing in the districts for which they are respectively appointed; but if such a rule were to be strictly acted upon, they fear it would scarcely be possible to find properly qualified persons to undertake the duty.

3.The council advise that a letter be addressed to Mr Lawson, informing him that the Government cannot define the boundaries of the runs of grazing lands, respectively to be occupied by individuals obtaining licences under the provisions of the Act above referred to, but if any breaches of the peace occur, all parties concerned will be held responsible for the consequences by the Government and if he allows his overseer to intrude on the accustomed runs of other people, his licence will not be renewed.

4. The council are(sic) further of opinion that extreme caution is necessary in interfering in disputes among holders of licences to depasture on vacant Crown lands, otherwise the complaints and references would be so numerous, as entirely to engross the attention of Government to the exclusion of other business; but that it would not be prudent wholly to disregard them. ¹⁸¹

Wm. Macpherson- Clerk of Councils.

This account and the previous ones show how these problems helped to shape the new Act, giving Commissioners wider ranging powers than under the previous legislation, and transferring these intrusion disputes almost wholly to these men to deal with.

Henry Bingham wrote September 7, 1838:

I have the honor to inform you that this day at the Court of Wellington fined Mr William Lawson £10.

[But that was later refunded as there was nothing in the Act to support such a penalty] . The Act had no “teeth”, so the only action available to Government was to accuse him of bad character, which was in the Act, and threaten to refuse him a licence for his runs. In a note in a letter margin Gipps wrote:

Mr Lawson is entitled to his license for £ 10 as it was by no fault of his own – but an act of the Government that the delay occurred September 1.

Lawson includes in a letter that:..the Governor has called for opinions as to the operation of the Squatting Act.

William Lawson Snr sent a £ 10 cheque on June 29, 1838 to the Colonial secretary being in favour of his son’s depasturing licence and they were probably waiting on the outcome of the enquiry.

¹⁸¹ S.R.-M 4343 July 13 1838

This also shows the favoured treatment the 'exclusives' received. Lawson senior was a magistrate sitting on the Bathurst Bench while his son was also one. The problem had been resolved by Lawson removing his sheep.

When the new act was under discussion in the Legislative Council the following year, Gipps stated "...that it is impossible the Government can attempt to settle the boundaries, but they can decide whether there has been any encroachment, and this was the answer sent to some persons in the district where Mr Dulhunty is Commissioner; they were told that if upon enquiry, it turned out that either party encroached upon the other or infringed what may be termed a sort of honour among squatters' law, the party would not obtain a renewal of his licence, and as no more was heard of the matter after these letters were sent, he presumed the parties had settled among themselves."¹⁸²

Gipps was new to the position, and was not yet aware there was no "honour" amongst squatters with encroachment on runs persisting well past the granting of leases. The refusal of a depasturing licence was the main weapon of Government, and one that the squatters feared most.

Simultaneously to the Wellington district intrusion, Lawson had sheep involved in another one in the Bligh district.

A letter from A. Busby December 18, 1837 to Henry Bingham, Commissioner of Lands.

Before renewing an application for leave to graze beyond the limits now rented by me and known as 'Oak Creek', I find that the lands in question are subject to grievous trespass from a large flock of Mr Lawson's sheep which occupy without permission sought or had the adjoining locality called 'Binija' and from there are driven to water in the stream at Oaky and request you will have the goodness to favour me with your attention to the subject." In another, address, Cooler[Coolah]January 23, 1838 to Bingham from Richard P Bayley, Lawson's agent, "On my arrival at Cooler the other day I was informed by Mr Lawson's overseer who is stationed there that he was particularly requested by you not to allow any of his master's sheep to encroach upon a station occupied by A Busby Esq. at a place called Oakey Creek about 17 miles from this. As acting for Mr Lawson and not being aware that any notification has taken place from Government that by an individual paying the necessary fee for the privilege of depasturing his stock upon unallocated lands should be protected. I shall most certainly continue the sheep on the same land and forward your letters to Mr Lawson the earliest opportunity so that he may be able to ascertain from the proper quarters if his stock are to be subjected to removal off Crown Lands at any time you may think fit to request his overseer to do so. In conclusion I beg to observe if the Government has it decided that a person thus qualified should have the advantage of grazing his stock over 8 or 10 thousand acres of land uninterrupted, that Mr Lawson in the present case is the party who ought to complain of the nuisance if any, as he has had his stock upon the land in question years before Mr Busby was aware there was such a place."¹⁸³

[He would have been grazing stock there before licences were required- no mention is made on him holding one].

¹⁸² S.H. Legislative Council-March 20,1839

¹⁸³S R Box 4/2393.1 Letters-Commissioners of Crown Lands

Lawson Intruding on another Run. Report from Henry Bingham Commissioners letter from Cassillis[his headquarters] January 31, 1838, received, February 5, 1838.

Mr Busby has three distinct times brought the trespass of Mr Lawson's shepherd at Binni under my notice and in consequence I wrote to the Ticket-of-Leave overseer for Mr Lawson, James Ginnerty at Coola desiring that he would direct the shepherd under his charge to desist from such trespass in future considering that such would be sufficient. It would appear however by the letter of Mr Lawson's agent a Mr Bayley, that he conceives he may act otherwise should he finds that his station at Binni does not now answer, he should select another and not by numerical force of numbers intrude on such a distinct station as Oakey Creek.

A reply March 15 to Mr W Lawson and Mr A Busby's claim to graze sheep on certain land under authority of licences

[in pencil]- For conference- I cannot make this out. Inform him his licence conveys to him no exclusive right to the use of any particular spot and that the Government cannot interfere in any dispute between him and his neighbour. Should he continue there without a licence he will be proceeded against and the Act of Council provides for such cases. G G [Governor George Gipps- March 15] ¹⁸⁴

A letter to the Colonial secretary from Henry Bingham, dated November 9, 1838, states that Mr Alexander Busby of Oakey Creek has no licence, but neither did Lawson.

The end result is unknown, but a possible reason for the intrusion in the first place was with increasing drought conditions, where Lawson's sheep ran out of water at their usual watering place; it was December, summertime, and the problem would escalate with both parties trying to water their sheep at the water holes in the creek bed, plus the fact that sheep do not travel readily in mid-summer, so further increasing the risk of 'boxing,' that is, getting flocks mixed, which in this case had separate ownership. The intrusion problem was quite extensive as it was frequently mentioned by district commissioners, but only in general terms, so the few examples that are available are probably only a small portion of what was happening at the time.

These intrusions on established runs plus many other similar actions helped to frame the next Squatting Act of 1839. All the Commissioners were required to reply to a letter on improvement to the current situation. Sturt of Murrumbidgee district from Yass April 25, 1838 replied.

The great difficulty the Commissioners find in putting the Act into execution arises from the considerable distance that the stations are from the nearest bench of magistrates consequently the difficulty in serving summonses on the parties. ¹⁸⁵

He also believed Commissioners should be given power to fine illegal squatters or those who had not renewed their licences.

The problem of squatters in different districts is shown with the letter from Bingham June 23, 1838 requesting a ruling on squatters who have licenced runs on the south side of the Macquarie River [Wellington district] and runs on the north in his district [Bligh].

¹⁸⁴ SR Box 4/2393.1 Do.

¹⁸⁵S.R. Box 4/2393.2- Letter 38/4402

In a query from Gipps:

Is there no precedent to guide us in this? The act does not seem to render a double licence necessary.

The ruling-I do not think there is any decision on a similar case, although I believe the question has been visited. The form of application requires a certain district to be named which is in most cases a native one and doubtless very indefinite but has I imagine no reference to the Commissioner's district- on the present instance a licence for the Macquarie would be equally valid for both sides. I have always thought that the spirit of the regulations would be complied with, by a party obtaining a licence for the Southern, South Western, Western or Northern districts of the colony. The regulations of October 1 1836 state that the persons desirous of depasturing in distinct parts of the colony will be required to take out separate licences for such districts. July 6, 1838.

This interpretation allowed for only one licence payment for a number of runs, even in adjoining squatting districts to continue, even though the Act originally seemed to state that separate licences were required for each district. In 1838, the character of men occupying Crown land created a great deal of correspondence between the Commissioners and the Government. It was the only "weapon" they had under the old Act, and was used frequently to prevent ex-convicts from obtaining licences. The input from all these people plus the problems arising from the many cases of intrusion as well as "problems of character" were used to help frame the new Act in 1839.

During the period of trying to solve the many problems with the 1836 Act, there was a change in Governor with Bourke returning to England on December 5, 1837 and his replacement Sir George Gipps arriving in Sydney February 23, 1838, to face the squatting difficulties that were to plague his administration for the duration of his entire time in the colony. In his attempts to prevent the squatters from getting control over a major portion of the colonies' land, he in time lost the support of the Legislative council except for his colleague from his Canterbury schooldays, Bishop Broughton. The colony, for a time of nearly three months between governors was administered by Lieutenant-Colonel Kenneth Snodgrass.

Harbouring a Bushranger- Roger Corcoran 1837

In the Lachlan district at the same time there was a letter sent to the Colonial secretary by a member of the Yass bench of magistrates, a big landowner and Murrumbidgee squatter named Henry O'Brien of Yass, listing the reasons why four men who were not of good character, had obtained licences which they should not have received.¹⁸⁶ Roger Corcoran was one, who was suspected of selling spirits illegally. He had arrived in the colony in 1816 on the Surrey, having been sentenced in Clonmel, Ireland, for fourteen years and was assigned to Samuel Hassall who had land on the Boorowa River. Corcoran stayed in the area for the remainder of his life, having taken up land outside the limits which he later called Corcoran Plains and dying there in 1859.

Corcoran had obtained a licence in December 1836, bypassing the Yass bench after being refused, and having the necessary document signed in Sydney.

The reply to the Commissioner of Lands Evelyn Sturt [the explorer's brother] was:

¹⁸⁶ S.R.Box 4/2338.2-letter-36/10380-Dec.10,1836

...you will watch these several persons as closely as circumstances permit and if you find anything improper in their conduct, dispose them immediately adopting the process of the Act of Council.¹⁸⁷

Corcoran had been some time earlier been before the Yass Bench with Cornelius O'Brien[Henry's brother] as one of the magistrates, charged with harbouring a bushranger, so his application for a licence to squat was refused. The case involved a convict, John Dowd [Ship-Forth-1830] charged with being illegally at large, from Thomas Raine's property at Bathurst, and was employed by Roger Corcoran on his station at Burrowa. [Spelt Dowde on his indent, sentenced in Longford, Ireland, he had been a soldier and was transported for desertion; also, this was not the first time he had absconded, having escaped previously in 1833.]

Yass Bench-April 15, 1837. Roger Corcoran of Burrowa, having appeared before this court to answer the charge of harbouring a bushranger, the sworn evidence is called.

John Dowd, per ship Forth, 1830, seven years, assigned ex-servant of Mr.Thos. Raine of Bathurst, being duly sworn, states that he absconded from Mr.Thos. Raine at Bathurst about two months ago. For three weeks of that time he was employed by Roger Corcoran at Burrowa, who is now before the court and was taken about a quarter of a mile from his house.

Corcoran being called on for his defence admits that he employed the prisoner, John Dowd. Corcoran is found guilty of harbouring a bushranger and is sentenced to pay a fine of £10 sterling, one half to the informer and the remainder to the King.¹⁸⁸[£10 was the maximum.]

At that time, a bushranger was simply an escaped convict, but a reward was payable if, when apprehended, he was named as one, rather than a "runaway." Having had his licence refused by the Yass Bench, Corcoran went to Sydney to obtain one there.

The signed depasturing licence application follows on the form that all applicants were required to sign and have signed by a justice of peace.

¹⁸⁷ S.R. Col.Sec.-Reel 2996-letter-37/2285

¹⁸⁸ S.R. Reel 682-April 15, 1837-p.273

36/10, 380-10 Decemr. 1836.

A.

APPLICATION

For a License to depasture Crown Lands beyond the Limits of Location.

Rayo Corcoran
Residing at Burrows Inn, outside Nelson's!

applies to His Excellency the Governor for a License to depasture Sheep, Cattle, and other Stock upon the vacant Crown Lands, situate beyond the *Southwestern* limits of the Colony, known as the District of *Burrow* for One Year from the first day of January next ensuing, and the said *Rayo Corcoran* declares that he is *free* and has *one* child, and that he intends to depasture his said Stock under *himself*

That he is lawfully possessed amongst other Property of the following real or personal Estate

*Five Acres - Fifteen working bullocks
Two hundred head of Cattle -*

Signature of Applicant

*Richard J. X
Rayo Corcoran
Whip Lanning Esq*

The Honorable

The Colonial Secretary.

I, *Whip Lanning* being a Justice of the Peace, acting for the district of *Sydney* do certify that I have reason to believe this Applicant to be of sober, honest, and industrious character and habits, and a person to whom a License to depasture Stock beyond the limits of location, may with safety and propriety be given.

Signature of Justice, or Commissioner

Whip Lanning Esq

*I have long known this Applicant
I believe him to be an industrious
stout man - My son resides
with him in his immediate neighbourhood
I have always recommended him
*Whip Lanning Esq**

[The writing on the second page of the copy is below.]

I have long known the applicant, I believe him to be an industrious and honest man. My son resides chiefly in his immediate neighbourhood and has strongly recommended him.¹⁸⁹
Signed John Eyde Manning [Judge]¹⁹⁰

Sturt then sent a letter to the Colonial secretary explaining the situation of Corcoran's disputes.

Yass June 24, 1837. Roger Corcoran declares that the suspicions entertained against him of an illicit sale of spirits on his station are ungrounded. He states that in April last he engaged a man who showed him a character signed by Capt. Raine of Bathurst which he now concludes must have been forged; that after having the man ten days employed, the police apprehended him and Corcoran was fined £10 under the harbouring act. He declares his perfect ignorance that the man was unlawfully at large. Corcoran has resided eight years on his present station and has been a good character among neighbouring settlers.¹⁹¹

He, Sturt, in giving a truer account of the events, enabled Corcoran to retain his licence, and "...eight years on his present station..." indicates he had been west of the Boorowa River since 1829. As he did not gain his certificate of freedom till February, 1830, it would mean that he was on the land while still holding a ticket of leave.

The Yass Bench was showing how the established non convict landowners would use any means to remove people of their runs who were not entitled under its interpretation of the act to qualify for a licence. On the licence application in June, 1837 for Edward O'Brien, an O'Brien nephew, in June, 1837, W.H. Dutton, one of the magistrates at Yass wrote;

I certify that I believe the applicant Mr Edward O'Brien to be of sober, honest and industrious habits, and although he has been fined by this Bench for illicitly retailing spirits without a licence, it is in my opinion that he would not make an improper use of the permission to depasture stock beyond the limits of location.

The corner notation had: Under the circumstances related I cannot grant a license to this applicant. R.B. [Richard Bourke]

There was no mention that he had to be closely watched and in 1840, the first available record, he held a licenced run on the Murrumbidgee called Gondigi. Different rules seemed to apply if a person belonged to the "establishment."

Sturt also writes in 1838 that a number of large squatters including both O'Briens, Henry and Cornelius, have not renewed their licences, well after the period.

These persons I now report are all large stockholders and their example must have an evil tendency among the smaller settlers.

Reply:...proceed against them unless they have licences-but do not prosecute without specific instructions from the Government.¹⁹²

¹⁸⁹ Roger Corcoran's stock listed as 5 horses 15 Working Bullocks 200 Head of Cattle- situated Burrowa River.

¹⁹⁰ S.R.Box 2348.2 -Com.of Crown Lands-letter-36/10,380-Dec.10,1836

¹⁹¹ S.R. Box 4/2348.2-E.Sturt-C.C.of Lands-Yass June 24, 1837

¹⁹² S.R.Box 4/2393.2- E.Sturt-letter-38/2691-March 17,1838

As some including the O'Briens were local magistrates, the authorities were acting leniently, whereas in other cases involving similar licence violation, the Commissioner was instructed to act immediately.

During the same period a letter was sent by Sturt to the Colonial secretary giving an account of some of the problems by Aboriginal attacks on the stockmen of squatters in his district, Murrumbidgee.

October 26,1837: I have to inform you that some of the stations and property of the settlers beyond the river Hume or Murray, have been deserted in consequence of the audacity of the natives in that distant part of the colony. A short time prior to my visiting that neighbourhood, two men belonging to Mr Highland had been speared by the blacks, and their bodies left exposed. It is supposed from the cunning evinced that the murder was committed by some of the more civilised tribes.¹⁹³

The Squatting Act of 1839

The major changes to the new Act were the increased role and power of the district Commissioners who were given the job to arbitrate on boundary disputes. These could go on to the bench magistrates of the nominated one for the district if the parties could not agree with his ruling. They could evict squatters for non-payment of fees or illegal occupation, compile an annual census of people and livestock, attempt to settle disturbances between the squatter's stockmen and aborigines and generally be the Government's eyes and ears over vast parts of the interior of the colony beyond the nineteen counties. District commissioners had to report on a wide range of matters with the Colonial secretary or Treasurer and a great deal of their written requests and reports are in boxes and packets at State Records of NSW, some of historical significance, some quite irrelevant such as reporting the death of a horse or requesting permission to purchase one. There was also a special mounted police force to assist them called Border Police, whose uniform was similar to the mounted police, of a dark brown in colour with leather lining the trousers. These police were chosen from well conducted prisoners of the Crown, received no pay, but were clothed and victualled by the Government. A corporal and two troopers remained with the Commissioner to assist in training these new recruits. An assessment on livestock was levied to provide the funds for the new police, which created a greater presence of law and order in the squatting districts. The upgrading of the Act giving increased responsibilities to the Commissioners made them the most important and powerful men in their region. Only free people could obtain a squatting licence. In answer to a question from a Commissioner whether a person holding a ticket-of-leave was eligible, Gipps replied, "No ticket-of-leave holder, neither a woman married to one can have a licence." He then added, "Persons who hold conditional pardons, or whose whole sentences are expired are eligible for licences, but their characters should be narrowly enquired into before licences are granted."¹⁹⁴ Although runs could be sold, that is the livestock depasturing upon them, with the land given in as "right of station", the Commissioner in the district had to give his approval on the transfer of the licence, and on occasions chose to refuse, which meant that the purchaser of the sheep or cattle was required to find somewhere else for the stock he purchased, or sell them. Every person licenced to occupy Crown lands had a separate and permanent brand for cattle and

¹⁹³ S.R.Box 4/2348.2 E.Sturt-C.of C. Lands-letter-37/10,174-Oct.26,1837

¹⁹⁴ S.R.-Box 4/2485-letter-40/1414-Col Sec-Letters re C.C. of Lands

horses and registered such brands respectively with their Commissioner. On the Lachlan river, which divided two squatting districts, Lance Dulhunty was responsible for Wellington, its southern boundary being the river's north bank and John Welman's region was from the Lachlan's south bank and going down to the Murrumbidgee River. Dulhunty had been an early squatter on Dubbo run on the Macquarie but had sold his interest to his brother Robert. His surviving itinerary does not include the runs on the north bank of the Lachlan, while there is nothing available from Welman but a note from him of conditions on the Lachlan.

Yass, September 12, 1838 [received September 20 so taking only 8 days to reach the Colonial secretary's office] I beg leave to report to you that the Country is in a very deplorable state for want of rain, the Lands are totally destitute of every description of pasture. Horned cattle are dying for want of food and water.[The reason for "horned" was that cattle was a term used for both sheep and cattle in England but going out of use in the colony.] The settlers are giving up all hope of a crop this year, many of them are now sending to Sydney for flour. The Lachlan River is perfectly dry with the exception of a few deep holes in the bed of the river.¹⁹⁵

A similar account was also in an article in a Sydney paper as "Want of Water at the Lachlan."

Unless Providence favours us with rain very shortly, the consequence will be that we will have no harvest. From Bathurst to the lowest station on the Lachlan, a distance of 180 miles, and for many miles right and left of that once noble river, the surface of the country is one scene of wretched barrenness. No vegetation, no water either in creeks or rivers. The bed of the river is completely dry, with exception of an odd hole in a few places, which still retains a little water..... Lachlan River, October 1, 1838.¹⁹⁶

The distance given indicates how far Welman would have travelled down the Lachlan, visiting the runs. It was only two years following the issuing of depasturing licences, but these runs would have been formed a number of years previous to his visit. The distance given, 180 miles can be gauged in that the town of Forbes is about 100 miles from Bathurst, Condobolin, another 60 further down, indicating the squatters were well past that region.

September 5, 1838- Started for Mr Icely's stations to purchase bulls for Mr Walker. [Thomas Icely owned Coombing Park near Carcoar, as well as having other land, both owned and squatted on the Belubula and Lachlan Rivers.]
September 13: Returned from the Lachlan country, horse quite tired out with hunger, thirst, and a sore back. The whole country passed over in my excursion is suffering severely from drought, cattle are in the most wretched condition, many so weak as to perish in the bogs where they go to drink, the sheep are not so badly off, but are generally in bad condition. Bought 3 bulls off Mr Rankin's estate at £ 15 each.¹⁹⁷

It seems nothing changes and the same conditions would apply quite often but for a dam on the river. These conditions are supported by an entry in Andrew Brown's diary. He was superintendent for James Walker who had stations along the Macquarie and Castlereagh Rivers.

¹⁹⁵ State Records Box 4/2393.2 Letter 38/9838

¹⁹⁶ Sydney Monitor-Oct 22, 1838

¹⁹⁷ Mitchell Library Diary of Andrew Brown FM4/3107 B. 968-971

The many instances of intrusion and “trespass” with livestock may well have been that when the stock ran out of feed and water they were moved on by the stockmen of the squatters, knowing as long as they were outside the nineteen counties, such acts were within the law until the changed provisions of the 1839 Act. In fact there were drought conditions in the Macquarie area around Bathurst commencing in 1826 and on through years ‘27 and ‘28 that resulted in many of the livestock there being moved to areas west and south.

Yass was originally the headquarters for the Lachlan District, but when Welman resigned in 1838 to become a squatter himself, his successor Henry Crosby’s base moved by September, 1839 to Binalong which was in his region, the Lachlan Squatting district, whereas Yass was in the county of King. Welman resigned his position at the end of the year, but stayed on till his replacement arrived. He only travelled down the Lachlan once as shown in a renewal for a depasturing licence by Andrew Gibson, in November, 1838, for Boga Bogalong, south of the river, which was signed by Welman, stating that he had only visited the station once.¹⁹⁸

Crosby was ex army and a bachelor which Gipps preferred, stating in a later letter.

Government selects single men for the duties of Commissioners of Lands and that single men without encumbrances would be effectively frustrated if they were allowed to have their family living with them.

In another from Gipps May 6, 1839 in answer to a Commissioner, requesting a blacksmith said...that they should be able to shoe their horse as he could when he was on campaign.

[Somebody still had to make the shoes and that was usually a blacksmith]

In evidence Crosby gave before the Police and Goals Committee of the Legislative Council on July 9, 1839, he said he was based at Yass, had been in the colony ten months and had six border police attached to his district. A rare account of his personality in a letter from Yass, printed in a newspaper stated that he was “inanimate...silent and sad,”¹⁹⁹ and generally finding fault with his behaviour.

There were between 200 to 300 applicants for licences in his district with about 200 qualified to hold them. A state of hostility with the Aborigines had existed during the last two years, but more particularly within the last six months. His itineraries, commencing in September 1839, are the first available for the Lachlan district and are a wonderful account of the runs in the early days of legal occupation outside the settled districts. Border police, all of them convicts, who had their positions created under the 1839 Act, accompanied him on his journey, or frequently went out to perform their tasks independently of him. Previously the police attached to each Commissioner at his headquarters had been members of the mounted police.

In a report of purchase of working bullocks for the border police, April 2, 1840, six working bullocks@ 10 guineas each[£ 10/10s]-£12 for four year old fresh ones –good horses@ £ 55-for two draught horses for a strong cart- £ 50 for troop horses. These animals were probably used to transport supplies for the border police station, as the distance travelled daily by the Commissioner when he visited runs in his district was too great for them to have been with him.

Pay for the Commissioners was £1 a day and they had to account for what they and the police did every day and send a written report to the Colonial secretary monthly –they even had to seek permission to leave their district. There was a levy on the squatter’s livestock under the title of

¹⁹⁸ S.R. Reel-2212-letter-38/3376-Nov.21,1838-Andrew Gibson

¹⁹⁹ The Australian- Feb 29,1840

assessment which had been imposed to help to cover the wages of the border police.[The rates were horses 3 pence, cattle including all calves above the age of 6 months,1½pence,sheep including all weaned lambs ½ pence per head].

Setting out from Binalong Border Police Station September 22, 1839 Crosby visited 45 runs travelling to the lower Lachlan and back to Binalong by October 13, a distance he gave as 593 miles. A similar trip in the south of his district along the Murrumbidgee and the runs to the north of that river was commenced on January 1, 1840. In the half yearly return from January 1, 1840 there were 100 stations in the Lachlan district at that time. Cattle runs predominated most of the region with sheep restricted to the higher rainfall eastern parts. The itinerary book was written up across the page in columns and headings to each. Heading columns across the two pages of the book starting with extent of day's journey[date- from- to] then number of miles, name of station visited, name of person holding license, name of person superintending, number of residents as per census return accompanying, nature of the buildings on each station, number of acres of cultivation, stock [cattle-horses-sheep] ,if a dairy estimated annual produce in butter and cheese, estimated extent of run commanded by each station, general quality of the soil and herbage, how watered, how wooded, distance from nearest adjoining station, and finally, other remarks, giving an extremely detailed account of each station visited during the early period of legal squatting, including any firearms on the holding.²⁰⁰

Commissioners were required to send monthly a statement of duty performed by the border police attached to their headquarters. In a return for January,1840, Henry Crosby left Binalong which was by then his base on the 7th, accompanied by two border policemen and a corporal from the mounted police, riding down to the lower Lachlan and back in three weeks, a distance of over five hundred miles, visiting stations along the way. Some days they rode over forty miles, which indicates that they had no dray carrying their provisions and camping equipment, probably using pack horses and procuring some of their food requirements from places on route. The level of fitness of their horses deserves notice, especially as it was midsummer, and feed would have been scarce.

On the return journey, two Aborigines were made prisoner, captured around the mid-Lachlan and the two border police remained in the area to protect stations from attack. The Commissioner continued on with the remaining mounted policeman, the others following with their prisoners, with both parties reaching Binalong around the end of the month. The two in custody were then taken to the lock up in Yass.²⁰¹

The recording of firearms on the squatter's runs is revealed in a letter sent to Welman.

With reference to the notice which appeared in the Government Gazette of May 24 respecting certain bushrangers having provided themselves with firearms from the outstations of private individuals. I am directed by his Excellency the Governor to request that you will insert in the column for Remarks in your itinerary what arms and ammunition are at each station beyond the boundaries.²⁰²

Firearms were recorded for only a few years, ammunition never was included.

²⁰⁰ S.R.-Reel 2748-Itinerary-Henry Crosby-C.C.of L-1839-40

²⁰¹ S.R.Box 4/2485 Border Police report-Lachlan District-Jan.1840

²⁰² S.R.Box 4/2393.2-Col.Sec.letters-C.C.of Lands June 2,1837

A report sent by Crosby on duty performed in visiting stations in 1839 travelling back to his headquarters at Binalong included –

October 6 –Camped at Bundibery(sic)[Bundaburra run] with one Corporal Mounted Police and two Troopers Border Police

October 7-Camped at Tommobilly[Tomanbil run on the Lachlan]

October 8-Kangaroooby- [On the creek of that name near Gooloogong]

October 9 –Warraderry. He also writes that on October 6 he purchased a horse called Nelson from James Collits, superintendent on Bundaburra.

Across on the other side of the Lachlan in the Wellington district Commissioner Dulhunty resigned his position on November 28, 1839. Only the eastern parts of his territory visited are available, and his only contact with the Lachlan River was Thomas Pye's run where the Mandagery creek joins it where he then travelled north back to his headquarters. His replacement, appointed on January 27, 1840 was John Allman where, again, the portions of his itineraries along the Lachlan have not survived.

In a report dated August 27, 1842 of Accounts for Wellington district January 1, 1841-July 31 1842-Rations, Clothing and Forage for 8 men and 8 horses-£ 1260/ 13/-
Commissioner's salary, Scourger[a flogger], Corporal and purchase of 8 horses £ 810/ 10 shillings giving a total for 18 months of £ 2071 3 shillings.

Paid to Treasury- Fines and Fees- £ 261-Sale of Impounded Stock £ 173.

Payment of 64 licences on July 1, 1841 £640 for 73 licences—to December 31 1841 £- 730
Assessment –July 1 –December 31, 1841—£ 644/16/-

Assessment –January 1—June 30, 1842—£ 560,

Assessment-July 1- December 31, 1842—£ 680 giving a total of £ 3588/16/- showing that the fees charged more than cover the expense of their collection.

Allman adds that –Every station in his district has been visited twice by his police-250 miles down the Lachlan and over 150 miles across to the lower Macquarie-the country thickly located[meaning there were a large number of squatters] his police consisting of one corporal and five men.²⁰³

William Henry Wright replaced Allman in 1843 and his itinerary is the first complete one for the Wellington district compiled that year from September 3 and travelled west from Belubula down the north side of the Lachlan River.²⁰⁴

John Allman then was appointed a police magistrate, to a number of centres, with his appointment to Goulburn in 1862, lasting twenty one years, dying there in 1883. He married in 1846, a daughter of Captain Percy Simpson, who had been commandant of the settlement at Wellington Valley in 1823.

A despatch Gipps to Russell makes a point of interest.

The persons who form these stations are the real discoverers of the country and they may be said to be in Australia (what the backwoodsmen are in America) the pioneers of civilisation.

²⁰³S.R. 4/2564 Box Letter No. 42/6519

²⁰⁴S.R. 4/2564 Box Letter No. 42/6519

Whenever they find good pasturage they fix themselves and do not become known, even to the Commissioner until some accidental occurrence (perhaps an unfortunate collision with the aborigines) brings them under his notice and ultimately that of the Government.

In the same despatch he wrote of Thomas Mitchell's explorations.

The long and expensive journeys of Sir Thomas Mitchell in the years 1835 and 1836, though highly interesting, led to no discoveries which could be turned to profit with the exception of perhaps the fertile lands of Australia Felix which would surely have been reached by the ordinary advance of our graziers, even though he had never visited it. The expectation of finding a large river or inland sea sufficiently near to be of any use to our settlers has altogether vanished and consequently the desire to penetrate into the interior is less ardent than it was.²⁰⁵

Gipps was well aware of Mitchell finding land already occupied in his travels including down the Lachlan and when he went to the south of the colony, into what later became the Port Phillip district.

In a letter sent from Binalong, August 24, 1841, Nicolas R Besnard informs the Colonial secretary of the death of his friend Henry Crosby on Sunday August 21. He writes that prior to his death Crosby asked him to take possession of his papers and was assisted by Captain Macpherson Grant and Mr Fredrick Manning, nephew of the Registrar of the Supreme Court.²⁰⁶

A despatch from Gipps to Stanley states.

My Lord-I have the honor to receive from Lord J Russell's despatch No 279 of May 29, 1841 enclosing a letter from Mr Frank Howard respecting a debt due to him by the late Mr Crosby, who was Commissioner of Crown Lands in this colony and in reply, I am sorry to inform your lordship that Mr Crosby died August 21, 1841, insolvent and intestate, at least I am informed no will has been found and no administration to his effects has been carried out. Mr Crosby, having been strongly recommended to me by Lord Glenelg, was appointed Commissioner of Crown Lands by me January 28, 1839. I had never occasion to complain of the way in which he performed his duty and as he resided in a very distant part of the colony I had no opportunity for becoming acquainted with the state of his private affairs. Having been led to suppose that a gentleman named Besnard, resident of Yass (180 miles distant from Sydney on the road to Port Phillip) was charged with the administration of Mr Crosby's affairs, I sent him a copy of Mr Howard's letter, but he informed in reply he was not Mr Crosby's executor and that he believed Mr Crosby died possessed of property, the whole of which was not worth above £40, whilst his debts in the colony probably amount to £1000. Gov Gipps.²⁰⁷

This shows that not all commissioners made money from their positions.

Writing from Mudgee, Edgar Beckham, previously a Major in the British Auxiliary Legion in Spain, accepted the position of Commissioner for the Lachlan on September 17, 1841 and remained as such

²⁰⁵ Historical Records Vol 20 September 28 1840 page 844

²⁰⁶ S.R.Box 4/2525 Letter 41/7778

²⁰⁷ H.R.A- Vol 21 February 13 1842

into the 1850s. In 1843 his two sisters came from England to live with him, one of them later marrying John Welman, Henry Crosby's predecessor.

The Commissioners were informed on March 26, 1849 they were no longer required to submit itineraries, the border police were disbanded, so their role diminished and they were no longer required to ride through their districts visiting runs, but troopers were still attached to their headquarters for protection. Their work then was to help determine boundaries of runs, allocate new ones and on occasions attend court as witnesses in disputes over boundaries. Beckham's itineraries are among the most complete of these lists that have survived and his last entry for a visited station was on February 28, 1849.

An account of the revenue and expenses for one year in the Lachlan District follows. [Beckham] Licenses-1839-£780-Livestock assessment-£53.12.7 - 1840-£740-Livestock assessment 1841-£845-Livestock assessment-£541.12.0—1842-£1250-Livestock assessment-£1437.2.4 Expenses-Commissioners Salary £450-[from when Beckham started] Provisions, Arms and Ammunition £429.5.9 Rations for 365 days for 8 men @ 1/3 per man a day [1 shilling & 3 pence]--£182.10.0 Returns forage for 365 days -6 Horses-@ 1/2 per day -£42.1.8 ²⁰⁸

Amongst his expenses submitted in 1849 included "Pens-geese, 100-4/10 and 1 Pen knife-1/-" which indicated that feathers were still in use for writing. ²⁰⁹

The census returns the Commissioners compiled in the early returns shows numbers and population mix of people outside the settled districts. Returns for the half year January-June 1840 for the Lachlan were 84 occupied stations -792; 119 were female and by the 1841 Census, a total population of 1245; 994 male and 251 female. Along the river between Gooloogong and Warroo there were only twelve women and none on the northern side opposite. In the Wellington district in 1841 there were fewer people – 837 male and 98 female. All these figures also include children, so there were not many people in these two large regions.

The Commissioner recorded the brands of cattle on each run as a means of identifying ownership. Some beasts may have had many brands if they had been traded a number of times, carrying the brand of each subsequent owner. People who had cattle grazing on a run on the thirds were required to obtain a certificate from a magistrate, which was another measure in recording their ownership in the event of theft.

One of the time consuming tasks of Commissioners was to arbitrate boundary disputes between neighbouring squatters. The Lachlan region appeared relatively free compared with some others. In one district, Port Phillip, the remarks section of the itinerary was filled with them, but then it was not occupied for long before squatting became legal. A despatch from Lord Stanley to Gipps states,

...that the district land commissioners were created for the purpose of affording to the occupiers of Crown Lands an easy method of settling disputes amongst themselves without the expense of employing lawyers, or resorting to a Court of Law. ²¹⁰

²⁰⁸ S.R. Box 4/2640 Letter 43/3947

²⁰⁹ S.R.Box 4/2642 C.C.of L-1849

²¹⁰ Mitchell Lib.Reel- A1239-N.S.W.Despatches-Jan 12,1846 Stanley-Gipps

If the disputing parties could not agree or would not accept the Commissioner's solution, the Supreme Court had the final say, but few went as far as that. Being both "judge and jury" did not endear most of them to the squatting community. Although a run, beyond the settled districts, was situated on Crown land, it could be "sold" in effect under a convention whereby the livestock depasturing upon it were sold, with the land given in as "right of station."

The surveyor general, Thomas Mitchell wrote in the journal he compiled when exploring into the interior of visiting a stockman and his wife on a squatting station. "We passed the limits of the territory open to the selection of settlers in crossing the Liverpool range; and the more remote country is not likely to come into the market soon. Such stations as this of Loder were held therefore only by the right of pre-occupancy, which has been so generally recognised among the colonists themselves, that the houses etc. of these stations are sometimes disposed of for valuable considerations, although the land is liable to be sold by the government."²¹¹ The practice of selling to another person, improvements on crown land went back to the time of the ticket of occupation, but Mitchell could not have foreseen its impact with the legalisation of squatting, or that it would be many years before land was sold beyond the nineteen counties.

On occasions, for various reasons the Commissioner did not sanction the sale of a run; Gipps replied in one case, "...purchase can confer no right upon the purchaser." In another he stated, "...the only person who can dispose of stations is the Commissioner of the district."²¹² He, the Commissioner, was the most powerful person within his squatting district, refusing to renew licences on a variety of matters, such as the licence holder was living in a state of adultery, setting a bad example to his assigned servants. On other occasions a licence was refused because the superintendent was a cattle stealer by repute, and suspected of selling spirits illegally, though nothing was actually proven.

Another requirement of the district Commissioners was to report on any instances of Aboriginal women living in the huts of shepherds or stockmen, regardless of whether by their own free will or kept there by force. The authorities were not making a moralistic stance, but simply it was believed that such associations led to attacks on these people as well as the animals in their keeping. There were instances where a depasturing licence was not renewed if these situations were not remedied. One case occurred in 1840 in the Wellington district on a run licenced to Robert Bonnor of Bathurst, where the police magistrate, William Barrow, wrote to the Colonial secretary that Aboriginal women were living with Mr Bonnor's men on runs in his district to the disregard of his overseer and he recommended the withdrawal of his depasturing licence. Another complaint was that the assigned servants on his runs had been left unsupervised by an overseer for periods of time.²¹³ Seven days was the maximum period permitted, but in this case it was difficult to prove they had been left longer to their own devices. There was a period of time between when the previous Commissioner, Dulhunty resigned and his replacement John Allman took over, so the run may not have been visited by any official for some months. With no active Commissioner in the district, Barrow was responding to complaints from adjoining squatters on the activities on Bonnor's runs.

Robert Bonnor had been squatting in the area since the early 1830s, which is revealed by an advertisement offering a reward for a stolen horse "...forcibly stolen and taken away from an assigned servant of Mr Bonnor at a station of his at Buckinba [Buckinbar] Creek, near Molong on

²¹¹ Three Expeditions into the Interior of Eastern Australia-Thomas Mitchell-(on Dec 8,1831)

²¹² S.R. Reel 1840 C.C.of Lands-Col.Sec.

²¹³ S.R.Box 4/2486.1-letter-40/968-Jan.23,1840-Wm.Barrow Police Magistrate-Wellington

Saturday, the 16th of August last[1834]by an armed bushranger, with his face blackened.”²¹⁴
He wrote in a petition to the Governor that he had been house bound with a serious illness for eighteen months and had not been able to supervise the run himself, so had sent his son in his stead, replacing the overseer. Allman wrote that “...when under the management of Mr Bonnor Junior [it] was a grossly misconducted establishment and a perfect nuisance to the respectable settlers. Mr Bonnor Senior, from ill health never visited his stations. I have respectfully recommended to the Governor that should Mr Bonnor, the elder apply for a licence to depasture stock to the northward or in any other district outside the colony under his sons control, that Commissioner of the district may be instructed to refuse his sanction to Mr Bonnor Junior’s remaining therein.”²¹⁵ [This statement is an indication of the power a Commissioner wielded, even outside his own district.] Allman also included in his letter that Bonnor had “...vacated all his stations in this district.”

Robert Bonnor, was required to return his assigned servants, fourteen in number, and as a result of either losing this source of labour or from financial difficulties, may have required him dispose of all these runs in the Wellington district, keeping only one in the Lachlan district, Wongagong, which Commissioner Henry Crosby wrote to be “...one of the best conducted establishments in my district. I have found everything managed with strict propriety.” This recommendation was sufficient for him to retain his licence for the Lachlan run, and he later had some convicts assigned to him as well. By 1842 he was insolvent, owing the Bank of Australia £3525 and other creditors over £1200 more.

Returns for Squatting Districts for 1840 are on the following page, but not including the Port Phillip

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²¹⁴ Sydney Herald-Sept 18,1834

²¹⁵ S.R. J.Allman-C.C.of L.-Wellington District-Box 4/2567.2 letter-40/6370June 27, 1840

¹²³S.R. Box 5/4774.2 Papers relating to Regulations of Squatting-1839-44

Abstract from the Returns of the Commissioners of Crown Lands for the half year from 1st July to 31st December 1850, showing the number of Pastors occupying Stations beyond the limits of location, the population, the extent of Lands occupied, and the number and description of live stock.

District	Number of Stations	Number of Persons in each District		Stock		Self-sufficiency							
		Male	Female	Head	Value								
Port of Spain	20	519	81	19	139	6	245	101	6,667	12,070	68	1	6%
New England	66	413	365	38	350	—	753	279	16,373	23,212	549	8	5%
Swinsford Plains	130	388	570	71	507	6	1154	1197	110,529	267,107	1,263	4	10
St. Michaels	40	217	223	33	179	—	435	191	21,995	134,865	420	16	6
Wellington	60	506	467	46	285	3	801	429	29,640	165,530	535	9	4
St. John's	98	2517	1161	148	254	2	865	1154	36,399	111,389	453	2	11
St. James	152	2,587	661	135	410	3	1,209	1,537	68,231	180,657	820	15	6
St. George	152	2,528	904	222	474	6	1,606	2,297	87,338	235,825	1066	1	8%
Total	78	4465	3732	712	2508	26	7068	7185	377,172	1,329,069	5216	—	7%

Revenue Branch Colonial Treasury
 Sydney, June 3rd 1851.
 J. J. Macleod

1/500

Sale of Some Runs

In 1840 the Sydney newspapers printed a number of advertisements for the sale of the livestock and plant on a number of runs, held by George Wentworth in the Lachlan district, with “right of station”, included in the sale. These runs were Tomanbil, on the Lachlan, called Tommonbillie in the papers, Boyd’s station, located on Boyd creek[a section of the Ooma creek]and Widding, which was probably Wedden, his run near the Weddin mountains, later called Wentworth Gully. The apostrophe’s’ for Boyd,[sometimes spelt Boyde] would indicate that it was originally taken up by a man with that name. These sales are some of the early advertised recordings of how the right to hold Crown land, outside the settled limits, could be transferred, simply with possession of the livestock grazing on them, with no interference from or fees payable to the Crown.

In a court case in October, 1840, there was a dispute over occupation of a holding in the “Maneroo”, with each party accusing the other of trespass. The plaintiffs stated that in 1834, they had purchased the “right of run” from the previous occupant, who had built a hut on it. The defendants “ ...pleaded that...at the time of the alleged trespass, the plaintiffs were not in legal possession and therefore they were justified in ejecting them.”²¹⁷ The party who had purchased the run were successful in the case and the defendants, or later arrivals, had to remove their sheep. This indicated that there was a convention in place, where, even though it was not possible to sell Crown land, selling its occupation was, and taking place beyond the boundaries, well before the 1836 Act which created its legal settlement. The right of the plaintiffs, of buying the right of the run at that period of time, was not questioned at any stage of the recorded court proceedings.

Sale of Stock with Runs Held by George Wentworth-July 1, 1840

²¹⁷ Sydney Herald-Oct.16, 1840-Supreme Court-Oct-15-‘right-of-run’

This extensive sale along with others at that period, indicates that George Wentworth was in financial difficulties, well before his insolvency two years later. He would have never resided on any of his squatted land, living on a Wentworth estate called Greendale, Bringelly, south of Sydney. The sale of Widding [or Wedden] was unsuccessful for there was an advertisement for a "Positive Sale by Auction" on Monday, February 7, 1842,²¹⁹ but, as Wentworth was by then within a week of being declared insolvent, it was probably being sold by the trustees of his estate, to provide funds for creditors. The advertisement contains some snippets of interesting information on improvements, especially the extensive ones on Tomanbil, including the cattle yards, capable of holding 2000 head of cattle. Teeswater sheep mentioned were a breed from northern England, but are no longer used, having been supplanted by other long wool breeds, with wool containing no black fibres. They must have had some size, as there is mention in another advertisement of wethers from the area selling for 12/-with carcase weighing 15 pounds a quarter.²²⁰[60 lbs. for the carcase] Also was included a few sentences stating "...a shepherd in the bush will tell you that the wool, at any time, pays the expenses of a sheep station and the increase is all profit. The exception to this rule is only where persons, years back, bought sheep on credit, at such ruinous loss, upon extravagant prices." This was precisely the case with George Wentworth, which made the wording in the paper remarkable, unless it was designed to inform the public, the reasons for the sale.

The Squatting Act of 1841

This Act was series of regulations, made necessary with the previous Act expiring on June 30, where the most important one involved a change in the occupation of Crown Lands within the boundaries from leases to annual licences, similar to the squatting districts, aiming to make it more difficult to squat illegally in those parts. In the region outside the boundaries, another clause contained a restraint to the reckless litigation where squatters had previously taken disputes to the Supreme Court following the 1839 Act when one party was not prepared to accept a Commissioner's ruling. Under the new Act, when a Commissioner's decision on intrusion was objected to, and if taken to court and dismissed, the losing party incurred a trebling of costs which was hoped to reduce the number of parties in dispute, going to court. The courts were not equipped to give decisions in these matters as the only official with knowledge of the land in dispute was the Commissioner, but many squatters resented the power of these men in making a determination over their property, feeling that they often "played favourites".

This may have caused a ruling by the Bligh commissioner, Graham Hunter in October, 1842 which resulted in a case in Supreme Court, Bathurst twelve months later between Hunter and the man he evicted, John Jones. He had an agreement with John Maughan, a local magistrate, to return to him

²¹⁸ S.M.H.Jan.19,1842

²¹⁹ S.M.H.Jan.19,1842

²²⁰ S.M.H.Jan.19,1842

certain sheep and stations, which he had taken on the thirds, for five years, at the expiration of the period in 1841. Previous to the termination of the agreement, the runs were intruded on by Lawson's sheep, and both men's sheep were moved to another run Jones had taken up, leaving Maughan with no station. He then at the end of the five years, laid claim to those in possession of Jones, who refused to give them up.

Maughan applied to the commissioner Hunter, who without the least investigation, decided that Jones should immediately give up his runs.

The lawyer for Jones stated that under the Crown Lands Act, Hunter had no jurisdiction over the matter between Maughan and Jones, having decided against Jones without giving him an opportunity to be heard, also proving that he held licences to depasture stock on them.

In October, 1842, Alexander Leslie, authorised by Hunter, Hagarth, [possibly Haygarth] Maughan's superintendent, accompanied by two troopers ordered the shepherds to remove Jones' sheep, then burning one of the huts, the superintendent took possession of the runs. There were about 1000 of Jones' sheep in total, in a number of flocks, many of them had recently been treated for scab, but the stress of being moved, resulted in over 600 deaths. The witnesses, Jones' shepherds and overseer all gave similar accounts of the events, with the sheep required to be driven long distances without water. It was scarce at the time, drought still prevailing, with the stations in dispute, being the best watered.

The jury delivered a verdict in favour of Jones, with damages £200.²²¹ As a result of the new act, costs were trebled making it an expensive one for Hunter, or actually the Government. An appeal was heard by the Supreme Court in Sydney, on October, 28, before three judges, with them taking the whole day to hear the case and consider their judgement.²²² It was then listed for Bathurst court on March 25, 1844 but did not proceed, having been settled with payment by the defendant some time previously. Over two years later, in the Legislative Council, to a question on the subject, the Colonial secretary replied that the Government had paid the costs and damages and Hunter had been released from any claim against him.

Commissioners were so powerful within their districts, with the result in this instance being a rare occasion of a ruling by one being tested and defeated in court. Usually, the costs involved were sufficient to deter litigation. Jones was also a ship owner and merchant in Sydney, as well as having whaling interest in New Zealand, having sufficient funds to take the matter to court originally. Later, in 1844, he was one of the many to become insolvent, caused by the depression at that time. The intrusion by Lawson's sheep onto Maughan's runs, mentioned in the case, would have occurred in 1837, when he and a number of other squatters were affected, which is written in an earlier part.

Another clause in the Act stated that every licenced squatter beyond the limits was required to have a separate and distinct brand for horses and cattle and register them with the Commissioner of the district.

A despatch sent to Gipps by Russell when the act was being formulated gives an example of the long period of time taken for name changes to be adopted.

²²¹ S.M.H.Oct.4,1843-Bathurst Court-Jones v Hunter

²²² The Australian-Oct.28,1843-Supreme Court-Sydney-Jones v Hunter

The rapid extension of settlement over the surface of New Holland renders it natural to expect new arrangements should be necessary for the administration of its affairs.²²³

Over forty years after the country was settled, it is still being referred to by its old name.

The complexities of rightful occupation of land held under squatting licence were still being heard by courts as late as 1847, not long before the granting of leases. One over trespass involved two adjoining licenced squatters where the judges gave an opinion, which helped to explain a legal view of depasturing licences.

This is an action for trespass upon certain lands beyond the boundaries and the defendant pleaded, among other things, that he held a depasturing licence. This plea had been demurred to as one which afforded no tangible answer to an action of this nature. On one hand it was argued that the very term licence implied only a permission, which might be recalled at any moment, to do certain things, but conveyed no freehold interest in the land so as to enable the holder of such a licence to maintain or defend an action of trespass against a third party. The whole effect of a licence was to prevent the Crown from treating the holder of such licence as a trespasser, and the fact of holding such a licence would form a sufficient answer to any writ of intrusion or other proceeding on the part of the Crown... On the other hand, it was contended that the licence conferred a good title upon its holder as against any wrong doer, and the Court was bound to take judicial cognizance of a custom and practice which might be regarded as a usage of the colony, and which had been regarded in that character in local statutes.

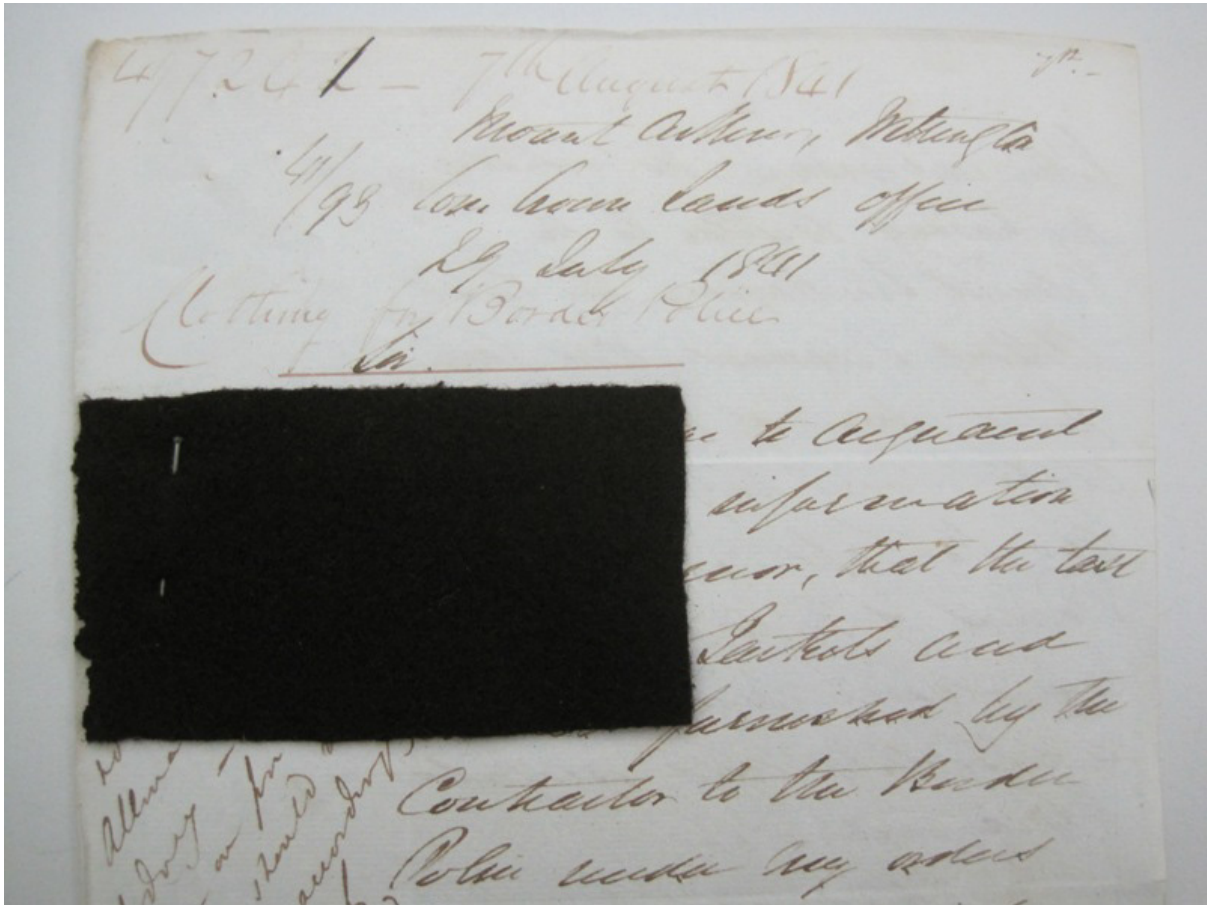
Their Honours were of opinion that the defendant must succeed....The licence, although it gave no actual property...against the Crown, would convey to the holder a defeasible right to go upon the land for the purpose of depasturing...²²⁴

This ruling was expressed by the leading judges in the colony, the chief justice, Sir Alfred Stephen, and judges Therry and Dickenson, indicating that the ruling was delivered at the highest level. In brief it stated that the holder of a depasturing licence had no other right other than that of being a non trespasser upon Crown Lands. They then added that in the colony a convention existed whereby the holder's rights were much more secure and all the occupation of Crown Lands by licenced squatters hinged on this local practice. Squatters frequently referred to the land they held under licence as being "owned" and this view was supported by the judges. As these lands were for years referred to as "waste lands," by having them producing products such as wool, sheep and cattle which were beneficial to the economy of the country, was of greater importance than having them being occupied under a doubtful tenure.

²²³ H.R.A.Russell to Gipps-May 31,1840

²²⁴ S.M.H.-Borthwick v Bingle-Supreme Court-Sydney-April 24, 1847

Border Police-1841



Sample of Cloth used for Border Police Uniform-1841[A thick woollen material]

The material must have been of a very poor quality as a letter from Foster Fyans, Commissioner for Portland Bay, in the Port Phillip district indicates.

The clothing sent for the Border Police proved to be extremely bad; the cloth poor; in one month the trousers were too worn that we were obliged to cover them all over with leather which adds more to the expense than good and substantial trousers would cost new- the jackets and trousers are so badly made that all are again to be remade; they are also so improperly cut, that we are compelled to let pieces in to be able to manage with them. It appears to me that little care is taken of our clothing, or how it is sent to us.²²⁵

The border police were entirely recruited from the convict's ranks with Commissioners travelling to Hyde Park barracks to take those who had been allocated to them to their respective districts. Three, all ex-soldiers, who were part of the force in Crosby's Lachlan district, had only been in the colony for a few years, with one being on a life sentence. After they had been members of the party who captured some of the Scotchie bushranging gang, Crosby was requested to supply the Governor with their names so that their high level of good conduct could be recognised.²²⁶

²²⁵ S.R. Reel 2748-Coms.Itineraries-Foster Fyans-Portland Bay-1842

²²⁶ S.R. Reel-1840 letter-40/2856 March,12,1840-Binalong-Crosby to Col.Sec.

A number of the police though, were returned to barracks, with the most common offence being drunkenness. One commissioner, Edward Mayne, in the Liverpool Plains district, devised his own method of discipline which he gave in his report on his border police.

Punishment-I always punish on the spot-one punishment I have adopted and of which they are in great fear of is to take their horses from them and making them go to any duty that may to be done in the district on foot. Many punishments of this kind I have resorted to and found it very effectual. ²²⁷

One of the duties that the Commissioners and their border police were required to perform was to provide protection to the squatters, or more usually their stockmen and shepherds, from attacks by Aborigines and if at all possible, to apprehend those involved, which was a difficult task, particularly when these attacks mostly occurred in the remote parts of their districts. An account of one such occurrence has survived in correspondence between the Colonial secretary, Henry Crosby, Commissioner for the Lachlan district, and William H. Hovell, the squatter on whose run down the lower Lachlan these "collisions" occurred between his stockmen and aborigines.

Royal Hotel, Sydney. December 21,1839. To his Excellency-Sir George Gipps.

Sir, Having reason to apprehend very sanguinary collisions between the stockmen and the aborigines on the Lachlan River unless prevented by the adaption of prompt and decisive measures of precaution, I feel it is a duty to the Government to my brother settlers and the aborigines themselves, to submit to your Excellency the following facts, for the accuracy of which I can vouch.

During the last three months, about twenty head of my prime cattle, depasturing on the Lachlan under a Government licence, have at various times been speared and carried off by the blacks, whereby the very herd was dispersed, to my very serious loss, and in one instance, a fine ox returned to the stock yard with a spear sticking in his side, the animal was speedily followed by a number of natives who claimed him as their property; and my stockmen being unprepared to repel the daring aggression, had no alternative but to give up the beast which the blacks accordingly carried off with them into the bush.

For these outrages I am not aware that any provocation has ever been given, but as the stockmen are naturally indignant at such violence, and being free men, they are now furnishing themselves with firearms and ammunition, determined on standing at all hazards on self defence and I must repeat that I cannot but fear that blood will be shed on both sides.

In respectfully laying these facts before your Excellency, I feel assured they will receive from your Excellency, the most humane consideration and that nothing will be wanting on the part of your Excellency to give to the Europeans and Aborigines of that part of the country, such protection as the assurances at your Excellency's command may render practicable.

I have the honor to be, with utmost respect, your Excellencys most obt. and humble servant.
Wm.H Hovell. ²²⁸

A corner note on the letter in Gipps writing stated.

²²⁷ S.R.Reel 1840-letter-40/2353-Feb.24,1840-Mayne-Col.Sec

²²⁸ S.R.Reel-1840-letter 39/13733-Dec.21,1839-Hovell-Gipps

Acknowledge receipt and say that I doubt not the Commissioner of the district will afford him all the protection in his power; but that if Blood is shed on either sides, the parties must answer for it to the laws. G.G.Dec.23.- Let this be forwarded to the Commissioner.

The next letter on the subject was from Crosby, dated March 4, 1840, that he had succeeded in capturing two of the offenders called Blucher and Charley who had committed the outrages and they had been taken to Yass, where there was a lockup. He also had two signed depositions from men who had been attacked.

Sworn Owen Reilly who being duly sworn deposed.

I was standing about two rods from the door of my hut on the 9th instant whilst the cattle was coming to water at the hole close by, there were several blacks on the bank of the river. I desired them to go away as they were frightening the cattle from the water; they would not stir though I told them several times to go. I ran to the hut and took up a fowling piece which was just inside and went towards them with a view of frightening them away; they then ran behind the trees but one of them known by the name of Charley immediately afterwards came forward. He called out you 'bloody bugger, what for you always chase blackfellow' and instantly came close up and struck me over the arm with his nulla nulla; another black came up to assist who also struck me two blows with his nulla nulla, one upon the arm and the other across the loins, the latter of which disabled me; I scrambled away and got into the hut. Charley took up the gun and broke it; the hut keeper and myself deserted the hut and went over to Mr Hovell's as we were afraid to remain at home. I pray that a warrant may be issued for the apprehension of the said Charley.

Sworn before me at Bullow-February 18,1840 H.Crosby J.P. Owen Reilly X his mark.

[A run named Bullowa, licenced to Isaac Clements was situated on the lower Lachlan]

This account of the events indicates that the people involved must have been familiar with each other. The following deposition has a page missing but sufficient survives to be pertinent.

Appeared- Walter Leonard who being duly sworn deposes.

On the 31st of last December some blacks came to Mr Oakes station at Gogan where I was hut keeper and told me they were going to kill a steer which was in the stock yard and then went to the yard with the purpose of doing so. I followed to prevent them threatening to shoot them if they did; on my way back to the hut about two yards from the door two of them, known by the names of Blucher and Charley, knocked me down with their nulla nullas which seriously injured me; they remained about the place and I was obliged to abandon the hut that evening fearing I should be killed if I stopped. On the 8th instant I was at Mr Oakes head station Gegillago and having missed some cattle from the herd I was going out to look for them I asked a black(called Tommy) whom I knew, to go with me and show me where the water was; when we got to the water hole there were a few blacks there; I asked one of them to give me a drink. He wanted me to get off my horse but I refused and handed him the tin pot which he filled and gave me; on turning to come away a number of blacks ran out of the scrub close by and threw several bomrings and other weapons at me. Blucher(the same black who attacked me at Gogan) on the 31st of December threw a spear at me as well as a good many bomrings. I rode away as fast as I could and contrived to make my escape; but my horse was cut in two places by the bomrings, upon the eye and on the cheek; I was

hit on several parts of the body. Blucher has since come to the hut and told me that he never would return to Merryabber till he had speared me. I pray that a warrent may be granted for the apprehension of the said Blucher and Charley.

Sworn before me at Bellow this 18th day of February, 1840. H.Crosby. J.P. ²²⁹

There is sufficient to show in this account that the stockmen and hut keepers knew and were on quite familiar terms with their attackers, who had spent a sufficient period of time in the company of the stockmen to understand some of the English language, even to using insulting terms of abuse. Also, a man could hardly be fearful of being attacked by aborigines if he asked one of them to fetch him a drink of water from a water hole in the river. It is also apparent that the Aborigines had plenty of opportunities to have killed the stockmen with their nulla nullas, but chose instead to strike other parts of their bodies to intimidate them, much the same as the others had been doing with their firearms. The Aborigines by then were not as fearful of guns as they had been in earlier times, for they were aware that once fired, particularly the primitive weapons on these runs in the interior, took a long while to reload, making the user more vulnerable to attack. It is evident in both statements that the guns were not fired.

The locality where these incidents occurred was near the present Lake Cargelligo, "Gegillago" being an earlier spelling of it.

Henry Crosby later sent a report to the Colonial secretary on his involvement in the affair.

Lachlan District-Yass-March 25,1840. Reporting Capture of Blacks.

Sir, I have the honor to return a letter from Mr Hovell according your desire.

Agreeably to his Excellency's command I proceeded down the Lachlan; found Mr Hovell's overseer had deserted the station days previous to my meeting him; heard from him where the Blacks were encamped; succeeded in surprising the Encampment, with three police men the following morning where we took the two Ring Leaders who have been sent to Sydney on charges of assault and attempted murder.

I further beg to state that the station at which Mr Hovell complained of the outrages is not within my district but on the other side of the river. As the people however evinced great terror, lest the Blacks should attack them, I left two policemen with orders to remain a few weeks for their protection-Mr Hovell's overseer was on his return to the station with the cattle etc. when I came away.

To- The Honorable Colonial Secretary-Sydney.

Henry Crosby-Commissioner of Crown Lands ²³⁰

W.H.Hovell held the licence for a run named Hiandra in the Wellington district, on the northern side of the Lachlan River, about twenty five miles downriver from Euabalong run. At the time the Commissioner for that district had resigned with his replacement only just taking office, making it necessary for Crosby to perform the duties in his stead.

The two captured Aborigines, Blucher and Charley were entered in the Sydney and Darlinghurst Gaol Entrance book as being admitted to Yass on March 20, 1840 for trial, to be held at Berrima quarter sessions on July 11,1840.²³¹ They remained in prison in Sydney till July, when they were carried in a

²²⁹ S.R.Reel 1840 letter 40/2591

²³⁰ S.R.Reel-1840-letter 40/3276-March 25,1840-Crosby to Col.Sec.

²³¹ S.R. Reel- 853-Sydney & Darlinghurst Gaol Entrance Book

cart to Berrima for their trial. Then in the Register of Criminal Cases for Berrima the details of the pending case against them was listed.

Blucher and Charley-Aborigines-March 20,1840. Committed at Yass by J.R.Hardy. [Police Magistrate] Offence-Wounding with intent. Witness-Walter Leonard
Witness for Prisoners-Cannot understand English. Date of Trial-July 24.
Justice-W.M.Manning and E.M.C.Bowen.
Verdict, sentence etc.-Prisoners discharged being in a dying state.²³²

This account involving Aborigines is a sad case in which relevant material is still available. The two both died shortly after their release, in Berrima.

The assessment on livestock returns for each squatting district was required to provide all the funds necessary for the expenses of their border police. When one commissioner, Graham Hunter in the Bligh district wrote in 1840, "Fodder and rations for horses and men of border police, more than assessment," he received a very blunt reply from Gipps.

All I can do is to inform Mr Hunter that in any district where the assessment is not sufficient to support the Border Police, the whole establishment will be discontinued. It is impossible for me to regulate the details of the police or to describe the best means of supplying them.²³³

Border Police were created in a clause of the 1839 Squatting Act, as a result of widespread agitation from within the squatting community to provide protection from attacks by Aborigines and bushrangers on the stockmen and shepherds located on runs within the interior of the colony. The Government belief was that if they required protection, then they, the squatters, had to fund it, as the original stipulation in the first Act was that no protection would be given to people located beyond the boundaries of the settled districts.

By the 1840s the Governments, in the colony and in England, were becoming increasingly concerned by the conditions and declining numbers of the Aboriginal people, which at the time only referred to the "full bloods". The Commissioners were required to send an annual report to the Governor who later sent it on to England on their condition within the pastoral district they were responsible for. There were also comments in their itineraries of Aborigines working on runs while further down the river they were still spearing cattle.

Report Relative to Aborigines [Reported to the Secretary of State by Despatch No 94/1842]
Border Police Office Binalong March 12, 1842

Sir, In reply to your letter of July 2, 1841 calling for certain returns respecting the Aborigines. I have the honor(sic) to forward the accompanying reports upon the Natives of this colony for the information of His Excellency the Governor.
Edgar Beckham- Commissioner Crown Lands, Lachlan.

²³² S.R.Reel-2758 Register-Criminal Cases-Berrima-1840-46

²³³ S.R. Reel-1840-letter-40/2640-March 5,1840-Hunter to Col.Sec.

Report—I do not consider the condition of the Natives likely to improve in any essential manner owing in my opinion chiefly to their great dislike to remain for any considerable period at any fixed place of residence. If they could be persuaded to give up their present wandering habits for a more settled life and closer intercourse with the Europeans it would tend very materially towards changing their present condition for the better. There are from seven to eight hundred blacks in the Lachlan District extending down the right bank of the Murrumbidgee River to the south and left bank of the Lachlan river to the north. They have no particular place of residence—they are usually wandering up and down the banks of the rivers in parties varying in numbers and generally camping in the vicinity of the settler’s stations. The Lachlan Blacks occasionally cross over the country to the Murrumbidgee River and those of the Murrumbidgee visit the Lachlan but this only occurs for the purpose of holding some jubilee. With regard to the social condition of the Aborigines they lead a wandering wild life. The men have their wives called gins—they frequently change their gins and many fights take place between the different Tribes in consequence of the men stealing the gins from each other. I have heard that the women sometimes kill their children but could never find it out and if they do it must be in very few instances. The present state of the Natives is somewhat better than formerly owing to the kind treatment they experience from Government in allowing different articles to be issued to them particularly Blankets which they value very much. The settlers are also extremely good to them especially in the Lachlan district in occasionally killing a Bullock and issuing it out to them. This tends in a very great degree in preventing the Aborigines from spearing and driving the cattle off their runs and consequently prevents many disputes that otherwise might occur between the Natives and the Europeans in charge of the stock. The Blacks appear to have a very great dislike to hard work or to remain long at one particular station which is the cause of their not being employed by or having that intercourse with the Settlers which would tend so much towards their civilization and give their future prospects a greater probability of improving. From their present mode of living I do not consider there is any great hope of the future prospects of the Aborigines being much better and as the Colony becomes inhabited they will gradually disappear.

Signed –Edgar Beckham –

Commissioner Crown Lands Lachlan District.²³⁴

There were also reports from other district Commissioners on the Aboriginal natives. In 1843, Graham Hunter, Commissioner for the district of Bligh wrote to the Colonial secretary.

Every year they become more useful and more willing to work; formerly it was occasionally that a native was seen to be employed at a station; of late seldom are there any stations without the natives making themselves of use and generally seem more contented throughout. I have made a rule at all times when going a distance to the interior to take one or two natives with me.²³⁵

This information from Hunter shows that most squatters in his region were by then using some Aboriginal labour to perform some tasks on their stations. John Lambie, Commissioner for Maneroo, is more specific in recording their tasks.

²³⁴ S.R. Box 4/2564 Letter 42/2327

²³⁵ S.R. Box- 4/2640-letter-44/306-Jan 1844

They occasionally assist the stockholders in sheep washing, hoeing and reaping, but their habits of industry do not seem to increase.²³⁶

Lance Dulhunty, the first Commissioner for Wellington made a similar comment in 1839 when he said that many of them are employed in herding cattle at different stations.

In other regions, particularly in the north, there were still conflicts occurring between the squatter's stockmen and the Aborigines as a letter to the Commissioner for the Wellington district shows in September, 1845, probably on the Bogan River.

Colonial Secretary to W.H.Wright, Commissioner for Crown Lands, Wellington, September, 29, 1845.

...particulars of two collisions between your party of mounted police and Aborigines, whilst endeavouring to capture those of the latter who were suspected of having taken part in the recent outrages in your district...the Governor is very sorry to find there have been no inconsiderable number of the Aborigines lately killed by the police.²³⁷

More letters of inquiry followed, without a satisfactory reply from Commissioner Wright being recorded by the Colonial secretary over the next few months, though the attacks on the squatter's men were sufficient for some runs to be abandoned.

Some years later when leases had been established in the squatting districts, the Colonial secretary stated in a letter to the Chief Commissioner of Crown Lands;

I do myself the honor to draw to your attention of the order of the Queen in Council, published in the Government gazette of the 26th instant [April 26, 1850] which confers upon the Governor such powers as will enable him to insert in the leases of runs, the conditions requisite to secure to the Aborigines and others the right of wandering over the unimproved portions of the lands demised and declares that the leases shall be transferable.²³⁸

There were conflicts with squatters, who after gaining leases, were attempting to prevent the access to their runs by the Aborigines with their historic nomadic habits of moving through the countryside and considered that they were now trespassers. The word "others" was probably also included to protect the wandering rural workforce moving about, mostly on foot and following the creeks and rivers so as to stay near available sources of water.

Boundaries Disputes

Although there would have been a large number of disputes over boundaries very few were recorded on paper prior to the establishment of leases. One rare case does exist due to unusual circumstances.

Sent from Mount Pleasant Bathurst July 26, 1841, from W. Stewart

²³⁶ S.R.Box 4/2640-letter-44/508-Jan 20 1844

²³⁷ S.R. Reel-2996-Col.Sec.to W.H.Wright-C.C.of Lands-letter 45/237-Sept.29,1845

²³⁸ S.R.Reel-2980- Col Sec to Chief C C of L-letter-246-M9011.107-April 30,1850

Sir, I beg leave to represent to you for the information of His Excellency the Governor that in the beginning of May last Mr Dugald Campbell McGregor, a respectable free emigrant in my service, who is Overseer at my cattle station in the Lachlan District, made a report to me in writing that a Mr Walsh, a Publican residing at Yass (who it appears had purchased the squatting sheep station belonging to the late Revd. Mr Fulton at a distance of eight miles from my cattle station there) had trespassed on my run and had occupied a chain of ponds or water holes at two different places in the very centre of my cattle run with no less than six flocks of sheep which were daily feeding on my cattle pasture ground and were spreading all over it so completely that they had driven the whole of my cattle off the run, and the cattle were in consequence dispersing over the neighbouring country notwithstanding his utmost exertions and that of my assistant stockman both mounted at that station. Immediately after receiving Mr McGregor's report, I addressed an official letter on May 17 last to Mr Henry Crosby the Commissioner of Crown Lands in the Lachlan District residing at Yass and as afterwards received a second complaint from Mr McGregor in the latter end of June informing me that Mr Crosby had taken no steps to remove Mr Walsh's sheep, I again addressed a second official letter to Mr Crosby, bearing date the 8th Inst. Representing to him in the clearest manner that I had been in the undisturbed possession of the cattle station in question for upwards of nine years past and held it by license from Government for the last four years under the native names of Dananbilly and Bendick Murrel and I at sometime informed him that I had no less than seven different respectable witnesses and that Mr George Rankin a magistrate of the territory was one of them, who were ready to come forward to prove upon oath that the water holes now occupied as sheep stations by Mr Walsh are in the very centre of my cattle run and that the water holes in question and the grounds surrounding them have been in my undisturbed possession ever since the period when I first occupied the station in early in 1832.

Since my last letter to Mr Crosby however of the 8th inst. Mr McGregor has come down here and reports to me that he had lately received orders from Mr Crosby to attend at his residence near Yass with what witnesses he had on the spot in order that he and Mr Bingham Crown Commissioner for the Murrumbidgee District might make the necessary enquiry into the nature and extent of the trespass complained of and that in obedience of the order he accordingly waited on Mr Crosby with two important witnesses on the spot beside himself the other witness being resident in this district and he states that on his arrival at Mr Crosby's residence he found that Mr Bingham had not attended and that Mr Crosby himself was confined to bed and so extremely ill that he was totally unfit for any business being in desperate state of health.

Under the circumstances therefore of so urgent a nature and as Mr Walsh has refused to remove his six flocks of sheep from my cattle run after reported representations made to him by Mr McGregor my overseer that he was trespassing on the centre of my run for which I at present hold a Government license and that his sheep had driven the whole of my cattle from off the run I have now therefore no other alternative left but to solicit that His Excellency the Governor will be pleased to order a Commissioner of Crown Lands from one

²³⁹ Edward Deas Thomson was appointed to the position in 1837 and married a daughter of Gov. Bourke

of the neighbouring districts to proceed to my station with as little delay as practicable to investigate and decide in the case on the spot as the amendment in the Squatting Act which has passed the Legislative Council prohibits my bringing an action for trespass before the Supreme Court against Mr Walsh until after the Crown Commissioner has given his decision on the case.

May I therefore beg leave to request that you will accordingly submit this representation for His Excellency the Governor's consideration and favour me with a reply with the least possible delay, as I am now paying government for a station which is rendered totally useless to me by the trespass of a worthless character who I am told was formerly a convict and now holds possession of the late Revd. Mr Fulton's squatting station which my overseer informs me is no less than eighteen miles in extent but whether he holds it by a Government license or otherwise is only known to the Colonial treasurer.

William Stewart Major Genl. ²⁴⁰

In the margin of the letter, Gipps has written on July 30.

Inform Major Genl. Stewart that his letter shall be referred to the Commissioner of the District and that if Mr Crosby should be unable to act from ill health, that the commissioner of the neighbouring district shall be directed to enquire into the case. Write accordingly to Mr Crosby desiring him if unable to act to call one of the neighbouring Commissioners to his assistance. Remark however that as I have received no report of Mr Crosby being ill I trust he will be able to perform this duty himself.

A letter dated August 9, 1841 [sent from Binalong by Henry Crosby to the Colonial Secretary]

Sir –In reply to your letter of the 30th ultimo transmitting Major General Stewart's communication respecting the disputed run between that Gentleman and a Mr Edmund Walsh of Yass. I do myself the honor to inform you for the information of His Excellency the Governor that on the 21st ultimo I requested Mr T Pope Besnard an old resident in this district and living within twelve miles of Major General Stewart's station to ride over the run, bring the parties together and if possible arrange the matter. On the 6th instant Mr Besnard met Mr Mc Greggor ,Major Gen. Stewart's overseer and Mr Walsh, with all the witnesses and with the consent of Mr Mc Greggor and Mr Walsh investigated the case and decided in favour of Major General Stewart. I beg to enclose a document signed by Mr Mc Greggor and Walsh agreeing to the boundary fixed by Mr Besnard between Major General Stewart's cattle run and Mr Walsh's sheep station.

[Henry Crosby died on August 21 so this was possibly his last official act]. ²⁴¹

A copy of the document follows.

Murringo August 6, 1841[the run taken over by Walsh from Fulton's estate] With reference to the disputed Run between Major General Stewart of Bathurst and Mr Edmund Walsh of Yass.

We the undersigned hereby agree and bind ourselves to abide by the decision of T Pope Besnard Signed Edmund Walsh, self – Dugald Campbell McGregor –Supt. for Major General Stewart. Witness –T.P.B. Murringo August 6, 1841.

²⁴⁰ S.R. Box 4/2525 Letter 41/7031

²⁴¹ S.R. Box 4/2525 Letter 41/7474

Mr T. Pope Besnard having this day marked out a boundary between Major General Stewart's Cattle Run and Mr Edmund Walsh's Sheep run. We the undersigned agree to the said boundary. Signed-Edmund Walsh [self]- signed Dugald Campbell McGregor Superintendent for Major General Stewart- Allen Cameron –Witness-T.P.B.-Witness.

Henry Bingham may have avoided coming to another district where he was unfamiliar with any runs and being based at Tumut he was some distance away with enough tasks in his own district. The fact that the papers relating to the dispute were kept indicates that it was unusual to have someone other than a Commissioner or a Court making a judgement and also if later on there were any ramifications to the method of settlement. Stewart was a person of importance in the colony; he had been a member of the Land Board and may well have used pressure on the Government to find a solution to Crosby's inaction through his illness.

In his letter of complaint, General Stewart gives an insight into the attitudes in the community by first referring to his overseer as "a respectable free immigrant" and then blackening the character of the intruder Walsh by calling him a "worthless character", and more seriously, that he was "formerly a convict" even though he held a publicans licence and land, and had been in the mid 1830s superintendent for Cornelius O'Brien near Yass, showing the taint remained for life. A convict after all had no choice in coming to the colony; it was a penal colony, a gaol with no walls and the dumping ground for England's unwanted with many forbidden to return. The free emigrants came by choice and could have gone anywhere. Many would have liked to turn the colony into another England, with a landed gentry etc.

William Lawson junior a few years earlier had been involved in a number of far worse cases of intrusion and nowhere was he called a "worthless character" which could not happen as he was a member of the "establishment", the free elite and a J.P as well. Accusing him of possible "bad character" was as far as was permitted.

When the Transportation Committee was meeting in London in 1839, inquiring into the assignment system, Governor Arthur made some pointed comments about the early colonies.

Van Diemen's Land was intended as a vast gaol or penitentiary and the free settlers who had become its willing inmates must abide cheerfully by the rules and customs of the prison. New South Wales was the same only much bigger.²⁴²

The colonies however, had progressed from that early stage and with many former convicts free by servitude, with many families "native born", plus emigration of free people, it needed to proceed to the next stage of development, and move forward from being just a big prison.

Encroachment by James Collits on John Rodd's Run on the Lachlan-1840-41

John Allman, Commissioner for Crown Lands, Wellington district, wrote to James Collits in September, 1840, stating that he had received a complaint from Mr Rodd J.P. on the part of Icely and Co that he had encroached on his cattle run and had erected a stockyard in the middle of his run.[John Rodd and Thomas Icely were partners in Icely and Co] Collits was living in a hut on a run

²⁴² Sydney Gazette Feb.14, 1839-Transportation Committee-Inquiry into the Assignment System

named Burwing, taken up by Thomas Higgins in 1837, and who died in an accident two years later in 1839. Allman had allowed Collits to extend the hut to four rooms, so must have been in agreement with his occupation at that time. This run was one of several down-river from the Belubula-Lachlan junction to the Mandagery creek, with Tragery, Rodd's run adjoining on its west. Higgins had been a publican in Sydney but sold his interest in hotels to become a squatter. The solution Allman decided was that Collits move to the top of a range, [vacating the best river frontage], stating "I do not see any occasion to molest you." Collits was living with Higgins' widow, which the commissioner objected to, being within his power to monitor the character and behaviour of all people in his district. Collits and Sophia Higgins were married at Hassan's Wall by the Presbyterian minister, Colin Stewart on August 31, 1840.

In February the next year they left the Lachlan, moving to Hartley, Collits leaving a letter with the man he left in charge, to be delivered to Allman or the border police when they visited the run, stating where he had gone, and giving the name of the man in charge and his hutkeeper's.

The next letter on the subject was from Allman to Collits.

Sir: On my visit to the Lachlan the other day I found that you and your family had left the station- I had not an opportunity of seeing you when last at the station but I fixed the bounds of the run between you and Mr Rodd-and decided that you were to run on the other side of the range.

The buildings and yard on your station I find interfere with Mr Rodd's run and as you have only a mare or two at the run, I must require you to shift your hut to the other side of the mountain range (running towards the river) from the side you are now on. I shall expect to hear this being done immediately. You can remove your present buildings if you choose.

I have further to point out that it was your duty to have acquainted me immediately that you left the place and have written to me informing me of the name of your overseer. I have also to add that I shall allow no cattle or stock to be run upon this station but what you have actually returned to me and for which the Government have been paid assessment-and should I on enquiry find that any cattle of a different brand to those in your returns are running at the place, I shall be obliged to hold you responsible. J Allman-Commissioner ²⁴³

In June James Collits replied to both letters, stating that he was to be crowded into a parcel of hills and rough stones with only two miles of river frontage while Rodd was allowed eight or nine. "A station that has been a licenced station for four years should now be shifted to please Mr Rodd."²⁴⁴

James Collits had been in the region since the early 1820s when he received a grant of land near present day Canowindra for finding a better route from Mt York, and would have been very familiar with much of the Lachlan valley. The Collits family and Thomas Icely had been in dispute over land for years, with Icely usually the victor. John Rodd was superintendent for Icely at that time of the dispute, and a partner in Icely and Co, but by 1843, he held the licence for the Trajery run.

²⁴³ S.R. Box 4/2532.3 -Col.Sec.letters Misc.C-1841-May 23,1841

²⁴⁴ S.R. Box 4/2532.3 Col Sec letters-Misc C-1841-letter-41/7656-James Collits to Com.Allman-June 10,1841

The next letter on the matter was from Allman to the Colonial secretary, informing him of the details of his actions in determining the shifted boundary. Then he continued;

“The Governor will see by the communication I enclose that Collitt has acted in defiance of my order. This person I only lately ascertained to be a very improper and irregular character. It is not necessary for me to remark that he is an extremely ignorant man.

It is not I hope requisite for me to say that in this case I decided to the best of my judgement. I must therefore respectfully appeal to the Governor against such an open resistance of my authority as is shown in the enclosed letters and although perfectly aware that stated penalties are tied down in the Act of Council for noncompliance with the Commissioner’s decision, I think it my duty rather to represent to His Excellency that I do not conceive Collitt fit to hold a licence for the future, not only for the reasons I have already given, but for the irregular way in which his station generally has been conducted for the last three months.

I have the honor to be Sir, Your most obt. servant-J Allman J.P.

The margin note from Gipps stated: Acknowledge receipt-and state to Mr Allman, that in the parts of his letter which are legible, I can see nothing calling for my interference. G.G. ²⁴⁵

The wording of the letter indicates that through actions or word, James Collits had severely offended Allman and he was penalised by having his run reduced in size. In the majority of similar cases, the commissioners favoured the squatters from the “establishment” over the lesser ones, especially those who had been convicts, or even a descendent of one as was James Collits. Thomas Icely was an important and influential man in the colony, expecting respect, as would have John Rodd, and Allman was of their social level. Icely, through Rodd, was exerting his position in the colony to extend the boundaries of his adjoining run. A Commissioner was all powerful within his district and invariably could rely on being supported by the Governor, for if he did not, it would undermine the authority of these men, who were his representatives.

The final letter on the subject was sent in September by Collits to the Colonial secretary, giving his account of the dispute, but it contained no notation to indicate that it had even been acknowledged.

Unfortunately not one of Allman’s itineraries survive; he wrote in September 1842 from Campbell Town, that he was “...suffering from an affliction of the heart, by over exertion on the last journey down the Lachlan in time of flood.”²⁴⁶ There was no commissioner in the district for the remainder of the year, then his brother Francis held the position for the first six months of 1843. William Wright became his replacement with his itineraries being the first for those parts, and it showed James Collits licenced for a run named Nanima, located where Burwing had been, but only with a three mile river frontage, indicating though his appeal was unsuccessful, he was still permitted to hold a licence for that run in the Wellington district.

Bushranging Activity in the Central West of N.S.W.

²⁴⁵ S.R.Box 4/2532.3 Col.Sec.Misc.C.-Allman-41/7656-Aug 21,1841

²⁴⁶ S.R. Box 4/2561.1-C.C.of L.-1842 Allman to Col.Sec.letter 42/7005 Sept.22,1842

During the late 1830s there was an increase in attacks from bushrangers in the colony and an account of the activity of some under the heading of ... "murders and depredations caused by bushrangers in the districts adjoining Bathurst" in the Sydney Gazette.

Some three or four months ago some convicts employed on the estate of the late Dr Redfern, took to the bush and having succeeded in obtaining an abundant supply of arms and ammunition, have ever since kept the district in continual terror. Some idea of the state of the district may be arrived at when we inform that very recently a list of forty robberies committed by armed bushrangers in that vicinity, within the space of two months. An assigned servant of Dr Redfern was murdered by those wretches in consequence of their suspecting information regarding their movements.²⁴⁷

There was another account on bushrangers in a letter to the same paper over a year later.

During the last twelve months I have had occasion to be frequently in the bush in this part...and I will enumerate such depredations as I can at present recollect, which have been committed by bushrangers in this neighbourhood within the last eight or nine months, beginning with the robbery of Mr Fulton's place; next a team belonging to the Redfern estate, going with supplies to the Hume accompanied by a superintendent, was plundered of about £50 worth of property; then two teams belonging to the same estate, on their way to Port Phillip, of property worth £100, also a horse. A short time after a settler's place named Duge, was robbed of sundries and a horse; next a gentleman named Lincolne was fired at by three bushrangers, his horse shot dead and he fortunately escaped. The bushrangers plundered the late Dr Redfern's establishment at Wangoola, of property to a considerable amount, taking three horses to carry away the plunder. Captain Coulstone's place; at Dr Gibson's station they fired and wounded a woman. The principal stock station of the Redfern estate was robbed twice, also two horses taken away; then Mr Owen's, Mr Wood's and Mr Higgins' places. Shortly after this, the residence of Arthur Rankin Esq. was attacked; they fired among a party of that gentleman's friends and wounded Mr Campbell; next Mr Wentworth's station Cudgelong, where I believe they hung a man up by the neck until he was nearly dead; then Mr Ford's station of some provisions and two horses. Besides the foregoing they called at nearly every station on the Lachlan. Most of the depredations were committed by Scotchie, Witton and Co. These two men have been in the bush upwards of two years, and I have no doubt they would have been taken long since if they had not been harboured by the low squatters and grog sellers, who are permitted to infest this district. (signed) No Mistake. Lachlan Feb. 28, 1840.²⁴⁸

This letter is dated after the demise of Scotchie the previous month on a property near Boorowa, when a few days after they had murdered John Kennedy Hume, Hamilton Hume's brother, they attacked a hut on the banks of the Narrawa river, now Lachlan, where Oliver Fry, superintendent for Dr Andrew Gibson, shot Scotchie in the head, mortally wounding him, on January 24, 1840. One of the gang, Russell, was shot later by police, with Witton and another called Reynolds alias Derry, captured, who later hanged himself at Sydney gaol. Whilst being held in Sydney gaol, Witton

²⁴⁷ Sydney Gazette Dec.22,1838- Bushrangers

²⁴⁸ Sydney Herald March 6,1840

dictated a long statement²⁴⁹, naming many of the people who had provided food as well as information on the location of police, and also most importantly, not revealing the gangs places of concealment. Their silence was gained by them receiving most of the goods robbed from drays on the roads carting supplies, which included clothing and liquor, as well as articles taken from station stores. He was executed at Goulburn gaol, on March 19, 1840, ending a period of outrages and murders that had been committed on people in parts of the west, both inside and outside the settled districts for a number of years. Oliver Fry later became a Commissioner for Crown lands in the Clarence district in 1844.

Scotchie's name was Archibald Thompson and along with Thomas Wetton [also Witton] absconded from Waugoola in mid 1838 and on December 13, 1838, Scotchie murdered Michael Peake, who had been assigned to the Redfern estate, and who was believed to have given information on the gangs whereabouts. Russell, alias Long Bill, had been an assigned servant of James Sloan, on whose run Bong Bong, south of present day Cowra, the Goulburn police discovered a cave which the gang had used for shelter for some time, with food supplied by Sloan's shepherds, as well as a number of his other servants. The assistance that the gang received from assigned convicts, enabled them to elude capture for nearly two years and prompted a note to the Police magistrate in Yass from Gipps, indicating how seriously he considered the problem with bushrangers had developed.

I think some public notice is necessary that in the event of Bushrangers being harboured and secreted in any district in the way Scotchie and his gang were, that assignment will be entirely stopped in the district and assigned servants withdrawn.²⁵⁰

This may have influenced Henry Crosby, the Lachlan district commissioner, who refused a squatting licence to William Redfern Watt, the superintendent for the Redfern estate, for Bumbaldry run for harbouring these men as bushrangers, even though they had robbed the Redfern holdings a number of times. Amongst his reasons for refusal, was a statement from Witton, the day before his hanging at Goulburn gaol that they had used Waugoola, [spelt then Wangoula] Redfern's property as a base. The Redfern estate had already paid half the reward of £25 to Sergeant Freir for the capture of the offenders, as well as contributing £5 for a piece of plate for Oliver Fry for his part in their demise, and Watt later obtained the run licence, holding the property for over fifty years.²⁵¹

Both the Government and Redfern's agent, John Gilchrist offered substantial rewards for their capture, but they managed to stay free till Scotchie's death, bringing to an end their bushranging exploits.

The district commissioners seldom in their reports to the Colonial secretary during that period made any reference to the activity of bushrangers, even though it would have been quite extensive. When tracing the names of the people in the Scotchie and Co gang attacked, and locating where their land was situated, the region that they were operating in was an extensive area of country to the south of the Lachlan river and then back east to around the Boorowa river.

²⁴⁹ S.R.Box 4/2505.5 letter-40/6020-Police Carcoar 1840

²⁵⁰ S.R. Reel 1840-Col.Sec. March 1840

²⁵¹ S.R.Box 4/2518.2-Com.Crosby-C.C.of L.- letter- 40/10906-Oct.29,1840

At a sitting of the Legislative Council in June, following the demise of the gang, Hannibal McArthur, a member, spoke at length on various aspects of bushranging.

In regard to the complaints received from the district of Carcoar, the Governor remarked that he was determined effectually to put down the system of bushranging. He had given orders to issue no more indulgences until the district should be restored to a tranquil and orderly state. Unless the district was restored to proper order before the first of September, he had issued orders to withdraw every ticket-of-leave from holders of such indulgences in the district and no more would be granted; and if there were still complaints, he would, on the first of November, withdraw every assigned servant in the district.

[He later added]- Let him withdraw every assigned servant from those parties whose known barbarity has made the unhappy men desperate. He may rely upon it that this will be not only a perfect and effectual remedy for evil in districts in question, but will also act as a preventive, by putting a stop to the cruelty of certain wealthy assignees, which cruelty is the grand cause of bushranging, and of the sympathy by which the bushrangers are protected and enabled to exist.....We repeat it, cruelty is the first cause of bushranging, and of the sympathy which protects the depredators in their career. ...the sweeping method adopted will compel the settlers who are not cruel to their white slaves to expose those who are....²⁵²

These statements would indicate that the identity of people who were abusive towards their convict employees, was known within the colony, but as they were often "wealthy assignees", they were above the law, with some probably being magistrates as well.

McArthur did not state that frequently the cruelty came from overseers, who had previously been themselves convicts, and now in a free state, enjoyed "lording" it over the less fortunate. When the Scotchie gang attacked people in a hut of Gibson's on Boga Bogalong run, in the Lachlan district, wounding a woman, it was her husband, named O'Leary, an ex-convict, who they wanted to harm, as they had heard that he had been cruel to the men in his employ.

A further cause for complaint by convicts was where for example, one previously well behaved, nearing the time to be eligible for a ticket-of-leave, was deliberately abused, or given sub-standard rations to "goad" him into complaining, it gave the employer an excuse to take him before a magistrate on a charge, where he was usually convicted, thus extending the period of free labour for his master.

The Carcoar and Goulburn districts, as reported by their police magistrates to the Colonial secretary became very quiet and well behaved. The strident complaints in the papers suddenly ceased as the people in those parts of the colony realised that Gipps solution to the problem was far worse than the problem itself, for if there was no convict labour working the land, the replacements would require wages, an additional expense, in a colony sliding towards a financial depression.

A study of the Bathurst bench books of that period such as 1836 reveals the minor nature of offences which resulted in the usual sentence of 50 lashes, with the man being then returned to his master. Loss of sheep, which were required to be counted out of yards in the morning, then into the yard at nightfall, drunkenness, or insolence were frequently occurring crimes. Absconding was

²⁵² Australasian Chronicle-Legislative Council-Bushranging-H.McArthur-June 6, 1840

another, and if these men then moved on to the next stage of bushranging, they were generally helped by the assigned servants living in remote places. In a few months in early, 1836, 216 men received a total of 11,380 lashes, an average of just over 50 a man.

In some rare cases though the accused are not found guilty. One involved three shepherds of John Rodd, brought before the bench by his overseer, P.L Fell. He stated that they "came in from an out station bringing their sheep with them; on my asking what they wanted, they stated they would stay no longer to be starved. One demanded a pass which I refused, then they all left the farm without my permission and I have been obliged to put the sheep in the care of aboriginal native blacks in consequence."

The next line had-"Admonished and Discharged," showing that they were not receiving sufficient rations, but just who was admonished is unknown.²⁵³

Of interest also in the case was an account of Aborigines being involved in work such as shepherding sheep on the farms in the central west, whilst further west along the Lachlan and other rivers, cattle and stockmen were still being speared.

²⁵³ S.R.Reel 1259- Bathurst Bench Books-1836

40/3819

Goullawn Goal March
1848

Sir i declare to you that when
M^r Redfern Drays was on thare way
for port Philife with Sheep i stopit
them and robed i them neave bung
bang with information from Allick
Burnet Thomas Gost and Thompson
was not with me at that roddery for i
had wounded him that night whe
was drinking at bung bang as i stated to
mester Seley at Sydney for it was Willdiam
Wild one of M^r Loan men that did a
company me at that roddery and i gave
him all the best part of the property on
a coirint of Thompson who was very bad and
whe was forst for ^{to} stop in that lave
that the Policie fond neave bung bang for
i could not get in any further at that
time and then whe was hardourd thare till
he got well and thay gave us Sheep when
whanted them and Wild has got a great quantity
of property at the time i saw im Last for whe
always give im plenty i did not tell M^r
Seley about this but Sir it was me and Wild
that rodded them Drays Thomas Wilton

1073610
Goulbourn Jail March 18 1840

and Sir i humble conffes to
you about that man Pearly who
Mas Jely wanted for to know very much
weather Pearly did harbour me or not but
i can tell you that he was one of the cheifst
of them for whe have stopt at is place for
weeks has been drinking and card playing for
monney he all ways suplyed us with food
and received properly from us and was always
Lobking out for information for us in witeh
'i did not like for to tell Master Jely at that
time Thomas Witton

A copy of Witton's statement, where he reveals the name of one of the gangs main supporters who he did not mention to Thomas Icely, a Carcoar magistrate when being questioned.

Depression in the Colony in the 1840

An economic depression which started in England, caused the price of wool to fall in that country in 1841, having a major effect in the Colony especially in the grazing industry, with livestock purchased a short time earlier, now sold for far less, if they could be sold at all. The depression spelt ruin for some squatters who had over borrowed, usually to purchase livestock at the high prices prevailing, on terms over a few years. Values collapsed, and as the economy in the colony was largely rural, with sheep raising being the major activity, the people in the towns were affected as many had invested in sheep. Some who were speculating in land, particularly in the Port Phillip district around the growing town of Melbourne were ruined.²⁵⁴ The seeds of the of the financial problems were sown back in 1834 in England when the rate of interest was fixed at 8%, but these rates did not apply in the colony, resulting in capital flooding into the colony seeking a higher rate, creating a false prosperity, particularly in land speculation. Drought conditions in many parts of the colony, lasting from 1837 to 1842 had a major effect on livestock, combined with a fall in oil prices, that is whale oil, as well as the wool prices halving, making many previously wealthy people unable to pay their debts. The Government in the colony passed an²⁵⁵ Insolvency Act at this period and an example of a Lachlan squatter –George Wentworth, makes an interesting study.

George Wentworth [son of D’Arcy and step-brother of William] was an early casualty –he was Number 74 with his affairs before the Court on February 15, 1842. In 1839 he held the licence for Tomanbil on the Lachlan downstream from Gooloogong but also had others, in the area. He was married to Ann Fulton who had a land grant along with her father Reverend Henry near present day Cowra. These grants were a result of one of Governor Darling’s final acts before sailing for England, in 1831, when he promised Colonial chaplains, their sons and daughters grants of land. Three sections [a section is 640 acres] to a male and two to the female branch with Ann taking her grant near her father’s. George also had a run near Ann’s grant, near the junction of the Neila creek with the Lachlan, called Cudgelong, or Cudgalla.

The papers in the packet reveal the enterprise being operated mostly on credit, the sheep and cattle on three year promissory notes attracting interest at 10 %. On November 17, 1842, 5700 sheep were sold at auction for £1200, some being purchased earlier for £1 per head on a three year promissory note, cattle also on similar credit at £5 a head, with the note due the previous August. His overseer, Robert Purvis bought supplies from storekeepers in Bathurst, Yass and Sydney [R. Campbell and Co accounts a list of supplies including –tea @£8 per chest, 60 woolpacks @ 7/- each [£21] 6 pairs sheep shears @ 5/- each] all still waiting to be paid. Servants at establishments in the country were owed £150. Wages owed to servants @ £10.10.0 for six months; a shepherd Norman McVivar and his two sons had an agreement for six months @ £80 per annum [7 months £47/10/0 –for lambing £5- drawn from stores £15/18/9 –owing £35/11/3].

George Wentworth’s total debt amounted to £7929/0/6, a very large sum at the time, but he had plenty of company in the colony. He said-“I lost nearly £5000 through Smith and Salmon insolvency and the fall in the price of sheep.”

Sydney butchers, Thomas Armitage Salmon and John Lloyd Smith both were themselves declared

²⁵⁴ H.R.A Vol 20-Introduction

²⁵⁵ December 29, 1841

insolvent in 1843 being case numbers 805 and 674 respectively in the Court. Some creditors were still trying to be paid after Wentworth's death in 1851.²⁵⁶

He had continued on as a squatter at Cudgelong but his brother Major D'Arcy Wentworth held the licence because, as he was insolvent, he could not. Cases such as these are important in revealing values during that period.

Another squatter in the region named Robert Bonnor also became insolvent. He had arrived, free, on the "William Shand" in 1822 with a wife and one son Robert aged four and received a grant of 1200 acres of land at Bathurst in October 1822. A fellow passenger, William Cummings had a number of hotels in Sydney for many years till he also suffered financial reverse in the late 1830s.

A letter from Lord Bathurst, Downing St, March 22, 1822 to the Governor Brisbane stated.

I am directed by Lord Bathurst to acquaint you that he has given permission to Mr Robert Bonnor to proceed as a Free Settler to the settlement of NSW and I am to desire that you will make to him on his arrival a Grant of Land in proportion to the means which he may possess of bringing the same into cultivation.²⁵⁷

This was typical of the letters of introduction that many immigrants brought out from England with them to present to the Governor, showing that they were to be genuine settlers in the colony. To get a grant of 1200 acres shows he came out with a reasonable amount of capital, where a £1 of capital equated to one acre of land, to a maximum grant of four square miles [2560 acres]. With sheep and cattle at relatively high prices, these could contribute to more than half the settler's property, but if money was borrowed to purchase these animals, it did not give a true gauge of the person's worth. The inflated value of livestock enabled people to qualify for a greater area of land and when prices for them collapsed, it created financial difficulties, with the borrowed money required to be repaid when the prices and values were greatly reduced. It was in fact a false value, with the money borrowed enabling people to be given a larger grant than their real capital would have permitted.

There was later a change in the regulations for land grants in 1828, "...that no land shall be granted to any person, but those who import money or other available property into the colony."²⁵⁸

A corner note on an application in 1831, gave an indication that the practices occurring previously had been taken into account.

Under the existing regulations Livestock not imported into the Colony by the applicant cannot be admitted as capital.²⁵⁹

In 1839, Robert Bonnor held the licence for Wongajong on the Lachlan as well as another three in the Wellington district, Burrawang [near present day Cumnock], Upper Buckinbar nearby and Billabong on the same named creek, east of now Parkes. His residence was at Bathurst and on July 2, and 1842 he became Number 84 case in the Insolvency court with W H Cope and Thomas Kite being appointed as trustees to his estate. He remained a land owner at Bathurst but his squatting activities ceased.

²⁵⁶ Box2/8662 No 74

²⁵⁷ S.R. Reel 6021 Col. Sec letters 4/1094

²⁵⁸ Sydney Gazette March 10, 1828

²⁵⁹ S.R. Reel 1144-Col. Sec. re Land letter-31/1830 Samuel Icely March 14, 1831

An interesting development appeared in the Commissioner's itineraries of this period where banks [or more precisely their managers] appeared as licence holders on runs. This may have become legal with the creation of the Insolvency Act or W.C. Wentworth's revolutionary Lien on Wool Act.²⁶⁰

"An Act to give a preferable Lien on Wool from season to season and to make Mortgages of sheep, cattle and horses valid without delivery to the Mortgagee."²⁶¹

It was the first time that such a measure had been created, and was initially opposed by Government in England as well as Gipps. This act enabled many producers to survive the depression if they were not too heavily in debt. Private money lenders also became run licence holders. By holding this licence, the banks and lenders were able to hold onto the stock which they had loaned money on, till they were either shorn or disposed of. They could not redeem all of their lending's but given the collapsed prices, this would have prevented a complete loss of their capital, and they even employed their own overseers in charge of running these properties. In most cases they did not hold the run licence for long, two to three years, before transferring on to another person, though some money lenders did hold theirs for much longer. The Bank of Australia held some licences until it too became bankrupt.

Another factor which added to the difficulties of landholders at that period was the cessation of transportation of convicts to N.S.W. in 1840, with the last ships carrying convicts arriving in 1841, and the assignment of convicts ceasing on July 1, 1841 as there were no longer any more being transported. Having been used to a system where assigned convicts employed had to be rationed and clothed was to change, with labour requiring to be paid, placed an added burden on rural industries when their products were almost unsalable. The sheep producers were the most affected as they required more labour than those who ran cattle. A witness with sheep holdings appearing before the Legislative Council enquiry into immigration in 1842 stated that £20 a year was the limit to a wage he could pay, with £17 the value he placed on the annual rations. When asked of the profitability of sheep farming, he replied that, "...it can never be profitable to buy land at any price to feed stock, that is to buy the entire quantity over which sheep are to graze-there is no market for surplus stock."²⁶² What was unstated was that the squatters who were only paying a licence fee of £10 plus an assessment on the stock for often large areas of land had a financial advantage over those grazing livestock on land they had purchased. The change to paid labour had been happening over a period of time as more convicts gained their freedom and left these rural holdings, or required payment to perform the same task that they had been previously performing un-paid. The people in the rural parts of the colony lobbied for the continuation of transportation as a source of cheap labour, but their wishes were contrary to those in Sydney and the towns, where emigrant workers, those native born in the colony and ex-convicts who had "done their time" no longer wanted to compete with convicts for work. It was the beginning of the divide between "the city and the bush" which still continues to grow.

²⁶⁰ Passed on Nov.8,1845

²⁶¹ Public Statutes of N.S.W.1838-46

²⁶² Legislative Council-Immigration Committee-July 27,1842

Boiling Down of Sheep and Cattle.

With many livestock becoming valueless, the graziers were desperate to find some way to make some money from them and tallow provided the solution. There was nothing new about rendering animals except it had previously been a small scale operation, and frequently a by-product of butchering as a way to utilise unwanted fat. Tallow, made from animal fat was used in the manufacture of candles, the main source of lighting, though candles made from whale oil were much better –they burnt with less smoke, but were more expensive and not readily available, with most of the sperm oil being exported to England. In the middle of 1843, there were almost daily articles in Sydney papers promoting the boiling down of sheep and later cattle, to turn their fat to tallow, giving value to previously almost worthless animals. Tallow was also the main ingredient of soap. Henry O’Brien is credited as having been the first to promote the boiling down of sheep and later cattle, but there were others before him who did not gain recognition for their enterprise; his letters though to the Sydney Morning Herald, coming from a respected large squatter, did much to influence public opinion on the subject. He wrote of an experiment of boiling down two wethers of average condition, boiled for 24 hours, producing about 28 pounds of rendered fat each and when valuing this at 3½ pence a pound, gave a worth of about 7/- per sheep for the tallow alone. The hind legs were removed before boiling, to be turned into “mutton ham” as they did not have much fat on them.²⁶³ This suddenly put a floor to the sheep market, making sheep which had been almost unsalable, worth at least as much as the tallow that could be rendered from them.

A man named Fred Ebsworth²⁶⁴ had a month earlier in May 1843, written a similar letter, having conducted a similar experiment with two sheep, stating that “...sheep had been sold within the last month for 6 pence to 8 pence a head,” and giving calculations of likely returns if they were boiled down for their tallow but he received no recognition. Another was John Hamilton, who had a works at The Bark Huts, about 8 miles from Sydney on the Liverpool road, where by the end of June, 1843 had converted 6000 sheep into tallow, being the first with a major works in Sydney,²⁶⁵ and making him a forerunner in the practice, whereas O’Brien somehow received recognition as the first, rather than being an early, ardent promoter. Most of the writers on the subject stressed that the sheep had to be in good condition to make the enterprise profitable, and as a means to cull old and inferior animals from their flocks. An indication of how quickly boiling down became established, was by September 1843, 10,000 sheep weekly were being slaughtered for their tallow, which the papers at the time called the “New Export”. With the quantity exported to England rapidly increasing, prices there fell by about a third, but it was still a profitable enterprise. The long drought which had been affecting regions grazing livestock ended with good rains in 1844, and with that, as well as the market for tallow, creating a base price for sheep and cattle, confidence gradually returned to the grazing industry, and as it was main activity in the colony, this helped businesses and labour as well. Boiling down works, processing both sheep and cattle were soon built in country regions nearer to a supply of stock and timber required to heat the boilers. Some were large enough to render up to 1000 sheep a day, at a cost of 6 pence per head, with cattle charges of about 5 shillings. These works

²⁶³ S.M.H.June 19,1843 Sheep Boiling-H.O’Brien

²⁶⁴ S.M.H.May 22,1843-The Present Price of Sheep-Fred Ebsworth

²⁶⁵ S.M.H.June 27,1843-Sheep Boiling-John Hamilton

were also large employers of labour, needing up to 100 men, and this industry contributed to reducing unemployment, caused by the depression.

The method of large scale rendering of animals for their tallow may have been imported from South America, where it had been used in Buenos Aires in the 1830s, with up to 100 cattle being boiled down at a time, so the design of the boiling down establishments in the colony, probably came from there. By December, 1843, a report in the papers stated that 84 bullocks belonging to Mr Lawson were boiled down in Sydney at the works of Edward Hallen at Five Dock, produced nine tons of tallow, or about £3 per bullock²⁶⁶, which was more than they were being sold for at that time. His previous establishment had been situated at Dixon Street, Darling Harbour, but the city council banned such works and slaughter houses from the city limits, due to “nuisance” forcing them to relocate to other sites. A practice amongst graziers developed where the livestock were first offered to butchers, and if their prices were too low, the animals were boiled down for their tallow.

George Rankin is reported to have sent hundreds of “tierces” of salt beef to the Pacific islands but that was unusual, where in most works, the meat was fed to pigs, or just wasted. The tallow was usually packed in casks but also greenhide bags, which were shaped by dropping the fresh hide over a post and so forming a leak free container with greenhide also used to tie up the top. In fact green hide was used universally to tie up, mend, or fix everything. Between 1843 to 1850 over two million sheep and over a quarter of a million cattle were killed in NSW and Victoria yielding over 30,000 tons of tallow with about three million tons of meat wasted.²⁶⁷ Though these actions were extreme, it allowed many graziers to survive the financial crisis until prices started to rise a few years on.

Sub-leasing of Runs.

A practice in place throughout the squatting districts was that of sub-leasing, which though prevalent, rarely is mentioned officially. It was obviously not illegal as it is never mentioned in Commissioner’s or Colonial secretary’s correspondence except Governor Gipps does make a passing reference to it in a despatch September 11, 1845-Gipps to Stanley. In it is mentioned receiving a letter from a Mr Willmington who wrote of squatters in his area, the Maneroo, sub-letting land for agricultural purposes.

Gipps stated in his despatch;

...the injustice of these monopolies of land and my endeavours to set bounds to the cupidity of the great squatters of NSW have been the cause of my having to encounter during the last two years, as violent, as systematic, and as selfish an opposition as was perhaps ever raised against the Governor of a British Colony.

He agreed with the impropriety of allowing persons who hold land from the Crown for grazing purposes, only to sub-let it for agricultural purposes but does add “it is not extensive” and he made no mention of wishing to prohibit it.

²⁶⁶ S.M.H.Dec.22,1843-The Tallow Speculation-E.Hallen

²⁶⁷ Mitchell Library-First Century of Dairying in NSW-Frank McCaffrey-1909

A clause in the 1836 Act prohibited agriculture except for the squatter's own use but as time progressed, larger acreages were being grown, particularly in the parts of the pastoral districts nearer to the settled ones. Edward Ryan on Galong had 70 acres of crop in 1839, by 1844 he had ten times that and the visiting Commissioner wrote nothing about it in his itinerary.

Growing grain on pastoral land for sale was still an issue as late as 1853, where the Colonial secretary was replying to a question on the matter from the Chief Commissioner of Crown Lands.

Law officers of the Crown think it very doubtful whether it would be proper or desirable to take any strong measures for enforcing the prohibition against the growth of grain for sale.²⁶⁸

There is an example of sub-leasing on Kangarooie run near Gooloogong on the Lachlan, where John Maguire [in his reminiscences of the big flood in the Lachlan in 1844] refers to it as "Dr Palmer's run." William Hall Palmer, Police magistrate of Bathurst occupied the run, though his name never appeared on any documents holding the licence. The recorded licence holder and superintendent at that time was Peter Dwyer. Twenty years later, though three other people are recorded as being the licence holder, Palmer still occupied it as his run.²⁶⁹ It was probably a common practice and if there was any documentation, it may have been held by a solicitor in Bathurst, the nearest town, or by the parties themselves. Gipps included in a despatch to Stanley, detailing the occupation of Crown lands by squatters that- "Various ways of sub-letting are also growing into use..."²⁷⁰

Another example was in the form of a newspaper advertisement for a sale of livestock retained within a packet at State Records. This paper may have been sent to the Colonial secretary as the simplest form of advising him on the matter.

Sale of Stock of insolvent estate "Garothery" Wellington District [run near Wellington township] of Hughes and Hoskings insolvent estate; sale of sheep includes "Right of Station". Right of station belonged to the person who first occupied it with stock, not the one who discovered it. Never a regulation or statute, it was a convention that seemed to be mostly recognised, but was still a common dispute that Commissioners had to resolve. An advertisement appeared on the front page of the Australian newspaper for Monday April 22, 1844 giving details of a;

Sale of Sheep, Stations etc in the insolvent estate of John Hosking ,by order of the trustees, Mr Samuel Lyons will sell by public auction at his mart, corner of George street and Charlotte Place on Wednesday April 24 at 11 o'clock.26383 sheep were for sale, over 10000 at Foxlow near Murrambateman[sic]owned by Hosking .

John Hosking arrived free in Sydney from London aboard the "Sir George Osborne" on December 18 1825 and married June 11, 1829 Martha Foxlowe Terry daughter of the Sydney merchant Samuel Terry. He formed with Terry's nephew John Terry Hughes a large mercantile business called Hughes and Hosking which in time had a large amount of land and town property in the colony including in Melbourne and the Port Phillip district, plus squatting interests, livestock, and mercantile goods. He

²⁶⁸ S.R.Reel 2980-Col Sec to Chief C.C. of Lands-March 3,1853

²⁶⁹ S.M.H.-April 14,1865-Bathurst Circuit Court-Trial-James Dunleavy

²⁷⁰ Despatch-Gipps-Stanley-April 16,1844-The Australian-July 3,1845

was Sydney's first Lord Mayor elected November 9, 1842 but resigned as mayor and from council September 16, 1843 after becoming bankrupt.²⁷¹

A despatch Governor Gipps wrote to Lord Glenelg contained;

The large mercantile firm of Hughes and Hosking has at length been brought to the insolvent court. This firm has been supported to a very large extent by the bank of Australia. Mr Hosking was the first lord mayor of Sydney but has in consequences of his insolvency been forced to retire from the corporation. It was the attempt to support this firm which led to the ruin of the Bank of Australia and I believe it may be said that the banks owe generally their present particular position to the extreme indiscretion with which they have supported or bolstered up firms or individuals in the vain hope that if time were allowed them they might be able to retrieve their affairs.²⁷²

Of interest to the authorities was the fact that Hosking held no licence for Garothery and was only sub-leasing the run. A letter was sent by Commissioner Wright, Wellington, to the Colonial secretary on May 12, 1844.

Sir – I have the honor to report for the information of His Excellency the Governor as directed by his note attached to the Australian newspaper of the 22nd ultimo which is herein returned that in August last year I found Mr Thos. Turner superintendent for Mr Hosking in possession of certain runs in this district of which "Garothery" was one. For the unauthorised occupation of these stations I fined Mr Hosking £10 as reported in my letter to you of September 11 last. In reply to my letter to Mr Hosking demanding payment of the fine, I received one from Horace Flower Esq stating the sheep had become the property of Messrs. Flower, Salting and Co and requesting a depasturing licence might be granted for the same which I recommended to the Colonial Treasurer in my letter to him of January 1 last – the fine having been previously paid to me by Messrs. Flower and Co and these gentlemen have paid the licence fee and assessment from July 1 last to June 30 next. The runs occupied by Flower, Salting and Co consist of the stations named "Timnee" present head station "Cadumbles", "Gandy", "Redbank", "Paling Yards" and "Junction" named in the margin with "Garothery" having never properly belonged to it. "Garothery" was originally in the adjoining run called "Burrawong" for which a licence was held by a person called Robert Bonnor who sold his stock to Messrs. Duke and Turner to whom the "Burrawong" run was transferred by the Commissioner. Subsequently a retransfer of the "Burrawong" run was made to Bonnor or the trustees of his estate but "Garothery" was retained by Duke and Turner in consideration of improvements made on the "Burrawong" run by them and attached to the run to the run now licenced to Flower and Co. This was a private arrangement never registered at this office or sanctioned by the Commissioner - in consequence of which although Mr Turner occupied it for two years I refused to recognise the transaction and obliged him to give it up to Mr[Francis]Lord who holds the licence for "Burrawong". With reference to the advertisement pointed out by His Excellency I have to observe that the stock stated as depasturing on "Garothery" is that returned to me as belonging to Flower and Co from whom no transfer of Stations has been sanctioned by me.

²⁷¹ S.R. Box 4/2640 Letter 44/3981 May 18 1844

²⁷² H.R.A. October 7 1843

W. N. Wright Commissioner of Crown Lands.

Pinned to the letter was a note from the Colonial Treasurer saying:

Memo –There is no license issued for a station of the name of “Garothery” neither is it returned in the Commissioner’s assessment account.

On the top is scribbled-returned to records G.G.[George Gipps]August 4 1844.²⁷³

Timnee later became one of Ben Boyd’s runs and both Duke and Turner later were bankrupts. Hosking’s trustees to his bankrupt estate were attempting to sell on “Garothery,” sheep he no longer owned, on a run he held no licence for, in an attempt to maximise their price by having grazing land ‘given in’ with the sale of the sheep. John Hosking was a ‘big operator’ with property, real estate and squatting interests and became a victim of the depression.

The increasing power of the Commissioners is shown in a letter of October 29, 1842 from Gipps.

In the meantime power is questionably vested in the Commissioners of disposing vacant runs, or limiting the extent of runs as he may judge most advantageous for the general interest of the public. When on occasions Commissioners used these powers, it created antagonism between the squatters and themselves-they on occasions gave licences to others, dividing runs where a very large area of country was held by another squatter with insufficient stock.

William Lee-Deprived of his Depasturing Licence-1842

An event which happened on a lower section of the Bogan River, in October, 1841 had in time, far reaching effects on the squatting movement, by giving the squatters a perceived injustice to focus upon, and assisting in the demise of Governor Gipps. William Lee of Bathurst was a much respected man, a large land owner and squatter with considerable numbers of livestock. He was at times referred to as “honest William Lee,” such was his regard in business dealings, at a time when honesty was frequently a casualty in these dealings.

When the 600 cattle belonging to Lee and Joseph Moulder, both of Bathurst ran out of feed and water on Reedy Creek run on the upper Bogan River, a party of their men, nine in number, travelled for sixteen days with the stock, in the spring of 1841, down the river to Duck Creek, “...marked on Major Mitchell’s chart as Mount Hopeless,”²⁷⁴ about 250 miles from Bathurst, to form new stations. They were accompanied by about fifteen Aborigines from where the cattle had been previously running, who assisted them on their journey, as well as helping to build huts and yards. After about a fortnight, on October 1, the men building the yards, and away from their firearms, were suddenly attacked, by both the Aborigines who had been helping them as well as some from local tribes, with three being killed, and another three badly wounded. One man, William Carr, who was away tending the stock, being still armed, returned and managed to rescue the survivors, then rode towards Bathurst to raise the alarm, and get help. He then returned, with six troopers from Bathurst, who intended to capture those responsible for the attack. Although the commissioner for the district of Wellington, and town where he, John Allman was based should have been consulted, the party

²⁷³ S.R.Box 4/2640 letter 44/3981 May 18 1844

²⁷⁴ The Australian-Aug.24,1842-p.2

bypassed there on information, later to be incorrect, that he was already out in pursuit of the offenders. He was the senior official in the district and was to take no part in any of the later affrays. The deliberate avoidance of Wellington, or contact with Allman, would indicate that it was known that the formation of a new squatting station in that part of his district was prohibited.

On an adjoining run to where the outrage had taken place, the troopers met up with a large tribe of about fifty or sixty natives who proceeded to throw spears and boomerangs, until they managed to inform them that they were not the ones they were pursuing. Then about five miles away, and ten from where the men had been killed, they fell in with the tribe they were searching. Carr pointed out some of those responsible and in an ensuing fight, a number of natives were killed, including three of the original attacking party. Three were captured, though one of those escaped, the others being taken on to Bathurst to stand trial.[Cudginmoly and Jago Curragambly, both Aboriginal, native place, lower Bogan, were admitted at Wellington on November 8, 1841, charged with murder. Both were discharged at the Circuit Court in Bathurst on April 1, 1842, due to the inability to find an interpreter.]²⁷⁵

Previous to the attack on Lee's men in 1840, there had been conflicts on the lower Bogan between Aborigines, and stockmen on the runs located there. Commissioner Allman had recommended that a way of reducing those collisions, no new run could be formed in those parts, these being accepted by Gipps and that was the basis of William Lee not having his depasturing licence renewed. As a person of high character, the men of Bathurst rallied to his cause in his dispute with the Governor, using his plight as a focus for a petition, containing a number of their grievances. There was unrest in the squatting community, which by this stage comprised almost all people in the colony with land, property and money, as well as many in England with squatting interests, over changes to the squatting regulations when the previous one ceased. A serious depression tightening its grip was not helping the mood in a colony so reliant on produce of a rural nature, prices having collapsed, thereby exposing many who had borrowed heavily.

James Macarthur presented a petition of certain stockholders in Bathurst and the adjoining districts in the Legislative Council on August 23, 1842, which had been signed by all the local magistrates, as well as seventy seven respectable stockholders and other parties interested in stock. There had been a meeting in Bathurst a few weeks earlier when thirteen motions enumerating all their concerns with the actions of Government in depriving William Lee of his licence, refusing his son, also William one, as well as a desire to limit the power of the district commissioners, and have more input into the framing of the Crown Lands Occupation Act coming up for review, to make their occupation more secure.

Part of Governor Gipps address to council contained in part;

The petition was put forth in order to try the strength of the squatting interest against the strength of the government; or on a still more important matter, the administration of the domain of the crown by the government, and on this he was bound to take a firm and determined stand...The petitioners were gentlemen, so much the worse for them, so much the worse for them that they were magistrates, that they were respectable men; it would at once be said, that such a matter would never have been brought forward if these parties did

²⁷⁵ S.R.Reel 2320

not sympathise with Mr Lee; such actions would never have been attempted to be justified, nor would such have found defenders in this council; this last stain he had endeavoured to wipe off, but he had failed. ²⁷⁶

This shows how isolated Gipps was becoming, where he felt he should have had support, it was only the Bishop, a friend since school days, and the Chief Justice who defended his actions.

He also added that he had read all the reports relative to the case, including Allman's of 1840, prohibiting any new stations in the region where Lee had moved his cattle. He noted that no responsible person was with them; William Carr was only an assigned servant and repeated that the Government had expressly forbidden new stations to be formed on that part of the Bogan. Also, that troopers were not permitted to go outside the boundaries, those districts being the domain of the Border police, and that if Commissioner Allman had have been contacted, the reprisal attacks could have been avoided. He continued with every aspect of the case, including that Lee's licence had not been cancelled, but when it expired, instructions were given that it should not be renewed in that district. "It would have been little better than a farce to have allowed Lee's son, of whom he had heard nothing till the petition was got up to hold a licence, but all he said was they should hold no licence in that district. The act was merely to regulate transactions amongst squatters themselves; as to the protection of the aborigines, he had before stated that that was wholly vested in himself by the Government and people of England."²⁷⁷ Finally he said that he objected to the Council interfering in the matter, and after some debate by members, the resolution was withdrawn.

Although the petition from the Bathurst gathering was unsuccessful with its primary objective, it was successful in polarising the squatting fraternity, concerned with their livelihood in holding many meetings throughout the colony by disaffected landholders, business men and squatters over the following eighteen months, leading to the formation of the Pastoral Association, in April, 1844, with its headquarters in Sydney, but there were branches throughout the country, attracting wide spread membership. It became an influential body of the most powerful men in the country, hounding Gipps out of office, and attracting support from men sympathetic to their cause, in business and Parliament in England, which led to them gaining leases over land previously only held under licence.

William Lee soon had licenced runs along the Lachlan, in that district, but not in the Wellington one.

An Account of the 1844 Flood in the Lachlan

Floods of 1844-October 26, 1844 Commissioner Beckham- Border Police Office Binalong October 19
Respecting his visit to the lower Lachlan-

Sir- I have the honor to report for the information of his Excellency the Governor that on the 5th inst I preceded with a party of my police to visit the stations on the lower Lachlan and

²⁷⁶ Australasian Chronicle-Aug.25,1842-Squatting & the Aborigines

²⁷⁷ S.H.Aug.25,1842 p.2-Legislative Council

Murrumbidgee rivers and had advanced about 80 miles down the left bank of the Lachlan under a continued fall of rain which caused the river to overflow its banks on Saturday the 13th and on Sunday morning it had risen so high that the settlers' where I was' were obliged to remove such property as they could carry and abandon their huts and flee to the mountains, the flood continued to increase during the day and in the evening after having assisted several settlers to secure portions of their goods I commenced my return to head quarters where I arrived yesterday after a very harassing journey, at the time of my leaving the Lachlan river it was rapidly rising and the country was one continued sheet of water and I much fear that the loss of both life and property upon the lower part of the river will be very great as the stations are all built upon the bank of the river and that portion of the district is very flat. Such a flood as the present has never been known by the oldest inhabitants upon the Lachlan River. I further beg leave to state that as soon as the bush which is now very boggy will admit of my travelling I shall again proceed on my journey. Edgar Beckham.²⁷⁸

For Beckham to record eighty miles from Binalong along the left bank of the Lachlan, and mountains, 'where I was' may have been near Gooloogong.

In the region around Wowingragong and adjoining Bundaburra downstream from where the town of Forbes now is sited, the river was 30 miles wide. Two men were drowned; one was Edward Enock taking cattle to Bathurst, the other Watty Munro, who was droving with James Twaddle and caught in floodwaters near Tomanbil run. He removed all his clothes and made it to safety on the south side of the river, then walked naked without food for four days arriving at Dowd's hut on Geroat, near Goolagong run, very sunburnt. Over a thousand sheep were drowned on John Grant's run Merriganowry, with two of his stockmen spending a few days up trees after being stranded by floodwaters. This flood was later referred to as "The Old Man" flood as the highest known on the Lachlan since white settlement. In 1852 there was another flood in some of the inland rivers including the Lachlan and it was extremely damaging on the Murrumbidgee around Gundagai, washing away portion of the town, and drowning a large number of people.

1844 Squatting Regulations

Like the 1839 Act, these regulations were framed to address abuses and problems created in part, by inadequacies in the old one, with the depression of the early 1840s playing a role. Instead of one licence being sufficient for a number of runs, each required a separate one, plus more were created with the regulation "no one licence will cover a station capable of depasturing more than 4000 sheep or 500 head of cattle," which was very difficult to enforce in droughts. The wet year of 1844 did help the division of runs by providing more watering places on dry blocks and creeks which had been dry for years. A packet of letters returned by Governor Gipps to the Colonial secretary "These papers all relating to squatting are returned to records, as it does not seem to me that anything can be done in respect to them at present" wrote Gipps giving an example of one problem the Government was trying to correct and may well have helped to frame the Act.

²⁷⁸ S.R. Letter 44/8084

Letters sent by Commissioner Lambie Manero May 6, 1844

A packet of papers returned by Governor Gipps to records re Benjamin Boyd's stations in the District of Manero -Fourteen Stations – Two Head Stations

The present occupier came into possession of all these stations, except two, by purchasing the stock which was foraging upon them at the time at so much per head, getting the huts, paddocks and what is termed goodwill of the runs given in. Of the two others, one he gave £50 for and the other £200 getting no stock with either. ²⁷⁹

These runs were acquired, from May 1842 to January 1844. The depression would have affected values of livestock greatly and some of the licence holders were probably insolvent with their runs in the hands of trustees or banks who by then were holding some licences of squatters who had failed. These are only a small portion of the runs held by Benjamin Boyd. He had them in nearly every district in the colony including some along the Lachlan. The Government was concerned that Boyd held fourteen stations in the Maneroo and only paid for four licences. The price charged in that district for the depasturing of cattle owned by other people, by the holders of runs, was four shillings per annum for each head of cattle.[now called agistment]

The combination of drought of the late 1830s to early '40s, financial depression and large debts of many squatters saw many licenced runs change hands in all districts, but just who occupied them or owned the stock grazing on them was open to speculation. Some of these animals belonged to the overseers and stockmen on the runs. There had always been a chronic shortage of money, cash, in the colony and even more so in the interior where business was transacted by cheque or orders on a Sydney agent or country storekeeper, so many wages were paid in livestock and with animals values being so low these men accumulated large flocks and herds over time.

A commissioner wrote to the Colonial secretary seeking a ruling on superintendents holding stock on a run. Gipps reply re- stated the question then answered.

Whether a superintendent in charge of the station of a licenced person may (with his master's permission) have stock of his own without taking out a licence. I think it is usually permitted, but the practice may certainly lead to abuse. ²⁸⁰

September 17, 1842- the Commissioner for Maneroo asks the Colonial secretary about cattle which have been given to overseers and stockmen which have been included in the half yearly return of the licence holder have now greatly increased in numbers, could the parties be accommodated without taking out a licence.

Reply –I cannot give him any instructions – a view to making some to the regulations. ²⁸¹

It was placed in the "too hard basket" again, knowing it to be practiced almost universally throughout all the districts.

²⁷⁹ S.R. Box 4/2640 letter 44/3982

²⁸⁰ S.R.Reel-1840-letter-40/7692-Aug.4,1840-Mayne to Col.Sec

²⁸¹ S.R.Box 4/2565.1- letter 42/713-Lambie to Col.Sec.

Minutes of Meeting of a Select Committee of the Legislative Council hearing grievances to changes to the Squatting Act of April 2, 1844 with Regulations limiting the size of Runs and stocking capacity held at the Legislative Council Chambers in Sydney.

The outcry and objections which followed these new regulations appearing in the NSW Government Gazette of April 2, 1844 provide a large amount of writings from that period, with the minutes of a grievances committee, selected from the Legislative Council in June 1844 hearing evidence from men, mostly squatters, providing a wealth of information on the subject. Although these regulations were passed by the Legislative Council, Gipps was the main "target" of the squatters. He was attempting to find a more equitable system to the occupation of land outside the boundaries and trying to reduce the control of a relative handful of squatters hold over vast areas of inland country in the colony. His task was made more difficult by the timing of these changes which were occurring at a time of financial depression and following a prolonged period of drought. A number of the squatter witnesses said that they would "boil down" stock rather than pay increased charges under the new scheme. The Legislative Council, composed of squatters and with many men sympathetic towards the practice, could hardly have formed an unbiased committee from amongst its members. The largest squatter in the country, Benjamin Boyd as a witness, in answer to a question as to "where were his stations" stated "in every district except Gippsland". The sympathies of the committee were shown early in the hearing when it stated the new regulations were "preventing its boundless territory from being applied to the uses of civilised man".

In reply to a committee statement Gipps said;
...it may be observed that what the squatters enjoy is not a right of commonage but an exclusive right of possession, good for an indefinite period against all intruders and good even against the Crown itself for the period of a year.

A despatch from Gipps to Stanley gave even a stronger view of the situation.

²⁸²Mr Boyd...asserted ...on April 9, 1844, that so long as he paid his £10 licences, he considered he had a freehold interest in the land he occupied.

This shows that even though the land was Crown Land, the squatters had created a belief that as they could dispose their runs at a price, or more precisely, the right to someone to occupy them, this somehow equated to a freehold title to property only held under a depasturing licence.

A Port Phillip squatter was asked;

Do you think the settlers would be enabled to make the land carry more stock?
He answered; I think they would by making reservoirs for water, barking trees and building comfortable buildings.

The settlers had found that when all the bark, which was used to cover huts, was stripped from gum trees, the trees died and for a period total removal of bark was used as a method to reduce tree cover.

²⁸² H.R.A. Vol 23-Gipps to Stanley-May 17,1844-page 603

Foster Fyans, the commissioner for Portland Bay district wrote in his itinerary of 1842, "Vast quantities of our finest timber trees destroyed by squatters cutting the bark for the purpose of covering huts." ²⁸³

It was later found that "ring barking" a practice employed to kill a tree by cutting a ring with an axe all round it so that it died was far simpler. This method was introduced into the colony in the late 1820s, from Canada, being called "girdling," with that expression still in use in 1840. An advertisement in the Sydney Gazette of that year has;

...on the west of the great north road is the well known "Fat Bullock Paddock," containing about two thousand acres, the greater part of which has been girdled. Also ...a considerable portion [of the farm] has been cleared, stumped and fenced, the greater part of the remainder has been girdled or ringed some fourteen years since, which operation (to those unacquainted with the term, it may be necessary to state) consists in cutting a ring from the bark of the tree, thereby stopping the growth, destroying the root, and rendering the removal of the timber much easier. ²⁸⁴

Another witness questioned named Silvanus B. Daniels was Boyd's overseer on his Lachlan runs, which were Jemalong and Walla Walla, adjoining runs on either side of the Jemalong range, as well as Condobolin down the river and Billy Bong (later Billabong) on Lake Cowal .

The Lachlan is sometimes dried up and there is scarcely any water to be seen in its bed for a distance of sixty miles and back eighty miles from it to find water. In some seasons of the year it is subject to locusts which eat up the grass, it is also subject to drought when all the water is dried up. I have seen about 6000 cattle moved from the Lachlan in a period of three weeks.

Squatter Robert Dulhunty of Dubbo was asked:

...you have not much available land at a distance from available water.

Answer : Not much – you may here and there find an available plain with a water hole, that fails, then we must then seek elsewhere for water .We are thus constantly migrating from one part to another and could not fix upon any particular part for any length of time.

Many of the witnesses saved most of their "vitriol" for the Commissioners of Crown Lands who they believed had too much power and should be dismissed but then said that the one in their district was fine, one even going so far as to say "his was one in a thousand". Two of them were witnesses; William.C. Mayne from Liverpool Plains and Foster Fyans, Portland Bay in the Port Phillip district. Mayne stated that in deciding on a boundary dispute he had sometimes spent from ten am to eleven or twelve pm on deciding a case and never had appeals.

Fyans said;

As to the power vested in the commissioners, the situation is one of anxiety, trouble, difficulty, making numerous enemies, often treated with extreme disrespect and insult, particularly when called upon to decide a case between parties on their boundary or claim

²⁸³ S.R.-Reel 2748-Foster Fyans-Portland Bay commissioner's itinerary-Sept 30,1842

²⁸⁴ Sydney Gazette July 28, 1840 "Nonnorrah"

to ground – the party the commissioner decides against is disgusted and of course he is proclaimed throughout the country with every odium which can be cast on him. As a commissioner for this district I have never entered into a case of dispute between two settlers regarding a boundary, or a claim to other ground without giving them the option of their adjusting the matter between themselves on the ground.

In comments by the committee on the Commissioners located in the squatting districts it was stated.

It is not the least objectionable feature of the regulations of April 2, 1844 that they tend to amplify the already overgrown powers of the commissioners. These powers even at present are arbitrary and unconstitutional in the highest degree, to whom is entrusted such absolute power over the property of his fellow subjects. The loss of a licence is in most cases absolute ruin and yet how lightly this may be taken away.

Gipps reply... The powers of the commissioners beyond the boundaries are undoubtedly very great, but if they are abused in any manner, my experience leads me to suppose it is in favouring the large squatters, rather than in any other way. The commissioners are stewards of the Crown and may be compared to the stewards of any great landed proprietors.

Persons in such situations will always and of necessity possess power and influence.

He was well aware that his only control was through the commissioners and without them, the big squatters would act like 'robber barons' and take control of the interior of the colony.

There is another statement from the committee trying to justify the small licence fee payable.

It further appears to your committee that the enormous disproportion between the payment of large and small stockholders asserted to exist by the Governor so far as showing the Crown has been defrauded of its land by large stockholders would be proof that the licence was never intended as payment for the use of the land but merely as a certificate of character and the recognition of the precarious nature of the title of the occupant.

In Gipps answer he said;

Whether or not the licence fee was at first intended to be a payment for the use of the land, it now ought to be considered as such. It is principally because the licence fee is not a fair payment for the land that the whole system of squatting requires revision and amendment.

The attitude of the members of the select committee is revealed in a statement of the need to eject poor squatters who are frequently harbourers of runaway convicts or other disreputable characters and keepers of sly grog shops. The select committee comprised of seven members of the Pastoral Association of NSW so there were no surprises as to their sympathies. In fact, two thirds of the members of the Legislative Council were members, indicating just how much that body was rural. Gipps reply showed that he was fully aware what they were trying to achieve.

In the present system there is much that is odious and vexatious and nothing perhaps more so than the way in which poor squatters are first branded with the name of cattle stealers and then expelled or hunted down by the more wealthy intruders.²⁸⁵

²⁸⁵ Mitchell Library-Reel CY 641

Gipps marginal notes on the committee's proceedings are quite revealing as to what would happen if the squatters succeeded in achieving all their aims. On September 30, 1844 he wrote on the evidence of James Macarthur.

Undoubtedly the colony must for years struggle with the difficulties which have grown out of the changes it has undergone and the speculations which the colonists so inadvicably engaged in. The way to aid the colony in its struggle to establish a good system of administration of the Crown lands, to adhere to the Act of 1842 and to supply what is deficient in that Act in respect to squatting. To allow the large squatters to seize all the lands of the Crown would be the ruin of the colony.

What he feared did happen, with the squatters securing vast areas of the country, but he could not have foreseen that not many years later, gold would be discovered, bringing prosperity and people to the country, rapidly changing it from an almost totally rural based economy to one benefiting from the great wealth created by gold.

British Parliamentary Papers 1845-46-Submissions and Material prior to the Granting of Leases in the Squatting Districts in the Squatting Districts of N.S.W. and the Port Phillip District. (from page 315)

A circular letter was "...addressed to gentlemen residing too remote from Sydney to expect the favour of their personal attendance upon the committee." There were 109 replies, the number sent was unknown, and as they were all landowners, they strongly condemned most of the Governments changes. Some though, who held no land beyond the boundaries, stated that they were not qualified to make any comment on some matters.

There were eight questions listed in the letter where there were some very lengthy replies while others were quite brief to the extent of stating that the writer had no opinion on some of the questions. These were usually the men who held no land outside the settled districts.

Question 1-"What is your opinion as to the expediency of raising the minimum price of Crown Lands to £1 per acre?"

2-"...Government regulations of April 2, 1844 in reference to depasturing licences and what effect do you think they are likely to have upon the prosperity of the colony?"

3-"Powers vested in the Commissioners of Crown Lands?"

4-"Efficiency of the border and native police?"

5-"...influence exercised by the present depasturing licencing system upon the general improvement of the colony and the social and moral conditions of its inhabitants?"

6-"...effect of the Government enforcing the payment of large arrears of quit rents?"

7-"Any grievances and their remedy?"

8-"Do you consider that a right of pre-emption should be given to squatters?"

The questions were so framed and sent to landholding men whose replies were uniformly similar.

Edward Curr of St Hiller's near Melbourne sent an informative reply. He had been the manager of the Van Diemen's Land Company called Woolnorth, a very large land grant situated on the north-

west corner of the island, which commenced operations in 1826. Later he achieved recognition as the driving force behind the separation of Victoria from the NSW colony. His reply to Question one was lengthy, as were his other seven.

The principal argument by which that measure appeared at the time was, that the actual sale price of crown lands at that period, at public auction, was in fact considerably more than £ 1 per acre. If this were a fair price at the time, and brought about by such causes as were likely to be steady in their future operation, then it was a just and proper price and ought to be maintained, notwithstanding the present depreciation, large as it is, which in that case would have to be considered only temporary. But I am of the opinion that price was obtained under circumstances of a transitory nature and which have already passed away; and as in the circumstances to which I allude, is to be found the cause and origin of the general ruin which has come over the Australasian colonies during the last 3 or 4 years, I will endeavour to state them. I consider the colonies to have been in a good state about the year 1834 and by this I mean that capital invested in the various colonial pursuits, mercantile, banking, pastoral and agricultural, was sufficiently and fairly, but not excessively remunerated, whilst the few instances of ruin which occurred at that period were traceable to particular and individual cases. During the six years succeeding 1834, or perhaps beginning with that year (1840), a remarkable succession of circumstances, all having the tendency to raise the value of all colonial property, largely, rapidly, and as I shall have to show, falsely, have occurred. The first in order was the establishment of the colony of South Australia; there during a short period arrived many thousands of persons, bringing with them in the aggregate, either in specie, merchandise or good credits on England, a very large amount of capital but wanting those productions which these colonies could so abundantly supply, viz., provisions cattle sheep and horses, building materials and small shipping; with these commodities the old colonies supplied the new one and to such an improvident extent as even to leave themselves so far deficient of the necessaries of life as to raise them to a famine price, wheat having touched 30 shillings a bushel; these prices so profitable to the old colonies and so ruinous for the future, were farther maintained by this unnatural circumstance, that whereas the South Australians could not obtain possession of the lands they had purchased they were compelled to be purchasers of agricultural produce for some years instead of producers. Fifteen thousand souls came to Adelaide, it operated, so far as providing a market for the agricultural produce and shipping of the old colonies, as if 15 thousand convicts, to use the illustration most familiar to us, had been suddenly landed amongst us, supported by the treasury of Great Britain and forbidden to work, or rather work productively, for building the town of Adelaide and so forth was expending only and not producing. I remember that it was calculated at this period by well informed mercantile persons in Van Diemen's Land, that a million (pounds) of money passed from South Australia to the elder colonies; and it is to be observed that if a portion of this amount consisted in goods imported into that colony and transhipped to these, it would operate as a money remittance to the same amount.

It was under the influence of these circumstances that the extraordinary rise in value of all property in the old colonies commenced. If sheep were worth in Adelaide 35 shillings a head, they were worth in the ports of Sydney, Hobart Town, and Launceston 30 shillings and the land producing them, I mean the merest pastoral land was worth £4 per acre; and on

similar grounds, agricultural land, not too distant from a port was worth £8 to £10 per acre. At such prices as these, proprietors were only too glad to sell and speculators too ready to buy; and immense amounts of land and of town properties at corresponding rates changed hands at these prices. It is certain and notorious that the price of all property ranged as if South Australia were to be a permanent market, instead of a mere temporary one or as now a competitor in our own markets.

The impetus thus given by the South Australian speculation was next accelerated by the establishment of the Australasian bank with its three quarters of a million, rapidly circulated. Upon the heels of this came the Union Bank with a similar sum and then the Trust Company; whilst during the greater part of the time Indian capitalists invested largely on mortgage, as well as English capitalists in some considerable degree. It was in the feverish and plethoric state of the currency produced by this extraordinary combination of circumstances that the Port Phillip land speculations of 1839 to 1841 took place- speculations which attracted from the mother country emigrants with capital amounting in the aggregate to a very considerable sum. But as if this were not enough two measures indicating something little short of insanity in the government was adopted. One was to create an artificial scarcity of that which nature had made superabundant – land, the quantity of which offered for sale was always kept short of the demand; proved by the fact of its being re-sold at from double to one hundred fold the prime cost. The other was to create an artificial abundance of that which we have already seen was superabundant, viz, - money; by depositing the overflowing of “a well filled treasury” in the banks and not merely depositing but lending these large sums at interest, of course compelling the banks, if they did not choose to be losers of that interest, to circulate the amount amongst their customers perpetuating and extending in a vicious circle of cause and effect the evil already too monstrous. But then came bounty emigration on a vast scale compelling the banks suddenly to call in their loans to enable the government to pay for that emigration and then as if a cloud had suddenly cleared away, all discovered the precipice on the verge of which they were standing. The sudden contraction of the currency rendered necessary to meet the cost of immigration put every man’s stability to the test, multitudes were found wanting and all were at least suspected and then came the universal rush and scramble to realise, which though it could not carry the property created out of the colony, has caused it generally to change hands, at prices not more than sufficient to pay perhaps the quarter of the debt which it was encumbered, which is but another expression for the ruin which we have witnessed.²⁸⁶

Edward Curr calculated on current sheep values based on a “meltdown”, [that is boiling them tallow] average of seven shillings per head, arriving at three shillings an acre for pastoral land. He fails to mention another major cause to the depression in the colony which was that England was in financial distress before it appeared in the colony, limiting the amount of capital coming from there and more importantly, the price of wool collapsed in value, which was the staple export commodity in the colony. Compounding the problem was also a large amount of capital flowing from the colony back to England as interest on money borrowed at high interest rates during the previous boom period, creating a shortage of funds circulating in the colony.

²⁸⁶ British Parliamentary Papers-1845-46-from page 315

Papers of Charles Alexander Wood-
Colonial Land and Emigration Commissioner-[in England]- The Land Question in 1846

These papers provide an aspect on how the problems of land tenure were regarded in England. The Squatting Act was to be repealed in 1841 but was extended for another five years, so alternative or improved legislation had to be passed into law and there was much input or “lobbying” from interested parties both in the colonies and in the home country, giving their views on the future form of the act. Gipps main concern was to prevent the country in the interior of the colony being controlled for many years by a small number of squatters, paying very little for the privilege to occupy this land.

Following are some of the letters amongst Wood’s papers which were used as sources of information in framing the legislation.

In papers from the Port Phillip district – Latrobe, Superintendent of the Port Phillip district to Colonial secretary February 1, 1841

..the formation of a station or the purchase of the right of run with building upon it entails....an exceeding great outlay.

Reply –Colonial secretary Thomson; Squatters in this colony have always been given to understand that the improvement of any land occupied under licence would be at risk to the party holding the same.

Eighty Port Phillip squatters requested a right of pre-emptive purchase-February 1, 1841.

Each man, secure in the possession of his station will feel that it is his home and strive to surround the home as far as possible with the comforts of civilised life; good cottages will be built and the habits of settlers will assume a nearer approach to the aspects of habits of the land they left.

A despatch from Gipps September 28, 1840;

..it is a long established regulation of Government that no lands can be sold beyond the limits of the counties or what is called the boundaries of location. It is however probably not intended that this system should be maintained. Pre-emption to those who are in actual occupation of the land and who have perhaps improved it would be equitable in itself.

Downing St –June 20, 1841 Russell to Gipps –suggesting that the licence fee and head money paid by squatters could be increased five or six times the present amount, but by September 9, 1842 Gipps writes of depression or despondency.

Gipps to Executive Council – September 9, 1842

...every station must be separately licenced which is not the case at present. The practice which is growing up in forming stations only for the purpose of selling them must be prohibited also. The formation of stations without permission of the Government is the principal cause of those atrocities whether committed by or on the aborigines which bring discredit on the whole colony and render necessary the maintenance of an expensive police force even to the utmost parts of the wilderness.

In another part of his speech; The squatters are now the most numerous class of colonists;

the squatting interest is now becoming the prevailing interest in the country; squatting is superseding settling; and in fact almost everybody who has any property at all is a squatter.

Gipps sent a long despatch to Stanley on April 3, 1844 the day after the regulations were gazetted, a part of which follows.

The essential difference between the two systems of management depends on whether they are within or without the boundaries of location- within, licences have substituted leases. Beyond the boundaries, the country never having been surveyed, a station or run is altogether indefinite. Parties taking up their runs were limited only by their own moderation or by the pressure of the other squatters. Still however the extent of runs is often ill-defined and no man has property in the soil which he occupies. The occupiers of this vast wilderness not having a property of any sort in the soil they occupy have no inducement to make permanent improvements on it – the squatters in general live in huts made of the bark of trees and a garden is a mark of civilisation rarely seen. On the other hand that there are amongst the squatters and living the life which I have described, a number of young men every way to be called gentlemen- young men of education and many of good family and connections in Europe. The presence of young men beyond the boundaries has been highly advantageous, first in lessening the rudeness of society in what is called the ‘bush’ and secondly as affording material for a local magistracy.

With the changes in politics in the English parliament, Gipps had yet another Secretary of State to inform and educate on the basics of squatting and some members of the new Government were pro-squatting.

At a meeting held in Sydney at the Royal Hotel of stockholders on April 9, 1844 the Pastoral Association of NSW was formed by the squatters and stating their objections to the regulations of April 2 and they wanted leases instead of licences. Many Legislative Council members were squatters or sympathetic towards the practice and filled the executive positions.

Sub-leasing was probably a very common practice outside the boundaries with various practices that are completely unrecorded by Government as the land was only held under a grazing licence. Gipps wrote to Stanley on April 16, 1844 giving his views of the meeting-“the occupiers of these lands have accustomed themselves to look upon them as their own”.

Various ways of subletting are also growing into use in addition to the common practice of what is called ‘taking in sheep or cattle on the thirds’, meaning of which is the person to whom the sheep or cattle belong to shall give to the holder of the run a third of their entire produce including calves, lambs and wool. The right of occupation of a station has also become an article of common sale and sums varying from £100 to £500 are commonly given for them and up to £1000 and stations have become articles of common traffic in the market. [That this was at a time of major bankruptcy in the colony is quite revealing; that the true state of affairs fell between Gipps view and the squatters claims of poverty]. I consider the price of a licence to be analogous to rent. The value of a fleece in the Sydney market at the low price of 2/6 the value of wool alone from 4000 sheep is £500.

The average fleece weighed, washed clean about 2½ pounds, making its price at one shilling a pound. Gipps based his regulations of April 2 on a run carrying 4000 sheep or its equivalent 500 cattle so his example given were basic returns for such a run.

Land Commissioner Wood filed a number of letters which were pertinent to the problem. One is from a young colonist in 1844 which gives a rare example of the confusing occupation of squatted land, that is, just who was really on the land rather than who held the current licence.

For about two years Mr T let 'Mungarie' from Mr M of Sydney for an annual rental of £100 per annum. Mr T failed, M came in as the principal creditor, got all the assets, no other creditor got a farthing. Mr M got this fine property back and is now letting it for £60 per year. On 'Gunday' William C is about to let the agricultural part only of his place which is extensive for £100 per year, but considering the impropriety of his letting that which belongs to the Crown he has not let it in a direct way or for the specific sum of £100 but in an indirect way, but the renter is to find labour, seed etc and deliver ½ the produce to William C adequate to £100 per annum. On the run he, W.C. is charging £1 a year each on cattle grazing thereon. [William C was most likely to be William C. Wentworth]

Another from Captain King of the large AA company, on squatters dated May 14, 1844 in part,

..in objecting to the April 2 regulations meetings have been held all over the colony and petitions to the Queen and Parliament have been voted and are in the course of signature. Squatting interests are now the very 'heart core' of the colony. Injure them and the colony is totally ruined – it cannot emerge from the desolation which surrounds it on every side.

Nearly all the writings in Woods papers were pro-squatting, with Gipps the one dissenting voice. One letter though was recorded in opposition to the practice.

Extract from a letter received by the father of an intelligent settler in Port Phillip dated February 12, 1845.

Almost everyone who depended upon his land for subsistence has been sadly disappointed, indeed may I say ruined by the regulations affecting property objecting to paying £1[per acre] for land when squatters can get 10000 to 20000[acres] for £10. Cultivating their land for their home consumption, next they cultivate for sale and having at length become a numerous and influential body, they are not content with the advantages already possessed but they claim 'fixity of tenure' as a right, in fact ask the Home Government to give gratis to them what the landholder (already ruined by a useless competition with them) paid to the Government from £1 to £5 per acre for, and what is worse there appears to be some chance of their getting it.²⁸⁷

To be writing such a letter from Port Phillip, the writer would have had to be settled in one of the three new counties created in that district, or have made a purchase outside them prior to land sales being suspended. In regard to saleable land in the Port Phillip district, it was something of an anomaly in the colony. The district was outside the nineteen counties but was a special case for a period. All land in the district was for sale after survey at £1 per acre. Land surveyed around Port Phillip bay by June 14, 1837 was auctioned as early as 1838 and was first named the district of

²⁸⁷ Papers of Charles Alexander Wood-Mitchell Library-Reel- CY 738 No. 412

Bourke at the desire of the residents, after the current Governor. A plan for the County of Bourke was prepared by Philip P. King by March 21, 1837, and in a despatch from Glenelg to Gipps, April 8, 1838 stating ...“that portion of colony should bear the name of your predecessor.” Later the area around Geelong was charted by surveyor Perry who in a letter to the Colonial secretary dated November 21, 1838, saying that the county around Geelong is at present unnamed. A Governor’s minute of April 15 1839 has “Call the county Grant.”[Lord Glenelg’s name was Charles Grant.] The third county in the Port Phillip district, around the town of Portland, gets mention in another Governor’s minute of July 17 1840 with the county to be called Normanby. The settlement at the top of Port Phillip Bay was named ²⁸⁸Melbourne after William Lamb. When Gipps arrived in the colony in February 1838 only a few town allotments had been sold there but by September 28 1840, 159,495 acres in Bourke and Grant at an average price of £1-19-2. The selling of land outside the three counties ceased August 21, 1841. Land was sold in the three counties, with the remainder of the Port Phillip district divided into four squatting regions with Commissioners and licenced squatters giving these a financial advantage over the settlers who had purchased land particularly before the depression hit in the 1840s.

A meeting of noblemen and gentlemen interested in the Australian colonies on Thursday May 22, 1845 took place at the home of Messrs Boyd Brothers, No 4, New Bank Building, Princes Street, London to take into consideration the present state of the colony of NSW and more especially the effects likely to be produced in that colony by the introduction of the proposed new squatting regulations and the best means of affording the licenced stock proprietors (who are the principle producers of the important staples of the colony such as wool tallow hides etc) proper encouragement for the investment of their capital in livestock and security for their expenditure in the improvements made to their homesteads rented from the Crown. There was only one nobleman, Lord Polwarth in the chair, his son Francis Scott MP was present and he had been retained by the squatters to lobby parliament on their behalf. Others present included Robert Brooks, the largest importer of colonial wool, shipowner, Mr Buckle second largest colonial wool importer and shipowner, Mr Charles Enderby of the firm Messrs Enderby, large shipowners, wool importers etc. John Armitage of Armitage Bros. Huddersfield employed 600 men in woollen manufacture, five men of the Boyd family, six bankers, two wool brokers, two shipowners, two sea captains plus others with interests in Australia giving a total of thirty one present. A deputation was selected to gain an interview with Lord Stanley with their opinions on the subject stating;

That our wool trade and woollen manufacturers are mainly dependent upon the prosperity of the colony of Australia.

Also: We venture also to call on your Lordship’s attention to the very great and irresponsible powers at present to the local land commissioners and the consequent temptation to abuse the administration of them.

From the minutes of the Parliamentary committee meeting of July 14, 1845 came this reply.

The powers however exercised by the Commissioners are confided to them by the Assembly and unless the Government by fresh legislation in the Imperial Parliament can make it self-independent of the means of enforcing their authority, the interests of the large squatters will prevail.

²⁸⁸ Lord Melbourne was the Prime Minister of England

In a letter written from 12 Marine Parade Brighton England on July 13, 1845 by Henry Denison [actually by S.G. Denison as Henry was in ill health]

I must repeat that to my mind the really important question to the squatter is that of determining the limits of his run and upon what principle such limitation is to be determined rather than the nature of his annual payment and I feel they should have been perfectly content to abide by the old system of an annual licence and the unchecked tyranny of the Governor and the Crown Commissioners.

Not all squatters felt threatened as was shown in an inclusion in Wood's papers.

Mr Grant, formerly an officer in the army whose is only separated from the boundaries by a stream has stated that he felt so secure about his title that he has laid of £1500 in improvements on the Crown lands which the Crown may any day seize or sell.²⁸⁹

The run was Douglas and the stream was the Boorowa River.

These were amongst Wood's papers and indicate the level of pressure that was being applied to the British Parliament to give favourable land reform to squatters in Australia.

The inclusion of these despatches and letters over an extended number of years amongst the land commissioners papers show the accumulation of information on the many aspects of squatting with some of the problems associated with it. Wood, married to Lord Howick sister, along with other commissioners Elliot and Villiers, was gathering as much evidence as he could to assist parliament in creating an equitable act, so as the waste lands in the colony could become profitable and wool would continue to be the main enterprise on that land, to be still be exported to England, particularly as a large amount of English capital was now invested in the colony. The main correspondents with Wood were James Stephens under Secretary of State and Henry Denison who wrote on July 26, 1845 that he "... thinks the new regulations adopted by Gipps will quite ruin the squatters."

The squatters cause was also greatly assisted by many men sitting in the British Parliament having family or friends established as squatters in the colony, particularly in the Port Phillip district, and thus had a personal interest in the outcome of any changes to squatting.

It is never stated but there must have been concerns in England over the large numbers of sheep killed to produce tallow and therefore not providing wool, with the threat by squatters to 'boil down' animals rather than suffer a reduction in their holdings, perhaps having some impact. With the squatters 'crying poor' and Gipps saying that they are better off than they made out and giving solid evidence to support his case, the task to a solution was very involved. In 1845 Lord Stanley, Gipps strong supporter resigned his position as Colonial secretary in the English Parliament and with a change of government that followed the fall of the Peel ministry,²⁹⁰ Earl Grey became the new secretary with different ideas to those of Gipps. Previously of the Wakefield party, which had been influential in the settlement of South Australia, the Government's policy was to leave the colonists alone, giving them what they wanted and rejecting most of the control measures over the squatters

²⁸⁹ Mitchell Library- Reel CY 738 -No 412 also British Parliamentary Papers 1845-6

²⁹⁰ Previously Lord Howick

that Gipps had tried to include in the new a land act, so as to limit the occupation of vast areas of land by a relatively small number of people.

Australian Lands Act of August 1846 followed by Order in Council March 9, 1847 establishing Regulations relative to the Occupation of Waste Lands in NSW

By 1846 it was all over with an Act for Regulating the Waste Landsin the Australian Colonies, August 28, 1846, referred to as Mr Hope's Bill, with the Order-in Council of March 9, 1847 issuing rules and regulations of the new land Act. Gipps was recalled to England, much to the joy of the squatters, leaving Sydney on July 11, 1846 to be replaced by Sir Charles Fitzroy, [the first Governor General] arriving August 2, 1846. Gipps left the colony in ill-health, but before his death he was able to assist in revising some of the proposed regulations with some important modifications, but the squatters still won. Runs in the unsettled districts were to be converted to leases with a maximum of fourteen years, rent paid in proportion to the number of sheep or cattle of estimated carrying capacity and a pre-emptive purchase could be made to protect improvements of no more than 640 acres or less than 160 acres. The last section was to encourage the establishment of better buildings where previously nothing substantial was placed on licenced land and the squatters built immediately with vigour, homes, bigger woolsheds fencing etc. Squatters were informed that those who had been on their runs for five years previously to the Act were eligible to leases being granted. Due to the delay in surveying the runs for leasing, most continued with annual licence renewal. Section 6. and 7. were in time to prove to be highly contentious in the community. Section 6. was-"During the continuance of the lease the lands occupied as a run will not be open to purchase by the public, but it will be competent for the Government to sell to the leaseholder any of these lands, not comprising less than 160 acres, at price not lower than the general minimum of £1 per acre."

While section 7. had-"The Governor however is not to be prevented from excepting from any such sale any lands which may appear to him necessary to reserve for public uses..."

Number 6. led to Robert Lowe's famous outburst of these lands being "a sheepwalk forever" and the squatters believed that the land would be theirs to hold in perpetuity, but the Government was able for a time to effectively redress the situation with the "loophole" provided by number 7 and wrest some land back from the hold of squatters by creating many reserves, particularly along rivers and creeks where land was considered suitable for agriculture.²⁹¹

The second part of Section 14, Chapter 2 continued with the importance of law and order in the colony by containing the provisions that, "The lease shall be forfeited absolutely, immediately upon any conviction for felony against the lease."²⁹²

In 1848, changes also occurred with the leasing of land within the settled districts, where the owners of granted or purchased land could lease adjoining portions of 640 acres, to three times the extent of their holdings at a rate of 10/-[10 shillings]a section[640 acres] paid annually. The old regulations

²⁹¹ British Parliamentary Papers 1845-6 pages 613-691

²⁹² S.M.H.Aug.2,1847-The New Land Orders

of 1841 were cancelled by this new act.²⁹³ These very generous arrangements, helped to create large land holdings, which remained as such till 1861, when free selection was enacted, opening up that Crown land to people to acquire, though in many instances, the leaseholders became the purchasers.

It took many years for leases to be prepared, due to a number of causes, the main one being the difficulty of preparing descriptions sufficiently accurate for insertion in the leases. Another would have been the large number of disputed boundaries of runs delaying their defining. The fourteen year term was finally decided in Downing Street, to commence on January 1, 1852,²⁹⁴ regardless whether a run had been measured or not, giving the pastoral leases in the unsettled districts a right of occupancy until December,31, 1866. This in the future prevented land from being selected on these holdings under the Robertson land act of 1861, until after that date.

The Aboriginal inhabitants of the areas where the pastoral leases were located were also considered in the act when leases would replace licences on runs beyond the settled districts.

To the aborigines is reserved such free access to any part of the leasee's run and to the trees and water there on, as will enable them to procure the animals, birds, fish and other food on which they subsist.²⁹⁵

Forfeiture of a Run-1847

In September 1847 William Bolter, a squatter licenced to hold a run called Cocomingla on the Boorowa River, south of present day Cowra, was sentenced in the circuit court at Goulburn, the first to be held there, for receiving stolen goods. The result of this conviction was that his run was forfeited, but as well as that, his livestock and all moveable possessions became the property of the crown and these were put up for public auction in Sydney, in January 1848. He lost his run under the provisions of the leasing act, but the loss of his possessions was under an old English law which was in place till 1870.

William Bolter arrived in the colony as a convict in the Mary, in January, 1822, sentenced to life at the Oxford assizes in March, 1821. His occupation was ploughman and he was assigned to John MacHenry [or McHenry] at Penrith, remaining with that family well past gaining his freedom. John MacHenry's wife was Sarah Fulton, daughter of the Reverend Henry Fulton, who was given a land grant on the banks of the Lachlan River where Cowra now stands.

In 1833 Sarah MacHenry, by then a widow, wrote to the surveyor general, to have her land grant on the Campbell River exchanged for a similar size one on the "Meringo Creek" near the Lachlan and a corner note stated that it was "...without the boundaries of the colony."²⁹⁶ This could indicate that the MacHenrys had a stock station in that region at that time and William Bolter was probably a

²⁹³ Govt.Gazette-March 29,1848

²⁹⁴ S.R.-Reel 2980-Col Sec-Chief C.C.of Lands-Oct 22,1851

²⁹⁵ S.M.H.April 5, 1854-The Pastoral Leases

²⁹⁶ S.R.-Reel 1159-Sur.Gen.letter-33/1038-Sarah MacHenry

stockman there. Sarah MacHenry does not seem to have held a depasturing licence, but Bolter does in 1841, for land in the region which was possibly her unlicensed squatting station.

When the Supreme Court sat at Goulburn, Bolter was charged over two separate incidents. The first was that on December, 26, 1846 he had attempted to shoot his employee, Thomas Walley[or Whalley] while he was in bed. Bolter, Walley and Walley's wife had been drinking heavily for a couple of weeks over the Christmas period, with the wife sleeping with Bolter on occasions. He wanted her to leave her husband and live with him. Bolter loaded a gun with powder and shot, with the intention of shooting his servant, but when he went outside the hut, one of Whalley's sons poured water down the muzzle wetting the powder, so that when the trigger was pulled, it failed to ignite.

Though it would appear to be a very serious charge, Bolter was acquitted.²⁹⁷ He then was before the court a few days later on another charge for receiving on December 22, 1846, 50 pounds of mutton, the property of John O'Sullivan, who held the lease for the adjoining run, Breakfast Creek, knowing the same to have been stolen.[O'Sullivan was a banker in Goulburn]

It was reported that Bolter had for a considerable of time been receiving mutton from the shepherds on Breakfast Creek, and supplying them with spirits or beef in exchange. In March 1847 O'Sullivan's nephew Daniel, his superintendent, signed a deposition at Binalong, before the bench magistrates, that after receiving information from Whalley he visited the station, and witnessed a sheep being killed by one of his men named Knox. When he inspected the station books next morning he found that he had no authority to kill sheep for rations, but the men had by then absconded.

Thomas Whalley, in his deposition, said that Knox was in the habit of bringing carcasses of mutton to Bolter's hut, which was only about a mile from their hut on Breakfast Creek. While he was employed reaping wheat for Bolter, he had brought several over a number of days, and when he was asked to bring a fresh one for Christmas, Knox said that he would. Elizabeth Whalley, Thomas' wife in her statement said that she had been Bolter's housekeeper for about seven months, and mutton was often in the kitchen, always after a visit by Knox.[William Bolter did not have any sheep on his run, only cattle.]

Following the signed statements of these three witnesses, Bolter was brought before the Yass bench on March 19, 1847 and was committed to stand trial on a charge of receiving stolen goods. He was released on bail of £200, half paid by himself, with the remainder paid by John Moses of Bowning and Charles Quail of Yass. Bolter's address was given as Cocominga, Burrowa, now from Yass, indicating that he was no longer living on his run.²⁹⁸

The answers that the witnesses gave at the trial were similar to their depositions, which were read in court, though Elizabeth Walley admitted that after her husband left, she had lived with Bolter for a fortnight, till she was taken from him on a warrant. Thomas Walley stated that they were back together and he was employed by O'Sullivan. If Bolter had kept any sheep at all on his run, he could have claimed that the meat was from them, and the Crown would have had no case, as the witnesses only stated that the mutton appeared in the hut when Knox had visited.

²⁹⁷ S.R. 2/7067-Judge Alfred Stephen Notebook-Goulburn-1847

²⁹⁸ S.R.9/6342-Supreme Court Papers-Goulburn-1847-Regina-William Bolter

The jury returned a verdict of guilty with William Bolter being sentenced to three years in irons on the roads or works. A margin note from the judge, "To recommend no mitigation-A bad case;- Plaintiff 48 years old." ²⁹⁹

The sale of the horses and cattle on Cocomingla as well as goods and chattels were advertised for auction in Sydney, January 13, 1848, with the inventory signed by John Fitzpatrick, Chief Constable at Binalong, saying that he took possession on behalf of the Crown, the inventory was taken, September 25, 1847. ³⁰⁰

Prior to the sale, Bolter sent a petition, signed crudely, [the only time he did not sign with an X] to Governor Fitzroy, pleading to him not to allow it to take place. It was also signed by about a dozen men, giving their place of residence, which was mostly local, except for a Goulburn publican. One man, Edmund Markham, of Milburn Creek wrote that he had known the petitioner twenty three years, which means since 1825, not long after Bolter arrived in the colony. If there was any reply, it was not recorded on that petition. ³⁰¹ Most of the signatories had themselves once been convicts, and there were no "establishment" squatters who signed.

Bolter had mortgaged his cattle to Benjamin and Moses and they applied for his run, but were unsuccessful, with the run not re-let until 1850. He sent a later of petition to Fitzroy, to have the value of his stock restored to him, when he was released after serving 21 months of his sentence but a reply in part had, "...every penny which his effects realised was paid to his creditors." ³⁰² Bolter wrote that they had inflated their claims on the amounts owing.

The case is interesting as it reveals that at that point in time, how much importance was placed on theft of property, which were only two carcasses of mutton, whereas the attempt on life in this instance led to acquittal. In a similar situation now, the verdict in the two cases would possibly have been reversed, as attitudes change with a time span of over 150 years.

Letters from the Colonial Secretary to Chief Commissioner of Crown Lands 1848-56.

The position of Chief Commissioner was created on January 1849, filled by Major George Barney, to handle the growing amount of land matters as a result of the granting of leases to squatters.

With the district commissioners no longer being required to collect stock numbers, difficulties arose over stock assessments, for stock actually depasturing on the station. Some stockholders were getting refunds on their reduced stock numbers. In February 1850 the Chief Commissioner wrote.

³⁰³To avoid the great expense of making an actual muster and being neither law or regulation requiring the stockholder to make any returns at that period of the year (the stock year commenced July 1) the Commissioner takes as his guide the sworn return rendered for

²⁹⁹ S.R.2/7067-Judge Alfred Stephen Notebook-Goulburn 1847

³⁰⁰ S.M.H.Jan.13,1848-Sale of Stock on Cocomingla

³⁰¹ S.R.Box 4/2801.1-letter-48/404-Jan 11,1848-William Bolter to Gov.Fitzroy

³⁰² S.R.Box 4/2801.1-letter-51/1848-Feb.20,1851-Chief C.C of Lands

³⁰³ S.R.Reel 2980

another totally distinct purpose six months before, namely the assessment return but in numerous cases the stockholder during the lapse of these six months may have sold or boiled down (or died from drought which was prevailing at the time) half his flock. The Commissioner for the district has to be satisfied of the fact that at the commencement July 1, there were considerably less numbers of stock than when returned for assessment.

The task was quite difficult for these men as the requirement of travelling around their vast districts had been removed under the act so a commissioner based for example at Binalong had no visual understanding of the prevailing conditions down the lower Lachlan hundreds of miles away, unless he had to settle a dispute in that area. The seasonal condition could easily be greatly varied over such a distance with the slopes region enjoying a good season while the plains country possibly in severe drought.

An inclusion in the provisions for the pastoral leases was "...to the aborigines is reserved such free access to any part of the leasee's run, and to the trees and water there on, as will enable them to procure the animals, birds fish and other food on which they subsist." Later there were more defined regions created for their use.

Throughout the country lying beyond the settled districts, a suitable number of reserves of moderate extent will be made for the use of aborigines.³⁰⁴

There had been a recommendation made by Earl Grey for these to be formed which was included in a despatch, of February 11, 1848, but the select committee of the Legislative Council created on June 29, 1849 reported that "the present system of protection of the Aborigines had totally failed its object."³⁰⁵ It was quite a number of years before any were created in N.S.W. and they usually were not large in area. There had been a number in the Port Phillip district in the early 1840s, when there was a Protectorate for Aborigines established there, ranging in size from a square mile to one on the Loddon River, fifty six square miles. This one later had some of its agricultural land sold off in 1856, while another near Port Fairy had portions for sale in 1852. Most of the reserves in N.S.W. were coastal, with very few created inland.

From the original issuing of licences to people giving them a legal way to occupy Crown land beyond the settled limits of the colony, they referred to the land they occupied as being 'owned' reinforced by the fact that the land could be disposed of by transfer with 'right of station' applying [a convention] with often livestock grazing upon them being sold at inflated prices to cover the inability to sell the land, creating a 'walk in walk out' basis of sale. With the granting of leases, the holders of these now thought they had gained freehold to the land due to the pre-emptive right to purchase a portion, usually around their improvements, somehow gave them rights to the remainder. In fact they believed that when the lease expired they had a pre-emptive right over the entire run.

Following the passing of the Act of 1846 Robert Lowe of the Legislative Council said in part,

Once grant these leases and beyond the settled districts there will be no land to be sold. The leasees will have a right to hold these lands till someone will give £1 an acre for them. These

³⁰⁴S.R. Reel 2980 Col. Sec.to Chief C.C of Lands Feb. 8 1850

³⁰⁵ S.M.H.Sept.9,1849-Council Paper

leases cannot be sold, mortgaged, or sublet. Be the capabilities of these lands what they may, they are to be sheep-walks forever.³⁰⁶

The wording of the Act only permitted portions of the leases to be disposed of by the Governor for special purposes. But these powers were wide ranging and Governors, realising that the squatters had gained too much land from the British Parliament, used this "loophole" in the legislation to resume land for farming, by creating reserves, particularly in Victoria in the 1850s. In 1853, the Lord Chancellor was requested to give an opinion on a test case involving William Forlonge, a large landholder in Victoria as well as being a major squatter in N.S.W. The Chancellor believed his case was favourable and he could "...appeal to the courts of justice in case of any illegal disturbance of his possessions."

Although the disaffected squatters appeared to have a case, there was no court to present it to. There were committees formed in Victoria from radical squatters where most of the effected land was situated but to no avail, particularly with a Government which had to deal with a huge influx of people following the gold discoveries.

William Forlonge was a leading squatter amongst the radical squatters, who were questioning the Government's right to take over leased land. His family achieved fame as the first to transport from England, pure bred Saxon merino sheep into Van Diemen's Land in 1829, though there had been earlier importations into N.S.W. especially a large consignment by Alexander Riley in 1826 to his property called Raby, south of Sydney. Eliza Forlong with sons William [he later added an 'e' to his name] and Andrew purchased the sheep in Germany in small lots, drove them to the coast and shipped them to Hull. From there they were then walked to Liverpool and in June 1829 accompanied by William, they were shipped to Tasmania, creating the foundation of the fine wool flocks in that state. When the family later moved to the Port Phillip district, William became a large landholder and squatter, including some in the Lachlan district, but by 1868 he had failed, losing everything.

The greater parts of the country were now effectively locked up in the hands of a few, having a major impact on land settlement except in some isolated areas around developing towns especially in Victoria. Public opinion, sympathetic previously towards the squatters cause, turned vigorously against them, helping to create the impetus for the Robertson Land Act in NSW in 1861 and a similar one in Victoria, referred to as the Duffy act which gave access to the many 'land hungry' people in the country following the gold discoveries from the 1850s on; so in effect it was gold that created the 'death knell' to squatting and 'people pressure' rather than land acts.[Both acts were named after the lands minister in their state]

There was uncertainty amongst squatters as to the form of payment when leases were gazetted but they continued paying on assessment, but with an imposition of a fine of £1 per month if payment was late.

Reserves on Pastoral Leases in the Squatting Districts

Following the granting of leases to the squatters, the Government in March, 1849 appointed a surveyor to each squatting district to make a general survey, as well as marking out in one square mile sections or multiples, reserves for townships as well as areas of land suitable for small

³⁰⁶ British Parliamentary Papers-1845-6

agricultural settlement. It had been the intention of the local Government to make such land available for sale as small farms, but further legislation in England in June, 1850 decreed that only the leaseholder was eligible to make any purchases excluding all others.

James Larmer was employed as a Government surveyor to survey the Lachlan district, completing his charts by early 1851. One of the many reserves he made was on the Lachlan, on both sides of the river on Waugan run on the north and Bandon on the south, an area of sixteen square miles, both licenced to Thomas Pye.

Bandon was purchased in 1857 by James Newell with James Collits being a party to the purchase, but not being listed on the lease. He proceeded to build first a house, and then later a hotel on the far eastern part of the run near the river, then was informed that they were located on the Bandon reserve. In a number of letters in 1860 to Edgar Beckham, Commissioner of Crown Lands for the Lachlan District, he wrote that he had not been informed of the reserve when the run had been purchased, and that he had spent £3000 on improvements. He also attempted to form a new run to the south of Bandon named Mulyandry, but in this he was unsuccessful. There had been applications by others in previous years but Beckham had refused them on account it being insufficiently watered. When he applied to lease the reserve in October 1860 he was informed, "There is no provision for leasing reserves save to owners of the runs from which they had been taken." A corner note on a later letter from Collits stated, "Inform Mr Collits that he cannot obtain a lease of the reserved land, but he will not be disturbed in the possession of his improvements."³⁰⁷

James Collits continued to live in the house he erected on Bandon, but his involvement on the run remains unknown. The public house, named the Coach and Horsed was licenced to James Young, who was married to James' niece Ester. There were further problems with the location of the hotel, which on survey was outside Bandon, on Nanima run held by the West family. Collits in time made arrangements with them to secure the land.

This account is an example of the difficulty people other than the leaseholder, had in accessing land on a reserve in a squatting district, which when they were first conceived were meant to be available for small settlement. They served very little purpose, and the land act of 1861, removed any need that they may have originally had on creation.

Boundary Disputes being Processed since Leases were Proclaimed

It was remarkable that when squatters were given right to lodge caveat claims on incorrect boundaries, just how many were taken out and on runs occupied since the 1830s, in places where Commissioners had never noted any dispute. With most run boundaries only vaguely defined, this was the first occasion when a legal one could be created, resulting in using the caveat as a means of protecting them from encroachment by neighbours.

In the Government Gazettes in 1848 it was listed;

³⁰⁷ Run Boundaries Files-Lachlan-Bandon-letters-James Collits-60/5079-Oct 15,1860 & 60/6160-Nov 22, 1860

Persons claiming leases of runs of Crown Lands (listed in districts)- persons who object to any of these claims either wholly or in part should lodge caveats within two months of their listing in the Government gazette.

By March 1849 the Government gazette had over 600 caveats listed and stated that no new ones were to be received. If they were not withdrawn within two months, they would be referred to a Commissioner.

In a letter from Colonial secretary to Chief Commissioner of Crown Lands November 13, 1849 he advised, caveat claims to be decided by the Disputed Boundary Commissioners (appointed in 1848) and repeated it again in a later letter of April 24, 1850. After reading the papers on the case, the Chief Commissioner could transmit a letter of authorisation to a licenced run-holder to oust a trespasser from his run. As a result, there were many caveats lodged by squatters against their neighbours and these were heard by these Commissioners in towns in or near the run's district. (Carcoar was designated the town where Lachlan districts disputes were heard but in time courts even took place in squatter's residences). Appeals went on to the Chief Commissioner and on to the Governor General who seldom changed the verdict, but a few were decided in the courts. The Government did not know how many dispute commissioners would be required until the first of the caveats were assessed, leading to more being appointed, due to the large number taken out.³⁰⁸

In 1848 Commissioners of Lands were still modifying or altering boundaries on some runs, and even as late as 1851, creating what became known as a back run. Disputing persons could appear before a boundary commissioner to give evidence with commissioners being paid £15 for each final report, the Dubbo based one for example, hearing twenty-one claims in 1850. There were a large number of disputes in all districts through most of the 1850s, but the results in most cases remain unknown.

The actual proceedings of boundary disputes courts is interesting as Hugh Hamilton writes in his journal that they sometimes were convened in the squatter's houses, with the house becoming a temporary court. Whether it was due to the difficulty of getting all the witnesses of the parties in conflict to the towns to hear a case, but the commissioners, both dispute and district, along with lawyers if employed by squatters, did travel away from the headquarters to arbitrate in disputes. Hamilton's house at Tomanbil on the Lachlan, towards the end of 1849, became a court for about a week, with Lance Dulhunty being the commissioner sitting on the bench, involving a number of cases in the area, stretching from up river near Gooloogong to as far away as the Bland creek down near Lake Cowal. Some were settled, while some remained unresolved, to be reheard at a later time and place.

Though many caveats were taken out by run holders over their boundaries, probably as a precaution, most were settled by the occupiers themselves "on the ground" after they had ridden their boundaries together and the caveats were withdrawn. Hamilton had surveying skills, so he was frequently called upon by friends and neighbours to "run a line" on their boundaries, following the Act in 1848, allowing the runs to be converted to leases.

He gives an account in his journal of boundaries being determined between his neighbours. William Redfern Watt held Wallawala, between Hamilton's Tomanbil and Patrick Boswell's Enocks, all with frontage to the south bank of the Lachlan. [Watt was a grandson of James Watt, the inventor of the steam engine]

³⁰⁸S.R Letters Col.Sec to Chief.C.C. of Lands Reel 2980

On Saturday morning [April 14, 1849] I received a letter from Boswell stating that Mr Watt had come down the river to settle the boundaries of our runs. I immediately started for Enocks and there met both Boswell and Watt. We proceeded to Grawling plain and it was arranged between them that the boundary should commence half a mile above the stockyard at Enocks and run south to the road where we marked a tree on the plain and thence south to the Ooma creek which gave Mr Watt all the [cattle] camps on the east side of the Grawling plain. Mr Watt also agreed to allow Boswell's cattle to water above the paddock. Next morning Mr Watt and I with George Rolfe, Tosh and Dan went along the boundary between Wallawala and Tomanbil. Mr Watt and I had a very hard time to settle our disputes about different parts of the bush through which the line was to run, but eventually it was settled and our caveats were withdrawn.³⁰⁹

Many of the disputes were settled by the neighbouring parties between themselves, without involving commissioners or others.

With disputed boundaries the parties are required to appoint an arbitrator.³¹⁰

In returning to you, the disputed boundary case Collits V White re-submitted in your letters of November 21 last no. 369. I now do myself the honor to inform you that the Governor General has already decided in the case. His Excellency does not see the propriety of its being reopened.³¹¹

One boundary commissioner based at Carcoar was David Scott with a case heard on April 16 1852.

Application of Mr James Martin for an investigation into a claim to certain land which recently formed the subject of a dispute between Mr Joseph Collits and Mr White- The Governor General had made his decision in this case.³¹²

It does seem remarkable that there could be any dispute at all on these runs having been occupied probably since the early 1830s and in this case nearly 30 years. Cattle camps on or near boundary divisions created many problems, with each leasee claiming them, when previously they probably were occupied by both parties stock. James Collits held the Bundaburra licence at the time so it is strange that his brother was involved in the dispute at all.

Very few disputes over boundaries ever went to court. The boundary disputes commissioners were employed to decide on such cases that they heard, getting £15 for each final report, paid in instalments and when their decision was read by the Governor he rarely allowed it to proceed any further even though there was a right for such a matter could go to court. One Commissioner, in Dubbo 1850 had twenty one claims to process amounting to £315 in fees. In some very rare cases, there were some that did get to the courts.

A Boundary Dispute Settled by the Courts

Boundary Dispute between James Brady of Duggan's Station and Edward Sheehan of Goolagong.

³⁰⁹ The Journals of Hugh Hamilton National Library M.S. 956

³¹⁰ S.R. Reel 2980-Colonial secretary January 17 1852 to Chief C.C. of Lands

³¹¹ S.R. Reel 2980-Col.Sec. to Chief C.C.of Lands-Feb.26 1852

³¹² S.R.Reel 2980 Col.Sec.to Chief C.C. of Lands-letter 52/2234-April 16 1852

Chief Justice Sir Alfred Stephen at Bathurst Civil Court on Monday March 7, 1853. The jury or assessors of four comprised George Rankin, Edwin Park, William Piper and Augustus Steel, all from Bathurst, though Rankin, having a run called Bogabigal, further down the river from the land before the court, would have been familiar with the area.

This case involved trespass by Brady's cattle on the adjoining run of Sheehan as well as consuming water, spoiling grass and other sundry matters with Brady pleading not guilty. The action was first brought before the Disputes Boundary Commissioner for the region Lance Dulhunty (who had been the district land Commissioner for Wellington) and was not resolved. The land in question, about two miles in width, lay between two very minor creeks, possibly only watercourses, running into the Lachlan River and were given the names of Redbank east creek and Redbank west. It is difficult to identify these creeks now, with changes in land practice, formed roads and fencing altering the landscape and the natural flow water would have then taken.

James Brady was a butcher and auctioneer, living in Bathurst, and married Maria, a daughter of William Lee, in 1847.

In court, Brady stated that he had bought the run known as Duggan's station situated on the Lachlan River from Jeremiah Grant in 1843, stocking with between 300 and 400 cattle which watered from the river adjoining the disputed country. The cattle were tailed, [that is stockmen followed them] for two months to break them in to the run. [Runs were unfenced and if not watched, cattle, on a new run would return to their old country.] He frequently had to drive Sheehan's cattle back to their own run when they crossed the boundary. A flood in 1844 washed down Brady's hut and stock-yard, and they were re-built at a better site upstream. The dispute started from then with Edgar Beckham, district Commissioner of Crown Lands supporting Sheehan's claim. Beckham had allowed Thomas Icely to extend his run, Bungerringong, further down the river to the Kangaroo creek, which absorbed about two miles of Sheehan's river frontage. This was in about 1846 after Icely had purchased Bangaroo run across the river from John Flanagan and most likely wanted to control the country opposite. He was one of the most powerful men in the colony at that time, and Beckham would have allowed him to extend his run, even though it left Sheehan with a greatly reduced frontage. He had then promised, but not in writing, to compensate Sheehan by taking some of Brady's run.

A stockman, William Hadcroft who had been employed by Brady since 1843, had always considered that the land in dispute in the case to be part of Brady's run. This view was supported by William Redfern Watt, superintendent to William Redfern, when he held the run licence for Goolagong, as well as a number of stockmen who had worked for Grant or Redfern in previous years.

The judge, in summing up the case, stated that the party in actual possession of the run had a right against every person except the Crown. The jury found in Brady's favour and added that his boundary was as he described, the upper or east Redbank creek and had been such for seventeen or eighteen years.

The full court case is in Appendix A

A Case of Cattle Stealing heard in the Bathurst Court in 1847

During the boundary disputes case between Brady and Sheehan, the judge records in his notes that Richard Duggan had been convicted of cattle stealing five years previously. This occurred near Carcoar in May 1847, and the depositions on the case survive, and while Judge John Dickenson's notebook cannot be found, there is an account of the trial in the Sydney Morning Herald.

On May 19, 1847 William Montagu Rothery was looking for horses with two employees at about three in the afternoon, when he saw a large mob of cattle of about 100 approaching, driven by two men on horses, one bringing up the tail, while the other was riding alongside to prevent them from breaking off to the Binny Ridges. He rode towards them and recognised some of the cattle as his, bearing his brand, and managed to stop some of the cattle. Richard Duggan and Patrick Byrnes were driving them, and he could see none with Duggan's brand, RD. All the cattle he stopped he drove with his servants to his yards on Clifden.[his station]There were 31 head of his and 25 strangers, with none carrying Duggan's brand. He said that he had lost [had stolen]a great many calves within the last twelve months from where they were bringing these cattle. The cattle were being driven in the direction of Duggan's residence, about eight miles away and could not have reached his yards till an hour after dark. The statement was sworn before Arthur Ranken JP at his place Glen Logan (on the Lachlan) May 28, 1847.

A mounted policeman who inspected the cattle in the yard, as well as Rothery's two employees, a groom and a stock boy aged fourteen, also signed statements in support, the boy saying that in the two years he had been employed he had not seen the cattle from those places mustered. Byrnes' statement when he was apprehended was that they were only "tailing" two of Duggan's cattle away. Duggan and Byrnes were taken into custody on May 25 remaining so, till a Bathurst magistrate allowed bail on July 14, with Duggan providing £100 and two Flanagans of Bathurst, one a butcher, £50 each.³¹³

The trial took place at Bathurst on September 20, 1847 of Richard Duggan, who came as a convict on the Brampton in 1821, now free, and Patrick Byrnes on the Countess Harcourt in 1827, now free, for cattle stealing before Justice Dickenson.

Both men had been assigned to John Grant; Duggan had been an overseer for him and later a licenced squatter, on the run, Duggan's Station. Jerimiah Grant, John's son stated as witness at their trial, that Byrnes had been employed by him for a number of years, and was a sheep overseer on a station of his on the Lachlan.[un-named] He always considered him trustworthy and honest. When questioned in court that Byrnes had been at Norfolk Island, Grant, though repeatedly questioned, could not tell what the prisoner was sent there for, when he was sent, or when he returned. The defence dwelt mostly on the cattle being taken to stock yards to remove Duggan's few head and another man's cow from the herd, which Grant said was the practice on the Lachlan, but this was ridiculed by Rothery's counsel. John Neville, of Milburn Creek, whose country joined the Binney Ridges where the Rothery and Duggan cattle were located, stated that his, Duggan's, stock yard would not hold thirty cattle, especially wild ones.³¹⁴

Large landholders like William Rothery were vulnerable to stock theft as many parts of their holdings were remote from their home base.

At the end of the week when Duggan and Byrnes were being sentenced, their counsel presented a petition from them stating that they had heard the foreman of the jury had said that if it had been proved that there was a stockyard within a reasonable distance of where they were apprehended

³¹³ S.R.Supreme Court Depositions-9/6342-June 10,1847-Duggan & Byrnes

³¹⁴ S.M.H.-Oct.4,1847 Bathurst Court -Cattle Stealing

with the cattle, they would have not been found guilty, and that they could have proved that there was a stockyard within two miles of there. The judge observes that this statement came too late, and he sentenced them to three years in irons on the roads or other public works.³¹⁵ As a result of his sentence, Duggan's cattle, about 100 head running in the Carcoar district, were forfeited to the Crown, and sold by public auction in Sydney on May 3, 1848.³¹⁶

In April, 1848, Ellen Duggan who had five young children sent a petition to Fitzroy, claiming that some of the cattle of her husband's to be sold were not his property, having been given to one of her children by their god father, Michael McGill and should not be included in those going to auction. W.R.Watt, a big squatter in the region wrote, "By the Government exercising its prerogative it will reduce the family to the alternative of beggary and starvation." Other men in the locality also added appeals and signatures, with a note also included from McGill stating that he had given two heifers to one of the children, carrying his brand which was shown.³¹⁷

A margin note stated "I regret I cannot interfere in this sale." The Government appeared not to comprehend the suffering caused to families with its rigid policy of selling the property of those convicted of a crime, with such actions make it easier to understand the support that bushrangers received.

Court Case-Bathurst-Rodd versus Morris

On the day following the Brady versus Sheehan Court case in Bathurst, there was one also heard by the Chief Justice, between two Lachlan squatters, John Savery Rodd and Thomas Morris over non-payment by Morris to Rodd of money, involving the sale of stock some years earlier. Both men at the time had a number of runs on both sides of the Lachlan. In October 1851 Rodd sold to Morris about 1000 sheep, in exchange for 40 fat bullocks to be selected by Rodd(or his manager Edward Murray who was also his brother-in-law)from his herds and delivered in December following or January 1852. A contract was signed by Murray and Morris, but Murray had gone to Melbourne with horses to sell with Hugh Hamilton when he took cattle down to there to sell where there were better prices due to the recent gold discoveries. Murray had then gone on to the Ovens district where a new gold field had started, and could not be located to give evidence in court, as to why he did not get the cattle.

[One possibility of the non-delivery of the cattle was that the country was still extremely drought affected and there were no cattle fat enough on the run, the name of which was not recorded.] Rodd and Morris met by chance at an inn in Bathurst on January 1, 1852, and Morris claimed that he did not know that the cattle had not been delivered. He said that he would pay the value of the cattle, but the two parties could not agree on a price. The sheep involved in the deal were not of good quality, being scabby, and only worth 1/6 each, so the price of the cattle was governed by that. Another aspect of the case was whether the money owed was not for the cattle, but a charge for non delivery, and complicated as Murray's whereabouts were unknown, so could not be called to give his side of the transaction.

The main point of contention in court between the two parties was whether the bill drawn for the cattle was for £1 a head or £2. During the hearing Thomas Morris must have been asked if he had been before a court before. He said that he had been at one in Hartley, where he sometimes lived,

³¹⁵ S.M.H.-Oct 1,1847-Duggan & Byrnes-convicted-cattle stealing

³¹⁶ S.M.H.May-2,1848-Cattle at Carcoar

³¹⁷ S.R.Reel 2271 Misc.Persons-Col Sec.1848 48/4615-Petition Ellen Duggan

charged with offering a bribe to a Crown lands commissioner. He preferred the charge. It was a sum of £10, but he could not substantiate the case and it broke down. It was between three and four years ago, and no information was filed against him.

The jury found in favour of John Rodd, awarding him £40.³¹⁸

[On January 24, 1849 William Mayne stated that he was offered a bribe by Thomas Morris with the view to obtain a favourable report on his tender for a new run in the Wellington district and the case was referred Crown law officers to ascertain what steps could be taken to punish Mr Morris. In September he was requesting that papers be returned on the case.]³¹⁹

The court case indicates how readily in the early period of the colony, people would resort to legal action for fairly minor injustices, as in those days the fees were not so high to make them a deterrent. Thomas Morris did pay Rodd £40 on the occasion when they met in the inn at Bathurst, but Rodd wanted more. Whether seeking information on his previous court appearance was by Rodd's solicitor may have been used to "blacken" his character before the jury and so gain his client more sympathy. They were both similar, Rodd saying when giving evidence, "...that I look pretty closely after the main chance."

Land Claimed by a Person not Recorded as Holding the Lease.

A few months prior to the Crown Lands Occupation Act of 1861, an original squatter on the Lachlan, James Collits, wrote a number of letters to several Government departments, namely Surveyor General, Chief Commissioner of Crown Lands and the land Commissioner for Lachlan, Edgar Beckham. In them he was requesting permission to lease a reserve on the Bandon run on the Lachlan River known as South Waugan. Up till 1857 Bandon was a run that had always been licenced to Thomas Pye, who sold it in May of that year to John F.Clements who also held Waugan across the river as well as Eugowra run. Later in the year in October, the lease of it is transferred to James Newell, with his name being the only one recorded as leasee over a number of following years, even though in a letter of Collit's in November, 1860, he claimed to be one of the parties who purchased the Bandon run from J.F.Clements.³²⁰

When James Larmer surveyed many parts the Lachlan district in the late 1840s to early '50s following the act which enabled squatters to take out leases on their runs, reserves were created in one square mile portions, mostly along the rivers, consisting of land which was considered suitable for agricultural purposes. The reserve on Bandon was part of one, eight square miles in area, straddling the river, taking in part of Waugan run on the north with the rest on Bandon, with its reserve named South Waugan, and having about four miles of river frontage, extending south about three miles. In the letter to Beckham, Collits stated that he had expended £3000 on improvements,

³¹⁸ S.R. 9/6342 &S.R. Reel 2394

³¹⁹ S.R. Reel 2980-Col.Sec. to Chief C.C.of Lands

³²⁰ S.R.Box-5/3619 letter-60/6160-James Collits-Land letters-1860

located on the reserve and he wished to be allowed to lease it.³²¹

The corner and margin notes which is all that survives of the replies stated first; "There is no provision for leasing reserves save to the owners of runs from which they had been taken." Others followed from various Government departments, with the final one in January, 1861 stating; "Inform Mr Collits that he cannot obtain a lease of the reserved land, but he will not be disturbed in the possession of his improvements." He remained for many years in possession, but whether he ever owned them or any parts of the surrounding land remains unclear, as the leasee was at all times was recorded as James Newell. Two hundred and three acres surrounding the house area was purchased in 1880 by his nephew James Rawsthorne, who then sold it a few years later to Agnes Newell, James widow.

While the question of occupation of the lease was in progress, he was also in dispute over the location of boundaries on other end of the run, but he was not successful there, losing all of the back run he was claiming as being past of Bandon.

James Newell continued the quest to retain the back run on Bandon, finally losing a court case over boundaries against three of the West family on March 9, 1866, which gives an indication just how long some disputes could last.³²²

An example such as this gives an insight into how difficult it was for all parties to agree on their boundaries during a period of changing land acts involving land settlement in parts of the country that had been for many years outside the settled districts.

The Weather.

This would have the greatest influence to squatting and like all rural enterprises was of primary importance. Drought and overstocked country within the settled counties was one of the main driving forces into the expansion westward of squatting. Stock numbers approximately doubled every three years and as there was only a small market for stock to be slaughtered, the numbers kept building up. The Commissioners travelling around their districts gave observations on conditions, usually on droughts. John Welman's the Lachlan Commissioner's report in 1838 has been mentioned earlier and similar ones as Beckham's, December 3, 1841 "Below Tomanbil found little water in the river" [Lachlan] and reported from Wongajong (about 6 miles downriver)" Was without water for the horses excepting what we could get with small cups and very little grass for 3 days". But those runs were still carrying cattle. The Murrumbidgee was also dry for two years in the early 1840s. Ben Boyd's overseer Sylvania Daniels stated in 1844 that the Lachlan was without water for 60 miles. The flood of late 1844 provided watering places which had been dry for years and along with the new regulations of that year, led to some larger runs being reduced with additional ones created, often on creeks which had previously had uncertain water. By 1849 the area

³²¹ S.R.-Box-8/2398-Run Boundary Files-Lachlan District-Bandan

³²² S.R. Box 2/6897-Judge Alfred Stephen Note books p.114-March 9,1866

was in drought again, with squatters on the Bland creek travelling 30 miles to the Lachlan for water but when it went dry, they deserted their runs. Then in June 1852 there was major flooding in the river and creeks which filled Lake Cowal, and affected homesteads along the Bland creek. According to Edward Murray, who was overseer on Trajery run on the Lachlan, just upstream from where the Mandagery creek enters, the flood there was four feet lower than that of 1844.

Aboriginal Names for Runs

Whereas in the settled districts where land was usually named after something in the "old" country, squatting runs on most occasions had local Aboriginal names. This seems to indicate the early occupants, that are stockmen of the squatters, who were living on the river runs, had a working relationship with the Aborigines as well as some understanding of their language. The tribe along the Lachlan was the Wiradjuri and the names given to runs are from their language, though they did get corrupted with many spelling variations.

One old settler on the Bland [creek] wrote in 1896 that "Some stations I know have changed their spelling of the name more than three times until there is no sense in them at all". He also wrote that he learnt their language as a boy but he said that a day's ride away and they could not be understood. The following are names for some of the runs and stations on the mid-section of the Lachlan River, going back to the 1830s or probably earlier.

Nanima- Rough stony ground: Bundaburrah—Light coloured kangaroo: Wongajong—Red ants nest
Wowingeragong- Place where the "bunyip" lives, from waa'wei – the "bunyip"[an imaginary water monster] and waa'wing-caverns in the river where the "bunip" lives [it cannot live in water or land]:
Waugan-White eyed crow: Warroo-Red hornets : Yamma- Kurrajong tree : Tomanbil-Crooked timber : Uar-Yellow box tree: Goolagong-Wild onion : Daroubalgie-Jumping into water : Yarra-yarra- Red gum : Boogabidgal—Stinking herb : Borrawong-Top-knot pigeon : Billabong-Creeks only running in winter .Burrowa was the aboriginal name for the kangaroo in the region of the Boorowa River, with kangaroo being used only by coastal north Queensland natives, and coming into use in the first settlement from the writings of Captain Cook. On the Lachlan, burra meant a light coloured kangaroo.

There are many more names and meanings but these are a selection of some from along the mid-Lachlan and still in use to-day : Budgery-garr-a brilliant little parrot found near the Lachlan river [budgery means good or handsome] : Mulyan-eagle hawk. Mulyandra-eagle hawks nest.

Warrigal-native dog[dingo was never used in the region for that animal]

Words terminating with "ong" signifies there was a permanent spring of water at or near this place, while "Bong, bah or bone" means "place of" :Walla means rain with WallaWalla meaning much rain.

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Gold and the Robertson Land Act of 1861.

At various earlier times in the colony gold had been discovered west of the Blue Mountains but only in small quantities. A reverend W. Clarke, an amateur geologist, found gold in 1841 near the Cox's River, and when he showed it to Governor Gipps, was told, "Put it away Mr Clarke, or we shall have our throats cut." The freeborn in the colony were constantly fearful of a revolt, due to the number of convicts and ex-convicts in the country, where it was thought that gold could be a stimulus for one, leading to any discovery being suppressed by the Government. It was not till after gold was found in California in 1849, and a large number of people left to seek it there, that the authorities had a change of attitude in N.S.W. by actively encouraging its discovery.

When gold was first discovered in 1851, there were no gold commissioners yet appointed, with the district land commissioners taking that task. In a letter to Beckham on August 23, 1851 from the Chief Commissioner of Crown Lands;

With reference to the letter from the Commissioner of Lands of the Lachlan respecting the reported discovery of gold in that district on the 19th instant, I do myself the honor to inform you that as recommended the Governor General approves Mr Beckham issuing licences to search for gold in his district to such persons as may apply to him.

P.S. He should of course be required to report his further proceedings in this matter.

The licence fee was set at £1/10/- a month on crown land [half that amount on private land], a high figure intended to discourage people from leaving their place of employment to go in search of the precious metal. Foreigners were required to pay double the fee, with royalty set at 10% on a gold price of £3/4/- an ounce.

With its discovery, and the free selection legislation of 1861, the death knell was dealt to squatting as it had existed previously. Gold brought a huge rise to the population in the inland districts of Australia and once wealth was achieved by some, pressure was applied for change to unlock the vast areas tied up by the squatters cum leaseholders. The expiry date for the leases was looming, with the fourteen year leases in the unsettled districts to be computed as commencing on July 1, 1850. The selection act, though referred to as the Robertson Land Act, so named as he was Minister for Lands when he introduced it to Parliament, was more correctly titled as the Crown Lands Alienation Act of 1861. Though a long way from being ideal and open to abuse, it was the first stage in allowing people to secure land which previously had not been available to them outside the settled districts and followed the time honoured practice of permitting occupation of land before it was surveyed, in this case making it legal not just a convention. A person could select 40 to 300 acres, with the pre-emptive right of leasing three times the area selected at £1 per acre with the selector paying a deposit of 5 shillings an acre (¼ of a £) and an annual interest payment. The pre-emptive lease though remained open for selection, and was frequently acquired by the squatter or his "dummy," often one of his employees. The squatters on their pastoral leases gradually used with various means, sections of the many later land acts to secure much of the worthwhile land on their holdings, with many holdings remaining virtually intact into the 20th century.

Gold did make many squatters wealthy with an increased market for their stock, particularly for meat with cattle frequently being driven from the Lachlan to markets in Melbourne and increased wealth enabled some to increase the area of their holdings. Big watering reserves were created on the pastoral runs by sympathetic authorities to prevent too much river or creek frontage from being

selected and the squatters became selectors themselves, but still land near good water was picked first. In letters from Beckham on some problems some Lachlan squatters were having in 1866;

Mrs. Fenn, Woorarygong— Madam, I beg to acknowledge the receipt of your letter of the 7th instant complaining that one Joseph Langerie has pre-selected 320 acres being a portion of one of the water reserves applied for by you and requesting me to inform you what steps you are to take in the case and beg to refer you to the Chief Commissioner of Crown Lands, Sydney.³²⁴[no reply remains]

Another to Charles Booth of Wongajong informed that the reserves he applied for are within the suburban reserve for the township of Forbes and the adjoining run upriver Bowler of Enocks requests a re-appraisal of his run of 32000 acres with a five mile river frontage as six free selectors have taken up three and three quarter miles of river frontage and about 1800 acres of land leaving only one mile of river reserve.

Government Gazette- Monday October 30, 1865

This issue contains the regulations showing run rental for some holdings on the Lachlan under Runs of Crown Lands- Conversion of Leases.

The fair annual value for pastoral purposes of the under mentioned runs, having been appraised pursuant to the “Crown Lands Occupation Act of 1861” at the respective amounts here under set forth, it is hereby notified for the information of all parties interested, that the present leases of such runs may be converted into leases under the said Act, by the payment into the Colonial treasury on or before December 30 next of the adjusted rental for the year 1866. Tin Pot Alley W. Hadcroft £70, Woorarygong Robert White £60[no mention of the late R.W. even though he had not been alive for nearly ten years], Wongajong Charles Booth £50, Bugabigil Joseph Collits £130, Darobalgie James Twadell £88, Carrowabbity Edward Flood £120.

The rental price varies with both area and quality of land on the pastoral holding, as well as the increasing area taken from them under selection.

The Founding of Forbes

The town of Forbes on the Lachlan River owes its existence to gold. When first discovered in June 1861 by Pierce Strickland on one of Mr Rankin’s runs there were a number of miners who travelled up from the diggings at Lambing Flat about 60 miles to the south. The Bathurst Times first reported in July that the “Lachlan gold discovery was on the northern side of the river, about a mile below Wongajong station”³²⁵ and then later of the failure of the Lachlan goldfields with insufficient payable quantities being found. Some sixty miners returning to Lambing Flat, accused William Fenn who ran the inn at Woorarygong called the Squatter’s Arms which was beside the crossing ford [about four miles downriver from the gold find] of fabricating the find so as to increase his business, threatened to burn his buildings, but a free meal, as well as rations for the road satisfied them and they went back south to Lambing Flat. There were about sixty in number and were believed to those who attacked the Chinese there earlier. Some men continued on with their shaft digging, including those

³²⁴ Report upon Tender & Appraisal of Runs-1864-66-Com. Beckham-Lachlan District-7/6733A

³²⁵ Bathurst Free Press July 17, 1861

who found payable gold, as revealed in a letter from James Twaddle to the gold commissioner for the western gold fields, Harold McLean at Bathurst.

Drougulbee, Lachlan River-August 22,1861.

I am requested by the parties whose names I subjoin to inform you that they (being members of a prospecting party) have found gold in one hole at a depth of one hundred and six feet to the amount of 5 ozs 13 dwt, without driving or tunnelling out of wash dirt two feet in depth. At a distance of sixty feet from the top, water came in, in large quantities obliging the men to slab the hole for the remainder of the distance.

They are now under the apprehension of a rush taking place and of having the closely surrounding ground claimed by new comers.

They wish therefore to urge upon you the advisability of sending a commissioner to the ground with as little delay as possible to grant licences, prevent disturbances and to guarantee to them a claim commensurate with the difficulties of their sinking and the importance of their discovery.

The place where these men are working is in a lagoon on the boundary line between my run and that of Mr Rankin (Bogabigal) on the north side of the Lachlan River and at a distance of about a mile and a half from it.

I may mention that gold is found in fair quantities on the surface by a few persons who have been working for upwards of two months. One of these got over three ounces in about five hours last week.

I have the honour to be, Sir, Your most obedient servant-James Twaddle.

Names of Prospectors. Harry a German, John Townsend, Henry Meirs, Ferguson Paxton, Joseph Knote, Samuel Hucker, James Kirby, Thomas Kirkpatrick, and Yorkey and mate.³²⁶

Commissioner McLean had a margin note which included, "I have written to Captain Browne [assistant gold commissioner at the site]to give to the party, should the value of the discovery be established, a liberal consideration as a reward claim within the maximum number of 20 claims." In a note on another letter, the successful party was recorded as "John Townsend & Party".

Disagreement with the type of system to be applied to the new gold field, whether "frontage" or "block" led to a number of petitions being signed, with one over twenty feet in length, recording over 1700 signatures, another with about 180 whilst a third by 637. The last was by aliens who were protesting on some clauses in the Gold act which though designed to prohibit the Chinese from mining, affected all non British subjects who were at the diggings, principally the Germans, but all other nationalities including Americans.

A note, possibly for a telegram from McLean to the Under Secretary for Lands states.

Urgent-Assistant Comm. Browne reports setting in of a rush to the new field on the Lachlan. This is a case in which the new system of prohibiting the occupation of claims by aliens should be applied before they set out for the field. Can I take the necessary steps

³²⁶ S.R. Box 5.3634-letter-61-3050 with 62.13-Jan.1862- Twaddle to H.McLean

accordingly? Captain Browne is waiting in Bathurst for instructions from me.
Harold McLean. Sept.2 ³²⁷

Instructions for a telegram sent by the Under Secretary for Lands to the gold commissioner, Cloete, at Burrangong gold field[Lambing Flat]stated, "Telegraph to Cloete that the new gold field on the Lachlan is not open to Aliens. He had better intimate same to Chinese at Burrangong."

Telegram-Sept.5 /61.

Commissioner Cloete replied on September 9, "...have informed Chinese about the Lachlan. All quiet here-diggings doing well."³²⁸

Although the new Gold Field Act was not gazetted till November 22, the authorities must have been able to enforce it at an earlier date.



Some of the signatures of over 2500 men who signed petitions at a meeting held on the Lachlan Gold Field-Forbes. November 1861

Chairman of the meeting was William Spicer, a miner, who was being sought by the police for his involvement in a riot against the Chinese on the gold-fields at Lambing Flat on June 30, 1861. He was arrested on November 23, and returned to Lambing Flat to be charged with inciting a riot. At the Goulburn Court on March 31, 1862 he was sentenced to two years gaol, to be served at Berrima gaol. This led to a large petition for his release, signed by 4500 miners and others at the Lachlan diggings,

³²⁷ S.R. Box-5.3634-with letter-61.2397-with 62.13

³²⁸ S.R. Box-5.3634 in letter 61-13-Jan.1862

which stated that he had been attempting to prevent “plunder and damage” and “was not an instigator of the movement which has been attributed to him.”³²⁹This petition, seeking clemency, along with another signed by 2200 residents on the Burrangong gold-field, was presented by a deputation of seven members of the Legislative Assembly, including Dr Lang to the Governor, Sir John Young on November 7, 1862. It was not till the following year that he was released on Queen Victoria’s birthday, May 24.

A letter from Browne to McLean reporting on the diggings on October 18, stated.

I estimate the total population to be about 2500 souls of upward of 1100 are actively engaged in mining operations, the remaining portion comprising those who are still unemployed, persons engaged in business and the wives and families Pierce Strickland nor do I think are likely to be so in the immediate vicinity of the present working. This will account for some of the miners on this field being still unemployed. Some considerable expense has to be incurred in sinking the deep shafts, all of which have to be timbered from forty feet downwards. A small amount of capital is therefore required by those engaged in these operations.

There is still a steadily increasing population chiefly from Lambing Flat and a much larger influx from that place and Victoria may be looked for when any considerable quantity of gold shall have been procured. The miners have up to this time been quiet and orderly but a large mob of ill disposed persons from Lambing Flat are on the ground and have given me much trouble and therefore an increase in the number of police is requisite as well as the immediate erection of the necessary commissioners and police buildings.H. Browne.A.G.C.³³⁰

As there was a great need for sawn planks to box the shafts, saw mills were soon established and there were suitable trees, mostly cypress pine, as well as box and gum, available in the area to supply the mills.

People also came to the new goldfields from the east through to Sydney. Soon there was a coach service running from Bathurst to Cowra and then along the river, but when gold was to be sent east, the gold commissioners chose a route which followed the south side of the river to a crossing at the Waugan ford, about 15 miles east of Forbes, then along the western side of the Mandagery creek to a crossing near Eugowra and along the creek through the hills, as it was shorter than the one to Bathurst than through Canowindra or Cowra. Cudal township came into existence as a coaching station as did some others along the way.

Early names for the find were the Lachlan diggings, later the Black Ridge diggings and finally Forbes.

The Colonial secretary sent a letter to the Under Secretary for Lands on November 16, which stated.

I am directed to inform you that the necessary articles have been published in a supplementary gazette of this date appointing Forbes, at the Lachlan Gold Field to be a place for the holding of Courts of Petty Sessions and a place where spirits etc. may be sold wholesale.³³¹

³²⁹ S.M.H. Nov.8,1862-The Case of William Spicer

³³⁰ S.R.Box 5.3634-letter 61.3690 with 62.13 Browne to McLean

³³¹ S.R. Box 5.3641-Lands in Letters-letter 61.4289-Nov.16,1861-Col.Sec.-Un.Sec.Lands

This is the first reference to the Lachlan gold field being named Forbes, which by this stage was already surveyed, as well as many of the streets named.

Later, a letter to the Postmaster General says;

My dear Major Christie, The new town at the Lachlan Gold Fields is to be called 'Forbes'. It has been proclaimed as a place where spirits may be sold under that name.

Yours etc A G Mc Lean November 25 1861³³²[McLean was assistant Gold Commissioner, Surveyor General and brother to Harold]

By March 1862 there was a surveyed map of Forbes, Edward Fisher being the surveyor in charge, with streets named, reserves and natural features, indicating how quickly this was completed, especially when about six months previously, it was only part of a grazing run.

The leases of the runs adjoining the gold field were suspended, and later re-issued for a reduced area when the population district was established around Forbes. Under the Gold Fields Act in place when gold was discovered the people holding leases over the site were entitled to full compensation for losses sustained, but under the new act which came into force in late November 1861, only a portion of the rent was returned. Although the three leasees of Bogabigil, Daroubalgie and Wongajong applied to the Government for compensation for the losses and disruption incurred on their runs, only the Rankins originally were successful, receiving £3000 in compensation.

James Twaddle though was persistent in perusing his claim from the Government. A committee of the Legislative Assembly in 1873 was told by the arbitrator for the case that following the occupation of the run by gold miners in 1861, 2200 cattle were unaccounted for using the January, 1861 muster figures, and after prolonged debate, he was to receive £4600 in 1875, but the house refused to vote on it. In a vote in the Legislative Assembly in April 1878, Twaddle's case for compensation was lost, by 26 to 12 and he had been previously unsuccessful, and with an action in the Supreme Court.³³³

Horse racing was a feature throughout the country and one had been held for a number of years at Wowingragong on a course near to the inn, being a mile around. Many races were three times around or three miles with some horses competing in the morning as well or the previous day and sometimes being only a match race. After gold was found, prize money increased with one race having winnings of £100. By 1862 the town built its own course on the northern side of the river with an advertisement in The Lachlan Observer Friday August 29, 1862;

Improving Forbes Racecourse- Tenders are required immediately for the erection of a weighing yard, judge's chair, distance posts around the course and paling the run home.

There was not much time to complete all this as the Forbes Spring Race Meeting was to take place, over three days, Tuesday, to Thursday October 28-30 1862. Races had also taken place on Wowingragong, beside the inn there earlier in January and June of that year. Prior to the gold discovery there was from 1857, a weekly mail service along the Lachlan from Cowra to Bundaburra run, onto Condobolin and return, with another, also weekly from Canowindra to Condobolin, this one probably travelling down the northern side of the river.

A population district was proclaimed around the gold site and was later extended, encompassing

³³² Postmaster General Files-S.P.32/1-letter 61/11.183

³³³ S.M.H. April 3, 1878

parts of three runs Bogabigal , Droubalgie to its east and Wongajong on the southern side of the river and at the peak of the rush about 20,000 or more people were there, with the amount of gold taken in the early period making it one of the richest finds in the country. The shallow leads were soon exhausted but there was still more at lower levels which mining companies were formed to sink deeper shafts into these leads. Though the gold was there, water at greater depths became an increasing problem and in the end it usually caused failure of the venture due to the inability of pumps to keep it out. Even so, a great amount was found before the water beat them and modern pumps of to-day cannot make these mines viable. The population soon dwindled as the shallow gold ran out to around 3000 and as the surrounding land in the district was suitable for agriculture plus a major river, these people who stayed moved into farming, helped by the new Robertson Land Act.

Mapping Beyond the Boundaries

It took many years into the 1830s till even the western limits of the settled districts were surveyed. When Bingham was Commissioner for Bligh he in February 1838 requested a map of his district (to determine where the county border lay)

... it would be very essential of each Commissioner stationed at the frontiers and furnished with a clear and distinct sketch or outline of the Crown lands within say 25 miles of his boundary line to its whole content.

Reply GG(George Gipps): I have conferred with the Deputy Surveyor General on this subject and from his statement I am led to think that any sketch or map that could be furnished (without going to considerable expense) would be likely to perplex and lead to the Crown commissioners with error as to be of any assistance to them.

Dulhunty, Commissioner for Wellington was more fortunate, receiving in 1837 from the Surveyor General a tracing pointing out the limits of location adjoining the counties of Bathurst and Wellington.(the eastern borders of his district) A sketch of the Squatting Districts in 1844 by E.D. Barlow gave the general outline of the districts, rivers and borders of the 19 counties but not much detail other than showing the spread of squatting from Port Phillip in the south to Moreton Bay in the north. The commissioners may have had rough sketches to help them locate the scattered runs, but they are never mentioned in their correspondence nor have they survived amongst their papers. Following the granting of leases in the unsettled districts, the Government proceeded to instruct surveyors in 1848 to map areas for roads, reserves for villages and likely agricultural land, mostly on rivers and creeks. Part of the need to create reserves was because it was the only process available to Government under the Waste Lands Act of 1847 granting leases to squatters whereby it could regain control of some of this land for the crown.

There were two surveyors who were given the task of mapping in the districts above and below the Lachlan river. W.R.Davidson was to map in the Wellington district, north of the river and James Larmer surveyed south of it in the Lachlan district, both writing many letters to the surveyor general over the years that it took to complete their tasks. Prior to this Davidson sent a letter to Mitchell on September 19 1841 from Carcoar.

John Rodd of Icely and Co(possibly his overseer then) impounded his Government bullocks while he was working there and it was the first time the his bullocks had ever been impounded, adding;

I beg leave to add that the time Mr Rodd is impounding the seven Government oxen for trespassing on his ground for a few days, he is one of the most extensive squatters and occupiers of Crown lands without licence in that neighbourhood.

This indicates that even as late as 1841 squatting within the boundaries was still practiced by the big landholders on land adjoining their holdings, unlike the small ones who were pursued and evicted. The landholders in these districts were permitted to lease adjoining land as a pre-emptive right, without competition, three times the area of their granted and purchased land at the very favourable rate of 10/- per 640 acres. Davidson's comment indicates that some were still grazing stock on Crown land for nothing.

The reply on the letter corner,

That I am sorry it is necessary for me to express my disapprobation of Mr Davidson's proceedings in this matter on two grounds. First, for allowing Mr Rodd to squat extensively on Crown lands, Davidson himself being a commissioner and secondly, for allowing Government cattle to trespass on Icely's lands. That the proper course for him to pay the pound and charge it to the Government and to take care that Mr Rodd keeps his cattle only where he has proper permission and right to keep them.

It is unknown whether these actions had any effect upon John Rodd's illegal land occupation.

In another letter dated April 26, 1843 when Davidson was surveying in country south of Bathurst near Thomas Arkell's country near the Campbell River;

With reference to the native names which I have forwarded on former occasions, I am now enabled to make some corrections having met a tribe of blacks, among whom was Piper who accompanied you on your last expedition and from him I ascertained that the native name of Thompson's creek was Backbarraga....³³⁴

This shows Thomas Mitchell's interest in trying to place aboriginal names on some of the features being mapped as well as a native guide who had been with him on his trips.

Davidson was appointed on November 27, 1847 to make a general survey of the Wellington district and map the Lachlan river downstream from its junction with the Belubula.

I propose to start my survey from the Canobola mountains where from the highest point of the elevated group called 'Old Man Canobola', an extensive range of observations can be taken.

When in February 1848 he requests being allowed permission to build a house at Molong which he considered to be the most central part of his district with a post office, the margin note stated,

A surveyor's tent is his house. I am surprised at Mr Davidson talking of building.

This shows the very narrow view taken by Government officials with someone living mostly in a tent.

³³⁴ S.R. Reels 3061 & 3062

Tracing of runs became common through the 1850s with disputed boundaries commissioners needing a map to help them arrive at their decision, whereas before, the commissioners came to their decisions “on the ground” at the site in question.

In all the correspondence between the district Commissioners and the Colonial Secretary, bushfires which must have burnt occasionally are never mentioned. One rare comment is amongst the papers of Assistant Surveyor W. R. Davidson dated Thursday February 17, 1848 saying” ascended the ‘Old Man Canobla’(Mount Canobolas near now Orange) with my Theodolite but the country being on fire all around.”February 18 “Travelled to Boree(Cabonne)--smoke was so dense, I was unable to see any points and found the country suffering so much from drought and want of feed and great fires raging on all sides.”³³⁵

A map of his dated July 25, 1848 has written on the top: “Plan showing the country surveyed in the squatting district of Wellington from February 1848 to June 30 1848 and the direction in which work is extending” which was marked on the Lachlan at the Mandagery creek junction. His survey commences at Dubbo along the Macquarie to Wellington, Little River and Buckinbar creek which took him to the dividing range where water flowed south, then following the Mandagery to the Lachlan. He then surveyed that river from its junction with the Belubula downstream along its length to the Kalingalung creek[between Condobolin and Euabalong] and reports the river [Lachlan] being in flood August 19 to 24 when he was surveying on the north side and east of the Corridgery range [he called it Mt Amyot] With the country being too boggy and flooded for them to work, they travelled to Canowindra making about 10 miles a day.

In his monthly journal for August he writes,

Employed in plotting the train of the Lachlan River from its confluence with Byrne Creek downwards. [Mandagery creek]

He had a staff of six men, paid £20 per annum [£1.13.4 per month or 1.1¼ a day i.e.1 shilling 1 penny and 1 farthing] equipment consisted of 1 bullock team of seven bullocks, one light cart and two draft horses, two saddle horses and a tent for himself and men with all other necessary articles of equipment.[a dray would also be part of the bullock team].Among the men in his survey party was Tommy an aboriginal who was paid £12 per year.[£1 a month] This is a rare report, showing that they were sometimes paid, other than in food, clothing or tobacco.

The fluctuating seasonal conditions can be shown by Davidson’s letter June 15, 1849

No rain until lately has fallen in this district [Wellington] since December and there is no grass and the water is only to be found in the large rivers- very great scarcity of feed, my horses became so weak that they were unable to travel but very short distances in a day.

The discovery of gold near Bathurst created a major change in values. September 6, 1851

...great rise in wages. I find it impossible to retain men belonging to my surveying party, at the rate of wages at present allowed by the Government and have been under the necessity of giving at the rate of ten shillings per week and have difficulty of getting efficient men at

³³⁵ S.R. Reel 3061

that rate....with the supply or repair of every article of equipment, the price has more than trebled.

By December 19, 1851

...good active men are not to be got for 10 shillings per week- as much as £1 a week with full rations is now being given.

May 17, 1853 reports giving £16 for a horse and £20 for another and £200 for 9.

June 29, 1853-

Men fit for the duty get £1 per week and I will not be able as the season advances towards shearing time to hire able bodied men under the sun. Labour is now much scarcer here than it has been at any time since the gold discovery.

July 1853-

Horses in 1851 worth £25 are now worth £35. In March 1854 Wages of men in survey team at 2.1¼ a day (nearly double the wage of 1848) By 1855 he is surveying pre-emptive purchases on runs.

October 18 1855

Measured 640 acres at Droubalgie, applied for by Mr Samuel Smith, executor and overseer to Thomas Arkell's who died in 1848 -trace of river to fix position of same October 19
Travelled to Bogobidgil 10 miles October 20 same to Grudgerly 10 miles October 21 Sunday
October 22 measured 320 acres applied for by Mr William Cummings.

The licensees paid the surveyors at the rate of £2 per linear mile.

While Davidson was working above the Lachlan in the Wellington district, James Larmer was simultaneously surveying below in the Lachlan district. In his report, he wrote on June 22 1848 he surveyed the road from Billabong run on Lake Cowal to the Bundaburra creek, June 23, the road and creek to Goodwin's [Wowingragong], June 25, road and river to Cumbijowa, Boswell's, June 26, road and part of river to Hamilton's [Tomanbil], June 27 same to Nanima, Roberts, June 28 Neville's, [Goolagong], June 29 to Grant's [Merriganowry], June 30 surveyed road to Mulyan [near Cowra] crossing place of road on Lachlan from Yass to Bathurst. So in a week he had mapped about 100 miles of track from Lake Cowal.

In a report sent from Binalong, his headquarters (spelt here Bennalong) October 28, 1848.

On my way up the Lachlan from Bundaburra to Mulyan last June, I had an opportunity of crossing the flats on the south bank of that river and am convinced if brought into cultivation, would produce grain in abundance. There are also numerous flats of good ground on the Burrowa river, but less extensive than those on the Lachlan. It has been frequently stated to me that the climate is too hot for agriculture in those localities, but in a season like the present, I apprehend crops would never fail.

The month of August in 1848 was, according to the surveyors' reports, was very wet, creating difficulties to them trying to travel with their equipment over boggy ground. Larmer wrote in his

report that there were seventeen wet days in the month following a wet July, with the drays being bogged on some days, but they both seemed to continue with their work.

Both surveyors where possible tried to use Aboriginal names for places, with Larmer trying to write them down as near to the sound as he could. He wrote;

In late numbers of the Government Gazette containing description of squattages, I saw many native names incorrectly given as I had taken some pains and been at expense in obtaining names of places from the Blacks. I hope the names may not be disturbed and others substituted.

Davidson also wrote in February 1848 on similar features.

Ascended Mount Arthur, near Wellington, and a black native Benngaree informed me of the native name of almost every hill.

Included in a letter from Larmer to the Surveyor General dated December 29, 1848 is the following.

I have shown on the plan, reserves containing from nine to twenty five square miles in situations I consider favourable for towns and agriculture and smaller reserves of a section each (640 acres) at crossings of creeks and other places.

I have been surprised and annoyed to find the settlers in my district give the most untrue account of their runs and of their grazing capabilities. It appears to me that they are in many situations too extensive and do not carry the quantity of stock they are capable of supporting. Many settlers although unwilling to pay the Government for land they call useless, are unwilling to exclude it from their runs and allow other persons to occupy it. The enquiries for new runs are numerous by small settlers among whom the late regulations to form reserves has afforded much satisfaction.

The creation of these reserves by Government was to counteract the Waste Lands Act's provisions which had given the occupying lease holders control over all the land that they stated was part of their runs, with reserves "clawing back" some land from them.

In Larmer's journal of May 1850, he writes of travelling with commissioner Beckham to mark and measure boundaries of a disputed run and had been earlier waiting for a disputes boundary commissioner to arrive for another case, but by September he is being informed that he has nothing more to do with runs in dispute. The Government decided that these problems were taking up too much of the surveyor's time at the expense of their other more pressing work.

A letter of July 10 1850, had the following.

I had some difficulty in ascertaining from the natives the name applied to this range (on a map sent) which I supposed was Bundangoo, having recently met natives on the spot, I regret it is called Jin da lee or Gin dal lee, Bundangoo is a low rocky range about 5 miles west of this.

The reply from the Surveyor General was:...to alter the name on the maps accordingly.³³⁶

³³⁶ . S.R.Reel 3074

This shows that both surveyors and Government, were trying as much as they could to preserve the correct aboriginal names for as many features of the landscape in the interior as was possible. It also indicates that surveyors like Larmer were in frequent communication with the aborigines.

Surveyors at that period created town or village sites every 50 miles along the Lachlan, Darling and Murrumbidgee rivers as well as surveying sections suitable for agriculture. By December 1848 surveyor James Larmer had completed charting the eastern portion of the country between the rivers Lachlan and Murrumbidgee [the name he placed on the lower Lachlan is Calara, the aboriginal name for it] with the full district finished by November 1850 showing the position of all the squatter's homes, licence holder, [sometimes who was just in occupation] village sites and sections of a suitable land, often around or near homesteads. He also surveyed the remaining part of the Lachlan, from the point that Davidson had reached where the Kalingung creek joins, from the north, the Lachlan to the Murrumbidgee. There were also pre-emptive purchases [the leaseholder had first option] on runs requiring survey, 160 acres minimum to 640 maximum that the leaseholder could purchase usually at £1 an acre around the house and other buildings, but could be any part of their holding. These seemed to be requested earlier in the land nearer to the settled districts in earlier to mid 1850s and getting later the further west from those areas, becoming more common when free selection came into force in 1861. John Dowd of Geroat [usually a sheep run south of Goolagong measuring only 3840 acres or 6 square miles] purchased under pre-emptive right, 160 acres @ £1 an acre on February 19, 1857 around his improvements.

The portions of land selected off the pastoral leases were called Conditional Purchases [or C.P.s] where a selector made an annual payment to the Government over a number of years till it was paid off. Banks were reluctant to loan funds to some people, especially those of small means, for their purchase; so many buyers sought money from other sources such as storekeepers or private moneylenders. Frequently these selectors failed to keep up with payments, often being undercapitalised, adverse seasons or many other factors, with the land being claimed by the lender, who usually disposed it, often to the pastoral leaseholder, from whom the block had been taken in the beginning.

The original maps of surveyed selected portions from that period give detail of the tree cover which had changed little during the squatting era because of regulations, run licences as well as on pastoral leases prohibiting clearing, tree cover often in the region is given as "open box forest". This does not represent the density that we believe constitutes a forest to-day, but of the old English meaning of the trees between the town walls and the woods. In these cases, a tree density of only three to four per acre was being referred to as "forest" whilst denser areas were called "bush or scrub" as in pine scrub and tree population increasing through the latter part of the century due to changes to land practices such as less burning of grasses, and wetter seasons. Even the river banks had much less cover than what is present to-day. Grass was burnt regularly to give a green pick which was a continuation of many years of a similar practice by Aborigines and this reduced the population of young trees particularly young cypress pine which are easily killed with fire.

The grass species are seldom recorded, but were almost universally of a perennial type with a coarse top and often bearing seed injurious to sheep such as one called corkscrew. Volunteer species of burr medic clovers were spreading through the sheep grazing country by the 1860s, causing concern amongst woolgrowers with the burrs down valuing their wool clip.

In 1805, Governor King, when describing the vegetation cover wrote of forest land as;

...is such as abounds with grass and is the only ground which is fit to graze; according to the local distinction the grass is the discriminating factor and not the trees for by making use of the former it is clearly understood as different from brush or scrub.³³⁷

He describes brush "...is a dark impenetrable thicket" and scrub as "...scrubs of low growth." Over time the definition of forest has altered to one of a far denser tree cover than even that of a century ago. Another word that changed meaning was that of a creek, which had previously defined "...a tidal or valley stream, between a brook and river in size, and acquired its local meaning from a very early date." All watercourses in the colony, whether flowing or dry and were not named rivers, became creeks.

Thomas Mitchell's description of forest was, "A forest means in New South Wales, an open wood with grass. The common bush or scrub consists of trees and saplings, where little grass is to be found."³³⁸

The people on the pastoral leases never came to terms with or accepted selection, and the antagonism that existed between selector, who later evolved into a farmer and the lease holder, remained for nearly a century. Though it was here to stay, they used various methods to reduce its impact, which were selection for themselves or family members particularly of prime areas near water, as well as having employees or others make selections, often called "dummying", plus many other rather dubious acts to hold onto their holdings. Many selections were too small to be viable or were undercapitalised so many of the pastoral holdings remained largely intact till the 1884 Land Act which effectively resumed for closer settlement half of these leases and so finally, one way or another the large areas of squatted land beyond the boundaries became reduced in size.

Summary.

The occupation of land in the colony of N.S.W. was influenced by a variety of factors. Unlike England, all land at the beginning of the penal settlement was claimed as the King's property, which created conditions that were very different to those back in the home country. The poor soils in the region around the Sydney settlement, influenced the attitudes of those newly arrived, who were accustomed to the more fertile English soils, making the grazing of livestock on them the best way they could be utilised, setting the scene for their use as grazing land. The failures of crops that were grown by people inexperienced in agriculture, and a hot climate coupled with unreliable rainfall were also contributing factors. When better land and vast areas became available following the crossing of the Blue Mountains, the grazing of sheep and cattle by then was the primary enterprise in the colony. They thrived away from the coastal region, with wool being produced in increasing quantities as the sheep numbers increased. It was an ideal product for a remote country, light to transport and one that does not spoil, readily saleable in markets overseas, with much of the interior land ideally suited to its production.

The Governors in time realised that the best way Crown lands could be used was as grazing land, and

³³⁷H.R.A.Vol 5- Governor King to Lord Camden-Nov.1 1805

³³⁸ Three Expeditions into the Interior of Eastern Australia-Vol 1-Thomas Mitchell-Jan 8,1832

generally did not prevent people using them, apart from attempting to register those who did. Land which was deemed “waste” by the conventional beliefs in England because it was not cultivated, became productive through the grazing of livestock, run by people who came in time to understand the “strengths” of this land. It took the discovery of gold and a big increase in population to bring about a change to an increase in cultivated farmland in N.S.W.

Appendix A

A Boundary Dispute settled by the Courts

Boundary Dispute between James Brady of Duggan’s Station and Edward Sheehan of Goolagong.

Chief Justice Sir Alfred Stephen at Bathurst Civil Court on Monday March 7, 1853. Solicitor for the plaintiff Brady was A.F. Holroyd and for the defendant Sheehan was Robert Forster. The jury or assessors of four comprised George Rankin, Edwin Park, William Piper and Augustus Steel, all from Bathurst, though Rankin, having a run called Bogabigal, further down the river from the land before the court, would have been familiar with the area.

This case involved trespass by Brady’s cattle on the adjoining run of Sheehan as well as consuming water, spoiling grass and other sundry matters with Brady pleading not guilty. The action was first brought before the Disputes Boundary Commissioner for the region Lance Dulhunty (who had been the district land Commissioner for Wellington) and was not resolved. The land in question, about two miles in width, lay between two very minor creeks, possibly only watercourses, running into the Lachlan River and were given the names of Redbank east creek and Redbank west. It is difficult to identify these creeks now, with changes in land practice, formed roads and fencing altering the landscape and the natural flow water would have then taken.

James Brady, Plaintiff (being examined) I am the owner of the station in dispute. It is only one station called Duggans, the other is the native name. I began to occupy it in 1843 with cattle-bought it from Jeremiah Grant-bounded Gullagong (defendant’s) on the east and Robert’s station Nanima on the west. It is on the Lachlan River and is bounded by the Molyandra creek. In 1843 I took fresh cattle there, about 300 and I was there myself. I found Duggan’s old hut $\frac{3}{4}$ of a mile west of Redbank west and I occupied it. The distance was $2\frac{1}{2}$ miles from the old hut of Duggan’s to the Nanima hut and tailed some of the cattle between those two huts or all the cattle I then had. My object was to break them in to the run. The cattle were kept tailed for two months. [At that time the runs were unfenced and if not watched, cattle which were new to a run would return to their previous country. What is not stated as to what happened at night? They were probably put in a stockyard or a paddock as there were not sufficient stockmen to stay with them all night to prevent any straying.] They watered between the Redbank creeks and fed three miles east of the old hut, up to Redbank east and never went east of that point. For many months the cattle grazed to a line, north and south from Redbank east, that is the claimed boundary. [There was a map used during the case to

identify boundaries and positions of huts etc.] Edward Neville was stockkeeper of defendant's station or manager- he was his stepson. I remained up at the station in 1843 for two or three months. I kept the neighbouring cattle off my run and in the evening I would drive all of them eastward. Grass was very scarce and I was compelled to keep all my cattle off his run. Since 1843 I have taken no real share of handling the cattle.

This first part of the case shows just how much time stockmen had to spend with their cattle, particularly if they were new to the run as well as times when feed was scarce to prevent them from straying and getting mixed with other stock. The expression "tailing the cattle" was commonly used during that period, meaning that the stockmen were with or following the cattle all day and possibly through the night as well if they were fresh to the run.

In 1844 the old hut was washed away and I think in the beginning of 1845 it was that I erected another hut and stockyard about ½ a mile west of Redbank east, that is, 1½ miles east of Redbank west.

With this comment it shows that the disputed land between the two creeks was only about two miles in width, but was a choice piece of river frontage and had good watering places. There was a drought and water would have only been found in holes in the bed of the river, which had not flowed for a few years. The new hut was erected on a small hill beside the river whereas the old one was on the flats, but probably near a good waterhole where there was close access to secure water.

I was some months living on the station in the new hut and that same year I saw the defendant at his station about eleven months after the hut was put up with Commissioner Beckham. I enclosed a 60 acre paddock to the north and east of the new hut but had fenced a smaller one before, the larger being in existence when Beckham was there. He said "What passes between you and Neville in 1843 as to each party keeping his cattle back from a certain line."

This information shows that a run boundary was only effective if both parties agreed to the line, which was often only vaguely defined between not very distinct landmarks. James Brady lived at Bathurst and was only spending time on his run when his presence was required.

The defendant's solicitor objected stating that Neville was now dead [Edward Neville died in 1852] and so no agreements or admissions could be made on the subject, but then it was stated that the judge had allowed such evidence in a similar case at Maitland, so the judge allowed the statement to remain as evidence.

Brady is then examined-I am badly off with stock now-I don't know what I have got-have not been on the station to be among the cattle on the run for these two years. The station is capable of carrying 500 cattle well. I have known 500 there-it did it when it was not trespassed on, but I don't know how many are now there.

There is no hut east of Redbank west, nor any stockyard, only an old sheep yard. A waterhole called Bingaree is 1½ miles from Redbank east lying west of it with my new hut ½ a mile from Redbank east. The Tin Pot Ranges lie here (shows on a map) and there are plenty of watering places on the west of Redbank west. The first time I was up on the run three or four months, and was there before and after the old hut was destroyed. I have

often been there since. I don't know if I saw the defendant and Mr Beckham in 1845 or '46-it may have been the latter. Mr Beckham told about cattle I had encroaching on Sheehan's and I said that it was the first time I had heard it. Defendant and I have been in litigation about the station ever since. I heard the defendant had applied for a lease and I put in a caveat against it. I brought the action eighteen months ago, in consequence of defendant's trespassing and of hearing what was done by the Commissioner.

These portions of Brady's evidence show that he was at times, a working squatter, unlike many who seldom went near their runs for the duration of the time they held a licence, leaving everything to their overseers and stockmen. The mention of a waterhole in the bed of the river with an Aboriginal name indicates that the Aborigines had names for them and some of the runs took their names from such long lasting water holes. As the river had no regular flow, especially during the summer months, these places were extremely important for the survival of livestock, and these good watering places may have been the reason for the court case. During the extended drought between 1838 and 1841 it was stated that towards the end of the drought, there were only two water holes between Cowra and Nanima, with the river dry for miles, and it is possible that one was near Duggan's, which would make it a valuable run.

I put in a memorial and Mr Commissioner Dulhunty examined witnesses. He only examined one, Mr Beckham for the defendant.

[Brady to one of the jury]-I swear that I always had possession quietly up to Redbank east up to Mr Beckham's decision.

[Brady is re-examined]He [Beckham]] came to my place with defendant and said that I was encroaching. I said-If you hear me I can show I am not. I said-You have heard Sheehan and you will hear me. Mr Beckham said- I consider that you have trespassed and you must shift. I said that he had not heard me and that I would not. Mr Beckham said-There is room for you both and you must shift. I heard nothing more. Up to that time there had been no claim or completion to my knowledge. This action had been set down at two assizes. The second time I was not fined because of some objection as to notice of the trial and the first time it stood over by consent.

The next witness was Brady's stockman William Hadcroft. There is no mention of where the cattle brought to run had come from, but "went up" could mean that they were brought from either the east or south of the run.

Went up with Brady to Duggan's station with between 300 and 400 head- nearly 400. Tailed the cattle up to Redbank east (describes the other boundaries as before). Neville was then living at Gullagong. Defendant was not there then. Neville was a kind of manager there, looking after his own stock and also defendant's. Walked our cattle constantly to Redbank east, within ½ a mile of it and sometimes ¼ of a mile east of Redbank west near Binger waterhole which is close to our present hut. From Redbank east used to feed the cattle down the creek in nearly a straight line. After three months I turned the cattle out on the run.(plaintiff came up to assist) We had missed several of the cattle and we rode on till we fell in with Neville. A conversation arose and from that time we used to keep our cattle up and down the same line from Redbank east and turn off all other cattle. Our cattle have run there ever since, always keeping the same line. I was tending the cattle for three months

before Brady came up. He came with me at first with the cattle but did not remain long, and was away about three months. Our hut was flooded in October or November 1844 and we shifted our hut and stockyard in February 1845. Mr Beckham was there before that – I believe in November. The men were employed three weeks or more or more in doing it. Defendant once came where we were and said nothing to us about it when we were working. Shortly afterwards the same men put up a fence of a paddock, making it larger four years ago. Plaintiff had about 500 head altogether and two years ago there were more. Now there are about 250 on it. I have seen the defendant's cattle on the run for five or six miles west towards Robert's station [Nanima] over the ground in dispute and over the undisputed ground as well, as many as 100 of defendant's cattle, not in one mob, but mixed with ours. I have seen most of them on the land not in dispute, the land further west, on the Trigger creek [Goonigal], on the plain and in the Tin Pot ranges. I saw them there so constantly that I had almost ceased to look after them. Nearly every time I went out I saw them, with plenty of water in the creek and several camping places there and on the Molyandra Creek further south.

From 2½ to 3 miles is the distance from Redbank west to our western boundary and we fed our cattle to within ¼ of a mile of the Nanima hut. Between the two Redbank creeks it is 1½ miles and from our present hut to Redbank east (as the crow flies) not above ¼ of a mile, but following the river it is ½ a mile. At Redbank east the ground is very high, 30 or 40 feet, also Redbank west is high but not as much as the other.

Defendant and Mr Beckham came to the station one day together. Plaintiff was not there and was about Christmas 1845. Mr Beckham told us to go with him down to the river and I went with him till we got about 100 yards east of Redbank west. He said - This is the place to which I want you to shift. I pointed out the inconvenience of this - that this was a favourite watering place for our cattle. He then said - If so, I'll allow you ½ a mile above your hut for your cattle to water. (that is above the intended hut)

[Above here means up or against the flow of the river, running east to west]

Defendant then said - If you do that the run will be of no use to me. Beckham said that it was his rule generally to do so. Defendant said to Mr Beckham - Did you not promise that if I gave up my run to Mr Icely, you would make Mr Brady shift? Mr Beckham then said - Well, he will shift. I will write to him. I can't carry his hut on my back.

The run if let alone would carry from 500 to 600 cattle, but now has not above 250, though there were 400 of Brady's cattle eighteen months ago. Defendant's cattle have been running over plaintiff's ground for four or five years. Two years ago we had very bad seasons and I have seen as many as 150 of defendant's cattle on Brady's ground eighteen months ago. I know Scalded Flats which lie in a direct line between our hut and the creek and have seen many of defendant's cattle there.

[He was probably asked why he did not separate them] By disturbing cattle or moving off strangers from them, they will not fatten.

Hadcroft was then cross examined, with the following in reply to the various questions put to him.

It sometimes will take more than six months tailing of cattle to break them in to a run, with the time depending on the feed, but these were sufficiently tailed in three months. The plaintiff did not stop the first time for many days. We took a mixed herd chiefly for fattening,

very few of them were breeders. Nobody was tailing them except me and a black fellow. There is good water in the river with four watering places, one 150 yards east of the western Redbank is not very good. Binger is not a good watering place-it is good water but steep to get to, but there are some watering places west of the west Redbank. Brady only stayed a few days at first, but then came back again in three months and stayed till the cattle were fully tailed. I think that he then stayed only a fortnight or three weeks. In February 1845 we put up a new hut. Brady came up again in the interval between that and me seeing Mr Beckham. He stayed some time then, a fortnight or more. He was up once and stayed one night only. I told him what Mr Beckham had said to me. The paddock was enlarged in 1849. I have been on the station since 1843. I have stock of my own, but I never count them. I brand my cattle with H on the ribs and rump. Don't know how many I have-it may be 100 though won't swear that I have 20 of my own. I have been paid my wages by the produce of the cattle. I brought some cattle at first-10 and they run with Brady's cattle.

Hadcroft was then re-examined.

I was twelve years in the employ of Mr Scarvell. The produce is the milk, cheese, butter and the fattening of the pigs. Plaintiff's cattle have been so scattered that I can't tell how many he has and mine get scattered with them.

William Hadcroft's evidence confirmed Brady's replies but the trespass by cattle seems to be by the cattle from the Goolagong run, not from Duggans. Prior to 1848 the runs had their stock assessed so the number of stock was known but in the years following the run holders paid a fee on assessed carrying capacity and were no longer required to submit their stock numbers. The previous witnesses probably did know, but could not be forced into stating what they had. By 1857 Hadcroft held the licence for the Tin Pot Alley run which adjoins Duggan's and Nanima, so he may have had many more cattle than he was prepared to reveal in court.

His mention in his evidence of being helped by an Aborigine when tailing the cattle is one of the rare times when their assistance is recorded. The work done on the runs by Aborigines is seldom acknowledged, probably because they were not constantly on one station, maintaining their wandering habits along the rivers. Some of the lower Lachlan runs where the Commissioner often recorded only two inhabitants could not have managed their cattle without help from these people. Henry Crosby the Lachlan Commissioner wrote in his 1839 itinerary of some of them "following the milkers" and in another entry up the river on Bundaburra that James Collits had one in his employ for eight years, but these entries were about the only time that their help received official recognition. Another Commissioner writes that in parts of his district where stations have been formed for fifteen years or more the Aborigines are very useful to the settlers and are remunerated with food and clothes.

A convict named John Hadcroft arrived in Sydney on the Dunvegan Castle on March 30, 1830. He was 19, could read and write, a weaver by trade, and was convicted of burglary at Liverpool on May 18, 1829, getting a seven year sentence and was assigned on arrival to Mr Scarvell of Windsor. A newspaper advertisement in 1838 where Scarvell was offering a reward for a horse stolen from his property Arundel Park, Brisbane Valley, Bathurst, his name was printed as "John Adcroft" overseer.³³⁹ His ticket of leave is dated 1834 and he was free in 1836, but chose to stay with his employer till 1842 when he left. In another newspaper advertisement, Scarvell stated that he had

³³⁹ S.H. Dec 19, 1838

absconded from the place at Bathurst, and a warrant had been issued for cattle stealing.³⁴⁰ When William Hadcroft stated in court that he had been in the employ of Mr Scarvell for twelve years, it meant that at some time he had changed his Christian name from John. In 1846 when he married Joanna Cleary at Carcoar, his name was recorded as William alias John Hadcroft and in 1857 he held the licence for the Tin Pot Alley run which adjoined the land where he had been a stockman for many years. Joanna had had a previous association with James Dunleavy, two sons resulting, with one, also James, achieving notoriety as a bushranger in the area. She and William had five children before he died at Binalong in 1858, intestate, leaving an estate valued at £2000.

The next witness was Richard Duggan-I once had a cattle station with 100 head. Sold it to Mr Grant. Captain Crosby was the Crown Lands Commissioner, then Mr Beckham. I had been convicted of cattle stealing five years ago. The Gullygong station was Mr Redfern's. I know Redbank-two Redbanks. One was near my hut and one was higher up the river. I have been in plaintiff's new hut up there. I ran my cattle up to the upper Redbank and drove off other people's(cattle). Mr Watt got Gullygong next, then Howe and then Sheehan. Neville was there and Sheehan together but who was the manager I cannot say.

Examined-Mine were cows, steers and heifers. There were some good watering places between the lower Redbank(near my hut)and Nanima. The feed was bad when I was there, but I consider it a good fattening station.

When John Grant applied for a squatting licence on the Lachlan in 1836, Richard Duggan was shown as his superintendant. Both had been assigned to Dr Redfern, with Grant at an early stage being Redfern's superintendant, making many of these people connected.

The next witness was Patrick Keenan-I know Brady's station. I was there ten or eleven months. Duggan was on it then the whole time, but it was Grant's station. Duggan also had some cattle on the run. He occupied a hut near the lower Redbank and I had a hut near it while I lived on the station. I took up cattle for Grant. I have not been there as a stockman for ten years. Mr Grant had 200 cattle. I tailed them up the river as far as Redbank- 2½ miles or a mile between there and our hut. Ran our cattle to the upper boundary. I saw the plaintiff's new hut about eight years ago and we ran our cattle ¼ of a mile above the spot. I think that Sheehan was there then-have seen him there, riding about the runs. I was told he had stray cattle on our run and heard no complaints about our trespassing.

Keenan confirms all the other witnesses' statements as to the cattle grazing within the station boundary. It also shows that the run was Grant's, with Duggan only holding the licence.

John Perry was the next witness-I was stockman to Mr Watt at Gully-gong. He was acting for Mr Redfern. I tended the cattle as far as the first Redbank. Duggan was at plaintiff's station then, afterwards Mr Grant. I never went as far as plaintiff's present hut and Grant fed his cattle to the same boundary. I was there for eight years.

Examined-Defendant is out of his mind. I recollect Grant's cattle coming and Duggan's cattle remained all the time that Grant did, then the station remained for sometime vacant.

³⁴⁰ S.H. July 2, 1842

Witness W.R.Watt J.P.-I occupied Gully- gong Station for five years. Our cattle ran down to the first Redbank, not as far as plaintiff's present hut, but the Redbank near it. Our cattle were sold to Mr Howe, and delivered up the run to him the same as I occupied it. He sold it immediately to John Neville and not the Edward Neville who is defendant's stepson.

Defendant's cattle came shortly afterwards. Duggan ran his cattle on the lower run; I can hardly say where and did not have many. I never ran my cattle beyond the line mentioned by me.

Examined-From 100 to 300 head of a Mr Watson's cattle were on the other side of the river and used to be always amongst Duggan's cattle, the whole time he was there.

William Redfern Watt was Dr Redfern's nephew and was first a superintendent of his runs and later held the licences after Redfern's death in England. Walsh's run was named Narradantry which means that prior to the creation of the two districts on either side of the river, it had been all one run straddling the river and in 1840 Duggan's run also carried that name.

Witness- Kennett Price-Clerk to plaintiff's attorney-There were some proceedings respecting a caveat put in by plaintiff before the Commissioner for Boundaries relating to Duggan's Station. There was afterwards an appointment made by Mr Edward Neville(it is three years ago)with me respecting it. Question-Was there any conversation and what respecting the boundaries of the station and Gully-gong? Objected to on the same grounds as before- Rejected.

Solicitor General-Questions the plaintiff for the purpose of explaining the apparent discrepancy between he and Hadcroft as to the time during which plaintiff lived on the station.

Objected to- I reject the evidence, as not only has the witness remained in court after an order to return out(and the general rule is, that after such an order, any witness likely to be wanted again is kept out)but he is in the peculiar position to be the plaintiff himself; and has heard the evidence which impeaches his own and it must be taken to have instructed the very questions to be put to him.

Foster for defence-He dwells on the position of the first hut as showing the real boundary. Then he shows on the circumstance that putting up of the new hut, followed by a communication from Commissioner Beckham, and ever since that date there has been nothing but a disputed occupation- its not been worth the defendant's while to assert his rights until the erection of that hut and fencing in the paddock.

The reason for the solicitor questioning the position of the first hut is that on many runs, the hut was on the eastern boundary, the start of the run. Many of the river based runs were occupied with stock coming from the settled districts up river, so in forming another run the next squatter travelled on past till he found a suitable place to "sit down". It is possible that the old hut position had first been determined by the proximity of a good waterhole, regardless of it being in a flood affected place. The 1844 flood inundated many dwellings along the Lachlan, causing a number to be relocated to higher ground.

Witness- Edgar Beckham Esq.-Commissioner Crown Lands Lachlan District and was so in 1840. I know Duggan's Station and the ground dispute. In 1841 I went there and asked

Duggan to describe the borders of his run. He said that they extended to the Tin Pot Ranges and on the east, from the Redbank past the Cross Roads (where there is an old sheep station) which is the eastern boundary. At that time I had only heard of one Redbank but since that time I have heard that there are two. He said that 3½ miles was his river frontage. If he had said 4½ or 5 miles, I would have remembered it. I made a memoriam at the time. I was explaining before Commissioner Dulhunty. He was appointed for deciding on disputed boundaries. I had then my memoriam before him. I described the Redbank as the lower one only because now was there knowledge of two, not that he then spoke of it. If Duggan's boundary was the upper Redbank, his water frontage would be nearly five miles. I know the plaintiff's new hut. I was once there with the defendant and saw the stockman there or some person appearing to be so. I don't recollect the witness Hadcroft, but I think that he is the man. It was in 1845. I went with him to the lower Redbank and said that was the place where the station would have been. (Asked here as to the earlier conversation involving Neville) I recollect nothing of the sort. I don't believe that any such thing could have occurred. It is not possible that it should, for I did not settle the dispute with Mr Icely till April or May 1846 or thereabouts. Such a thing could not therefore have occurred at any time in 1845. To the best of my belief I never said that I would write to the plaintiff or that he would shift or anything of the sort. I certainly never gave any such promise about Mr Icely. I afterwards saw the plaintiff but I can't say when. It must have been afterwards.

Examined-I settled that dispute on the ground. If I saw the plaintiff in 1846 after the settlement of Icely's dispute, I certainly wrote to him before. I think that I could not have said that I would write to the plaintiff. I am certain that I never did and the defendant never said in my presence that if he lost part of his run, then the plaintiff would have to lose part of his. I think that I can safely say that Mr Icely's matter was not then settled. I feel confident that the conversation with the stockman was in 1845. I remember seeing a man near Duggan's hut shortly after the flood of 1844.

Charge: As usual. The jury finds for the plaintiff. Damages £50 and they say that the plaintiff has been in possession of the disputed land up to the eastern extremity for the last eight years, or seven or eight. [In similar cases, the jury only consisted of four men.]³⁴¹

So a win finally for James Brady after many years suffering the intrusion of cattle over his eastern boundary, but he did not keep it much longer, transferring the run in September 1853 to Roland Oakes who soon after transferred it to the Wests who adjoined on Nanina. When the run boundaries were given for Goolagong in the 1848 lease application, the western boundary was in part "...from the river about one mile west of Brady's hut" indicating that the land was already in dispute.

After the 1844 Act which allowed Commissioners to reduce the area of runs if they were considered to have an area more than was required, many were reduced. The squatters always seemed to understate their areas and water frontages so as to hold onto as much they could and Duggan would have been no exception. This variance in the length of frontage appeared to be the only reason for Beckham reducing the run, though he may have made some sort of promise to Sheehan, but as it was not in writing, he could safely deny making one. The Goolagong run did not have much river frontage, with some on the east being added to Thomas Icely's run, so any increase, particularly a

³⁴¹ S.R. 2/7077 Judge Sir Alfred Stephen's Notebook Vol XV

part with secure watering places would be of great benefit to the run in dry periods. Parts of the evidence given in this court case over a disputed boundary gives some very good examples of the working routine of a cattle run, particularly the amount of time stockmen were required to spend with cattle newly introduced to a run. Problems with rather indistinct borders seemed to surface when the occupants changed on adjoining runs. The many caveats lodged after the granting of leases shows that there must have been a large number of unresolved disputes going back many years. It is only in very rare occasions when one like the Brady versus Sheehan dispute reaches the courts, as the majority were settled by the disputes Commissioners.

A few years later there were still letters pertaining to the case.
Colonial Secretary's Office Sydney February 8, 1856.

Sir, I have before the Governor General your letter of December 28 last in which in reference to the case of disputed boundary, Brady versus Sheehan...forward an application to Messrs. Icton and Pownall, solicitors for Mr Joseph West tertius, who has acquired Brady's interests for the preparation of leases in accordance with the opinion....of the jury before whom the action arising out of the disputed boundary was tried. I am directed by his Excellency to request that you will be good enough to furnish me with the report and evidence in the case upon which the decision of the Government was made in order that when the notes of the Judge who presided at the trial, which have been applied for shall have been obtained, the matter may be referred for the opinion and advice of the Crown Law Officers. Chief Crown Commissioner of Lands.

There was a reply on March 29, 1856-

Sir, In reference to your letter of December 28 last, respecting a case of boundary between Brady versus Sheehan tried before the Chief Justice at Bathurst in 1853 and decided in favour of the plaintiff, I do myself the honor to inform you that the Governor General has been pleased under the report received from the Attorney General to direct that effect be given to the decision of the Court. Chief Commissioner of Crown Lands. ³⁴²

Whether there had been still doubts over the jury's verdict but it did appear that their decision was quite clear. The dispute though carried on to another court case in 1860 over trespass again between the Wests who had added Duggans to their Nanima holding and Bridget Neville who was on Goolagong run. This time the ruling went in Neville's favour, with damages of £250 against Wests. ³⁴³

An aspect of the Commissioner's of Crown Lands duties that seldom rate a mention is the many occasions over the years that they are required to attend courts as witnesses. These cases could range from land and money disputes, stock theft, through to criminal cases and even inquests. As they were usually the only Government official in the region in contact with the people involved, they were frequently called as a witness, often at a place away from their headquarters. This would have taken a great deal of their time, away from their original intended duties.

Appendix B- Journal of Hugh Hamilton.

³⁴²S.R.Col.Sec letters- Reel 2981

³⁴³ Bathurst Circuit Court-Neville V West & Others-Bathurst Free Press-March 24, 1860

In the months of January, 1841 when I was 18 years old I left Scotland with the intention of sailing from London to Australia to seek my fortune in that country. My brother John came from Rome, where he had been with my sisters and mother, to make the necessary arrangements for my journey.

A Scotchman, Mr(George) Ranken, had promised me his protection and advice in Australia. He had made a fortune in that country and after visiting relations in Scotland he was returning to his adopted country. His advice was of great use to us in London. He got William Walker, a Sydney merchant, to take my capital of £3000 and in return for it he gave me a draft on his establishment in Sydney for £3300 thus adding £300 to my capital.(interest of 10%)[This is a large sum of money for that time, especially for someone aged 18.]My mother had provided all my clothes before she went abroad, and with Mr Ranken's help, coupled with John's experience, I had my berth well fitted up for the voyage. William Patterson, Mr Ranken's cousin and I had a cabin between us and a very small it was.

I sailed from England in the same ship as Mr Ranken and we had a favourable voyage. There were on board 300 other persons destined for the same land. We had a very rough sea and head wind when we left Plymouth on February 20, at which port I joined the Earl Grey. John and I came down by train as far as Exeter; thence to Plymouth we had to take a coach and on that coach I first saw a drag applied to the wheel by machinery. The coachman, by working a lever, dropped the shoe that was used for a drag under the wheel. At Plymouth John left me when I sailed, but on account of the storm and head wind we had to put back from Eddystone Lighthouse and take shelter under the breakwater which was then being constructed and was considered by Uncle Archy one of the finest works ever made by man. He many times wished for such a shelter when in ships of the East India Company. Our ship lay there in shelter for a week, and I made several excursions on shore. On one occasion I went to call on Mr and Mrs Andrew Hunter of Doonholm on the Doon, now belonging to Judge Blackburne, on the outskirts then of Plymouth.

On March 1 we set sail again, and on the first night several bales of hay provided for the cattle, washed overboard. Mr Ranken had two red Durham bulls and some merino sheep, as well as two Breadalbane staghounds on board. He also had several men and women as servants- a Mauchline girl, Jane Wilson as nurse, a Scots house servant named Mary, a German cook, Katherina, an overseer named Wilson, a blacksmith, Hugh s Shirly a gardener, John Dobbie, a nephew of William Gibson the Sundrum gamekeeper(the Hamilton's home), sandy Ferguson, a lad who when his mother objected to his leaving Scotland replied 'Mither, sine yee'll no let me gang wi' Maister Ranken I'll wade it to Australia.' There were also four German men, a shepherd, Frederick Allmendinger, and the others were vinedressers, Myers, Elie and Rheinhardt. Myers was later killed by lightning on Bathurst plain, Elie after many years returned to Germany, Rheinhardt who was lame came to see me at the train on my leaving Bathurst in January 1882-he was shepherding for William Ranken, and Frederick was found dead when he was shepherding for James Sloan, supposedly from heart disease. John Dobbie became a landed proprietor and was made a magistrate. Among the second class passengers was Marion Stoddart, who afterwards married my friend and neighbour James Sloan, at whose house I received as much kindness as it is possible for one man to receive from another. I have stayed with him for weeks before he was married and before I purchased Tommanbil. In his married life it was the same, I was always welcome and when he died no one could be kinder to me, my wife and children than Mrs Sloan.

I have been digressing from my narrative in recounting events and incidents of life that happened many years after my voyage in the Earl Grey, so to return to the good ship. There was one event worth recording that I must not omit, namely, that we had a mutiny of sailors on board which happened in this way. We had very little wind and no headway and one of our best sailors was at the wheel. The captain was dressing himself and found that the ship was taken aback and on rushing on deck seized the seaman by the collar, asking him how he dared to allow the ship to be taken aback. As the seaman afterwards said 'I was as vexed as the Captain was and when he collared me I was so angry that I struck him.' On this the Captain rushed at the poor fellow, his officers came to his help, and the seamen came to back up their companions, then up rushed the cabin passengers. Mr Ranken, a very powerful man, held two, one in each hand from doing further mischief. Patterson who was also very strong overmastered the most troublesome man in the crew and I helped to keep him quiet, lying on one of his arms. Gray, the first officer was very excited, striking at any sailor he could get at with the feeding trough of the hen coop, and by degrees the officers and cabin passengers overcame the disturbers of the peace. Poor fellows, they were put in irons and lay on the deck fastened to an iron rod until we were within a week of Sydney, when on promising good behaviour, Captain Mollison gave them their freedom.[There is no record of how many sailors were imprisoned on the deck.]

We were driven far south by head winds after passing St Paul's and the Amsterdam Islands,(in the Indian ocean about half way between South Africa and Australia) and in a furious gale, lay to for two days, but with the wind changing, we ran up to New Holland, smelling the land and burned grass or tree smoke before we saw it, and had a fine run through Bass Strait and up the east coast to Port Jackson on a beautiful evening as the sun was setting. In 108 days we dropped anchor in the waters of New Holland.

Mr Ranken had made many friends in the country and soon obtained an invitation for me to visit a gentleman, Lachlan McAlister of Clifton[in Argyle district]at his house to see a little of the customs of my new country. With him I stopped a month.

I ought to have said that during the voyage a son of Mr Ranken's, who had been ill for a long time, died, and his father would not give him a mariner's grave in the sea, but put the corpse in a cask full of rum. So when I was at Clifton, Mr Ranken took the body of his son to his own burial place in the town of Bathurst which is situated on the river Macquarie, 130 miles west of Sydney.

When he returned he wrote to me to join him in Sydney to make arrangements for my living with him at Saltram, his residence. We bought three horses, a barouche and a gig, and with these we travelled over the mountains to Bathurst where my friend had considerable property with a large house which I made my headquarters for a year. Our party consisted of Mr and Mrs Ranken, Tom and Claude their children, Jean Wilson the nurse and a servant maid.

While I made Saltram my home I was acquiring the necessary instruction in the various things requisite for my future life. My first experience in the management of cattle and sheep was among the herds and flocks of Mr Ranken in the country watered by the river Lachlan. The run where the cattle grazed was situated 120 miles west of Bathurst and leased from the Government. It contained 50,000 acres and Mr Ranken had there 2000 head of cattle, male and female. My first work was to assist in collecting some fat bullocks for the market. This was done on Horseback because the cattle ran wild through the bush and there were no fences. We collected them on a plain called Galerong,

with the assistance of several neighbouring men who drove them about 200 in number into a stockyard, which had subdivisions to enable us to separate them into different lots, dividing the herd from those that belonged to neighbours, the fat oxen for market and the calves to be branded. When the fat Bullocks were drafted James Twaddle and I took them to another yard about 12 miles away towards Bathurst called Daroubalgie, and thence we proceeded by easy stages of 15 to 20 miles daily until we reached Bathurst. Our drove was about 80 in number. After this I superintended the washing and shearing of some sheep and in other ways made myself useful to Mr Ranken in the management of his property.

In February 1842 Mr Ranken went down the Lachlan to visit his station and see his stock and I accompanied him. At the time the Lachlan had not run for three years owing to a severe drought from 1838 to 1840 and the bed of the river seemed to be growing up with young trees. There was only water in the large holes which had been supplied by local showers. While we were at Bugabagil which was the name of Mr Ranken's station, it commenced to rain and it continued for nearly three days. On our return up the course of the Lachlan when we were at a bend of the river called Walla Walla, Mr Ranken who was driving in his gig in front of me stopped and looking back called me to come on. I heard an unusual sound in the bed of the river and looking over we saw water rushing down like a huge wave along the river course bringing large quantities of dead timber along with it. It was a grand sight, especially for those who had stations on its banks. About two miles further up the river we came to a station called Tommanbil, the stockman was called Red Jack and the owner Dalmahay Campbell who lived near Sydney, was a friend of Mr Ranken and brother of Mrs Arthur Ranken. Red Jack told me while waiting at the station to refresh our horses that Mr Campbell intended to sell both Tommanbil and another larger and better station called Boyde and the cattle were very good and there were no better stations in the neighbourhood, and there were 1000 cattle on the two stations. The water rose in the river about 20 feet in a few hours at Tommanbil. After resting our horses we proceeded on our journey and found that we could cross quite easily at North Logan, James Sloan's residence 25 miles above Tommanbil; thence we went next day to Carcoar and on the succeeding day to Saltram.

I soon after this wrote to Dal Campbell asking him what price he wanted for his stations and stock. He answered that he was shortly going to drive up from Sydney and go out to the Lachlan and see his stations and that he would be glad to take me out and show me the runs and the stock. This he did. We had a pleasant trip out and rode all over the runs and I was fairly impressed with willingness to buy if the price was within my means. On our return to Bathurst and when near Saltram I asked Campbell what he wanted for his cattle and stations and he said £3/10/-per head for 1000 stock. I found that this would come to more money than I had to pay so I refused but I said I would consult Mr Ranken. Next day we had a good deal of talk on the subject and I was recommended by Mr Ranken to buy at Campbell's price. I agreed to take delivery in July, but it was August before Campbell arrived at Tommanbil. I had gone on before to get brands made and prepare for delivery. James Sloan lent me a cart and harness and I drove up to Lodge's public house on the Lachlan where the town of....[probably Cowra] now stands, but in 1842 there was only one public house and a Government pound for stock. At Lodge's I bought five gallons of rum, which was considered necessary to give the men who helped to brand the cattle for it was the custom when cattle were collected for any such purpose for the neighbours to come and give their assistance.(also to collect any of their own stock, particularly unbranded calves belonging to their own cows)My brands were HH with a long handle so as not to reach to far to brand the cattle which were put into a crush pen

so tightly packed together that they could not move much. To get this crush pen Campbell's overseer, Thomas Hull,(who later had a run named Pinnacle) had part of the fence of the yard taken down and put up parallel with another line of fence so as to form the necessary branding pen; poles were then lashed along the fence about 3 feet from the ground, standing upon which, the men could brand the cattle, leaning over the fence.(Hull built a race)

Campbell thereafter transferred the Crown lease of the lands to me. I held them by lease from year to year with the understanding that I should continue to hold the land until it was wanted for sale which seemed to me and my friends to be improbable for many years to come, because first the climate was not good for agriculture as it was too hot, secondly because they only sold land that was near the cities and towns, and thirdly because the country was only fit for grazing cattle and the fixed price of land was too high to induce anyone to buy it for this purpose.(Hamilton seems to get confused with the lease, as at the time, only an occupation lease within the 19 counties could have been on saleable land, whereas with a depasturing licence, which he had transferred to him from Campbell, the land could not be sold.)

The proprietor, Mr Campbell, made over the lease of the two runs to me and I paid him £3/10/- sterling per beast for a thousand head of cattle, which sum amounted to £3,500 sterling. I then bought 3 horses, a dray, provisions and a quantity of small things for the run which took all my money and £500 more for which sum I gave my bill. Oh that bill. It occasioned me much anxiety and in the end much loss for the price for a fat bullock was £8 sterling when I made my purchase but before my first beasts were fat enough for the market the price had fallen to half. All my efforts to pay my debt were useless and when a year and a half had passed I found myself in debt to the tune of £900 sterling, poor me.

Once when the bank asked for the interest of this sum, I and a stockman took to Bathurst 300 head of cattle of mixed sexes and ages of which I sold 30 by auction and obtained for them £20 sterling which sum hardly paid the cost of the journey as no one wished to buy more of the beasts, we took them back to the run. This circumstance happened again in winter. My only remedy was to borrow £50 sterling from a friend, William Lee for which I gave him a promise to pay it or to give him in place 50 fat bullocks in 6 months. Having obtained this sum I paid the interest for which I was in debt at the bank and bought a few provisions for myself and my stockman. After I had made the arrangement I returned to my run with a lighter heart and with much confidence in the time to come. I hoped and believed that grass would grow and would fatten my bullocks within 6 months and that then I would obtain at least £2/10/- sterling with which I could pay my promissory note for £50 and besides buy provisions and pay the wages of my men etc.

Everyone at this time was in great difficulties, all had beasts, sheep or cattle, but no one had money. The shoemaker, tailors, druggists, millers and servants wanted money and not stock for their merchandise and labour, and thus many men became bankrupt whom a short time before had brought thousands of pounds to the country. From their ashes a new class of men arose and those who had received the circulating medium for their labour became the principal possessors and in some cases the labourers became the owners of the lands on which they had worked.

In those days there was no post office west of Bathurst so that I was obliged to send a messenger there, a distance of 100 miles for my letters, this duty I executed myself sometimes. But as the journey took three days I did not obtain my letters and papers more often than four times a year. On

one occasion near the time of which I am now writing I came to Bathurst my letters which I had not had for three months. My pleasure was great at getting letters from different people and from my mother, each of whom sent me some money. My brother John wrote that he would pay all my bills, my brother Archibald, a youth of much talent who died soon after, wrote to me from India and enclosed in his letter £700 sterling in bills of exchange which were drawn on a bank in London. My dear mother and three other relations each sent me £100 sterling so my debt was paid, and I had more than £100 sterling in the bank.[probably end of 1843] I had written to my mother how unhappy I was but I never wrote to anyone to send me money so that my surprise and pleasure were all the greater. Although I had thus become independent for a time of the low price of bullocks it was not a thing of small importance to me to find out the most profitable way of disposing of my beasts. The number of fat cattle in the country was larger than was necessary for food, and as 'necessity is the mother of invention' a gentleman of great enterprise formed an establishment to turn fat cattle into their component parts, hide, horns, hoofs, fat and boned to transport them to England. The enterprise proved very successful, the profit was greater by this way than by selling them in the market. So for three or four years I boiled down all my fat bullocks. Sometimes I sold the hides and the fat in Sydney and sometimes when the merchants would not give me a fair price I sent them to England to my brother John. In this way in four years I had paid almost all my debt to him. [now the end of 1847 or early 1848]

I think these were the happiest years of my life, my cares were little, my wants were easily supplied. My own company was sufficient for me. I had good health, two or three horses to ride. A garden with many beautiful flowers, and good fruit and vegetables. I was the gardener and I made a path covered with vines which in summer was a pleasant walk with many delicious bunches of grapes. I had a friend who lived eight miles away and another ten miles away, one or the other I saw occasionally.

When I was on my run I was occupied from morning till night. My house was very comfortable, though, perhaps people who have passed their lives in palaces of Rome would not have thought so. When I bought the run there was nothing but the overseer's hut in which I would have cared to live and it consisted of two rooms, one for sleeping and eating and the other for provisions, tools, saddles etc. There was no glass in the windows, but when the shutters were shut the room was full of light which shone through the walls and down the chimney. The walls of planks, split not sawn, with one end in the ground and the other fixed in the beams which supported the roof of the hut. In place of tiles, great pieces of bark were used which I obtained in great abundance in the forest. The summer heat which is sometimes very great had shrunk the planks of the walls so much that the sun shone through the hut and sometimes the cold was too intense to be pleasant but firewood was plentiful and I had always a large fire. My blood was young and hot in those days except that I made my hut warmer by putting large sheets of bark about 6 feet by 2½ feet wide outside and against the planks. It remained in this condition for two years until I was no longer in debt to strangers, when I began again to think of comfort. My bedstead was a large sheet of bark placed on two trestles, the bare earth was floor, my table was made of stakes stuck in the earth and split planks fixed on these stakes. There were no sawn planks in the house.

In 1844, in the month of November, the river overflowed its banks which it had never been known to do before. The water was three feet deep in my hut. I was not at home at the time. I was on my way to Bathurst and was staying at Beau Desert at Cooming the night the rain began, with John Kinchela,

Mr Thomas Icely's manager. In the morning the Cooming creek was flooded and I could not cross it to go on my journey and fearing that all the creeks would be similarly flooded, for there were no bridges in those days, I remained at Beau Desert. About noon a message was sent to us that the waters had washed away the fences and the young Durham bulls were breaking out of their paddocks; the men could not cross the creek to go after them so Kinchela and I got our horses and secured the bulls, but with great difficulty, the land was so soft that our horses could not travel without sinking in the ground. My horse, Halyburton, sank to his girth and my feet touching the ground, I dismounted, this being repeated several times. So frightened was my horse that he ever afterwards dreaded any soft ground. Next day the creek had fallen but I did not go on to Bathurst on account of the softness of the road and I dreaded the floods further west, so retraced my steps to the Lachlan when I thought the road was sufficiently dry. I went first to Warwick, where Glen Logan, Arthur Ranken's house is situated. On my arrival I found that the whole place had been deep in water, the family had made a narrow escape from the waters. The river had been very low previous to the rain and the draft and carriage horses had crossed it and had been caught by the flood so that Arthur Ranken could not get a horse to take his wife and children awaywith.. He went down to North Logan, James Sloan's place for a horse, six miles away, and before he got to the ridge the cart with the women(three married, Mrs Ranken, Mrs Hood and Mrs Kelly) and children had to cross two rapid backwater or anabranh currents swollen by the flooded river. It was well that they escaped for the water rose over the whole river flat and was four feet deep in the house. There were two statuettes of Pickwick and Sam Weller on the chimney piece and we found that the water had risen to their chins but had not reached their mouths. The sideboard, tables, bedsteads, chairs etc were all displaced and had been floating about. When I arrived, Mr Ranken and William Patterson(who had fled from Mulyan)Patrick Boswell, his cousin Thornley, William Hood and Henry Kelly were surveying the damage done. The water having subsided in the river to its proper channel, I and one or two others camped at Glen Logan and we all next day commenced to clean out the house, washing down the mud from the walls, washing furniture and putting things in order. We were several days at this work and then Boswell and I wished to go down the river to see what damage had been done at our stations. We got a black fellow to cut a bark canoe in which we crossed the river with our saddles and clothes. The bank of the river was so deep in mud that I could not get my horse over. All the Warwick horses, as I previously remarked, were on the south side of the river, and Boswell had one among them, a mare called Sally that was so quiet he caught her and with her ran the others inside a fence so that we three, Boswell, Thornly and myself were mounted. That night we went about ten miles to Dwyer's station Kangaroooby which was some four miles south of the river Lachlan, I shall never forget that night. We were all three put into a bed, Boswell and Thornly on the outside and me in the middle. Boswell as usual began to snore a hurricane, the bugs were in quantity and were furiously hungry and I never slept. Why I did not leave the bed I cannot now tell , probably because I was so fatigued with the days exertions. At daylight I got Boswell to change places with me and got out of my hot bed to the cooler edge and as I suppose the vermin were satisfied with blood and day was approaching, I had a short sleep before we had to get up and proceed on our journey. We found the road very soft in some places but on the whole got on very well to Tommanbil, where we found my two men, Lanky and Scotchy in bed.

They had been guilty of a most foolish and thoughtless act. Lanky had brought a ton of cheese from Boyde where I had a dairy; this was before the cows were changed to Tommanbil. When these men saw the water was covering the flat they got up the working bullocks and putting some rations on

the dray were going to start for the ridge, but before doing so they thought to save some of the cheeses which were all on shelves in an underground dairy. By removing those that were on the bottom shelves to the top shelves, never remembering that these top shelves were themselves below the level of the ground over which the water was raging. This important but well intentioned act wasted so much time that the logs of timber which were scattered over the ground were hidden from view by the water; the dray was stopped by one of these and the men seemed to have lost their senses. They tried flogging the oxen, of which there were four to make them drag the dray over a log two feet in height. When they found that it could not be done Lanky unloosed the leaders and they swam to the ridge. The pole bullocks in their struggles turned the yoke so that the keys of the bows were down in the water and could not be reached to be unlocked. Lanky then flogged the offside bullock until he broke the yoke on his bow and he got away while the nearside bullock was too quiet and was drowned at his post. In the meantime Scotchy swam about half a mile back to the hut where he was safe for the current was on either side, but the huts were still in water. Poor Lanky could not swim, so had to remain on the dray, licking flour and sugar for sustenance, after he had eaten the entire damper he had brought with him. On the second day the water began to subside, but that night it rose again and was deeper than ever; Lanky was swept off the dray with his bullock whip in his hand. With this he caught a small tree and was fortunate in staying his progress, and in this tree he spent two days and two nights, standing in a small fork without food of any sort. When I reached home I found him in bed unable to move and Scotchy had been walking about in the water so much that it affected his legs and they were very much swollen, and a curious fact connected with the power of this flooded water was that some horses belonging to a man nicknamed Billy Pye were caught by the water on a low sand hill on Boswell's run, where they seemed to have remained during the flood up to their hocks in water, and which so scalded them that the hair all came off and never grew perfectly again. Lanky could not walk for two or three weeks after the fatigue of having been such a long time in the tree, and Tom Irving (Scotchy) very stupidly walked so much in the water that his legs swelled so he had to remain some days in his bed. When I returned to the run that was the condition I found them in. For a week I was servant and they were the masters. I milked the cows, lit the fires, prepared the food and did all the necessary washing. I had great difficulty in cleaning my hut; first I scraped the mud from the floor and then dug it up, with the ground so wet I had to sleep outside the hut under the azure canopy of the heavens for several days.

I lost about twenty head of cattle which were drowned. Two of my friends, James Sloan's men were driving some fat cattle to market when the river was rising; they were within a mile of my hut and tried to cross a tributary stream which was inundated by the backwater from the river. One, William Smith fell in to rise no more but when the water had fallen a great deal, his body was found near the place and was buried there. The other James (Twaddle) swam and walked for a mile and then having feared that his clothes, already wet, would prevent him from swimming so he took them off and with difficulty arrived on high ground. The country near the river was flooded when he got to the ridge and he walked naked and barefoot for nearly 20 miles, the heat was intense and the mosquitoes were in myriads so that his sufferings were great. The station he arrived at was Kangaroooby, belonging at that time to Peter Dwyer.

The large quantity of rain that had fallen was much wanted and for four years afterwards there was good grass in all the country. My cattle prospered and I had great pleasure in all my work. I bought the best bulls and my cattle were much admired and valued. I had a servant who was a clever and useful man on the run. When he first came to me he could not read or write. He had been a year in

the country and had not much money but he was anxious to learn and with my assistance he could both read and write and count. He was able to shoe my horses and build my huts. He mended my clothes and boots, in fact did everything that had to be done on the home station except looking after the cattle. James Newell was the name of this useful man. Before he entered my service I had added a third room to my hut which I had made my store. James when he was not occupied with his duties in the hut, with the assistance of another man, sawed planks of pine for the floor and doors, filled up the spaces between the planks of the walls with mud and straw, for we had no lime, and plastered the inside and outside of the walls. In the city of Sydney I bought four chairs at a sale. In the neighbourhood I bought a table. Two beds had been made by a bush carpenter that I hired, and the windows were glazed. James also trenched all my garden three feet deep before the trees were planted which was great labour but the work was a pleasure to him.

My runs were twenty miles apart, one, Tommanbil, was watered by the river Lachlan, and there I lived; the other was watered by a tributary stream called Ooma creek and the station was called Boyde. When I bought them the cattle which they fed were of all kinds, male and female, young and old. But by managing them better I collected the cows at Tommanbil which was smaller than Boyde, on which later I grazed the fat bullocks and all the young cattle. There were no enclosures in the country, the stockmen knew the cattle of each run by the brand. Those of Tommanbil were branded with the letter T and those of Boyde B, all of them also with HH, the initial letters of my name. Tommanbil contained 16,200 acres, and in the year 1849, 400 cows fed there. Boyde contained 51,200 acres and in the same year the number of cattle there was about 2000; from this property my annual income was about £600, with which I had to pay for all my provisions, the interest and principal of my debt which later was only £150 in the year 1849.

But my brilliant prospects which seemed then to be dawning were suddenly to be again darkened. Incessant sunshine by day and stars by night are beautiful words for poetry but don't suit those who depend on grass for their income. In the year 1849 we had too little rain but in 1850 we had none and the whole country presented the appearance of a desert. At first I could not believe that my beasts would die of hunger, but after some months of dry weather I saw that death would be inevitable. I collected 150 of the best cows, many of which had calves, and all of my English bulls and drove them to the mountains where there was more grass. In six weeks we were again obliged to look for another place for them for the water was done. I went further into the mountains and obtained permission from a friend, Dr Palmer, to occupy some land which was not wanted for cattle. There I made a paddock for my cattle and horses and a hut for my stockmen. But hardly had I finished this work when I found that the animals which had been accustomed to the sweet grass of the Lachlan plains had eaten all the sweeter grass of the land they were on, would die rather than eat the long coarse grass of the mountains, and as some were already dead I took them to a third place which was lent to me by Mr James Walker of Wallerawang. The grass was sweeter there and the beasts got some profit by it. In the meantime many of the cattle I had left on my run had died and many were scattered, no one knew where. I discharged all my servants except two and abandoned Boyde.

In April 1850 when winter had nearly come I feared that the very cold weather in the mountains would kill the half starved cows. We drove them back again to the run in the Lachlan country to die or live as their destiny should be. My expenses had absorbed all my money but a friend who had in former years had been a benefactor of my father's in Jamaica, named Forrester, an old bachelor,

lent me £100 to be returned in a year. [this would have been James Forrester who held the run across the river called Yamma as well as others] Having given my men provisions for six months I left my run to seek some more profitable occupation.

It was my intention when I left my run Tommanbil to offer my services to a gentleman, Major Innes of Port Macquarie, whom I had heard wanted to send 100 horses to Adelaide, a seaport on the south coast of Australia and the capital of a province there, from whence the horses were embarked to India for the English cavalry. This would have been a journey of 1300 miles of much difficulty but it was not my fate to undertake it, for in a little town thirty miles from Bathurst where I stayed a night on the way, I heard the astounding news that lumps of gold had been found in the bed of a stream near Bathurst called Summerhill creek. To describe the excitement which was caused by this discovery would be a thing impossible. I went to Mr Ranken's house where I always stayed when I came to Bathurst. There I heard that a son and cousin had gone that morning to Summerhill creek, the stream where the gold was said to have been found. In the evening they returned and to our surprise produced a lump of gold about the size of a halfpenny which in truth they themselves had picked up.

Sydney, Bathurst and all the cities and towns were turned upside down; every kind of conveyance was used to carry the diggers to the new Ophir. Some men had horses and carriages, and some had carriages of which they themselves were the motive power, some had hand barrows and others wheelbarrows, all had muskets to protect the mass of gold they imagined they would find. Servants left their masters, shepherds their flocks and cattle till it reached such a pitch that no one knew what to do. Through the want of men they took the cattle out of the paddocks, for all the sheep in Australia were driven into sheep yards every evening on account of the wild dogs which in some places were very destructive. A great number of the black fellows had become useful and some gentlemen had no one but those for shepherds and stockmen, with their wives for assisting in the huts to cook etc. This discovery of gold was made by Mr Hargraves who in his youth had lived in the Summerhill creek country.

When gold was found in California, he went there and thought that the country in which the gold was found was very similar in geological structure to that which he had left. Not being able to fill his pockets with gold as soon as he wished he returned to Australia and hired some men to seek for it in those places which were like the country in California. At first they were not fortunate and Mr Hargraves returned to Sydney, but the men continued to search and at last found a place from which first to last gold was extracted to the value of many thousands of pounds. There was no space for all the men who came to the stream so they spread over all the country and soon found that some of the other streams were rich with gold.

In a few days I formed a company; we made a tent and a cradle after a model from California, bought some provisions and tools for working and with a horse and cart we set off for Ophir. My party consisted of a strong Scotch immigrant and two young friends, James and George Ranken, one of whom, George was the son of Mr Thomas Ranken and was not much accustomed to working. He soon got tired and we made him guardian of the tent, but he soon left. When we went to the stream all the best places were already occupied, so we chose some ground far from the first place where the gold; there we worked for thirty days. The method which was used by all was similar; one man stirred up the gravel, another carried it to a third who washed it in a cradle.

On July we settled our accounts; we had then worked for thirty days. I do not remember the quantity of gold which we obtained but it was enough to pay the tax of £1/10/- a head to the Government, all our food and £1/6/- for each of the company, which result was very discouraging, so we broke up the company, gave our labourer, Scotchy two shares and divided the third share between James Ranken and myself amounting to 18/1½[18 shillings, 1penny and a ha'penny)

I then went to Sydney for two objects, first to obtain the post of Commissioner in the gold country and secondly, to obtain some money with which I intended to buy gold. The real value of which was not known, but there was a considerable difference between the price in the gold country and in Sydney which made the negotiation very profitable. The first object of my journey I was uncertain, but a friend gave me £700 to traffic gold with. So with this money I returned to Bathurst in company with Captain John Erskine, my cousin and then commodore of the Australian naval station. I was his guide over the mountains and over the various principal goldfields. This journey was mentioned in the book which Captain Erskine afterwards published in England.

I at once began to buy gold and continued to trade in it for a month, during a part of this time I joined a company of eight diggers and for a fortnight we gained £1 a day each above our food. The Government then made me a commissioner for which I was obliged to abandon all business. At first I received £5 a week and forage for a horse. I had three troopers under my command and a sergeant. My duty was to collect the government tax. To judge between people who disputed about their rights to the ground allotted (to each person, being only promised a certain quantity of ground in which to seek for gold) and to keep order in the district being a magistrate and police officer. I held a court in my office where all cases of disorder in the town were examined and judged and when there were more important cases I obtained the assistance of another magistrate.

During eleven months I gave all my attention to my duty. I rode 600 miles a month and two thirds of each month I slept on the ground, sometimes under canvas and sometimes in the open air depending on the weather. The Government tax was found to be too great and men were very unwilling to pay. Instead of diggers coming to my office to pay the tax, I had to go from man to man all over the country and as my district was very large and with the streams numerous in which gold was found, my labour was unceasing. If all the men had been able and willing to pay the tax my duty would have been simple and pleasant, but my arrival on a creek or stream was signalled from one end to the other and all those who did not wish to pay the tax ran away. In the first few days of each month I rode or walked along all the creeks and collected all taxes that were paid voluntarily, at the same time both I and my troopers had our eyes open to observe those who had been at work. We always looked particularly closely at those who strolled about slowly with their hands in their pockets and whose clothes were mud stained. Sometimes we had to resort to force to obtain the tax, putting on handcuffs and threatening to take them to prison always had the desired effect.

My duty became distasteful from these encounters and when I said to the men that it would be better for them to take service than to be chased from one creek to another all over the country they answered 'If you had been as long in service as I have, you would be very glad to have the opportunity of becoming your own master.'

At this time the gold country in the colony of Victoria turned out to be richer than that in NSW, in consequence of which many diggers went there and the Government found the expenses were more than the tax would cover so I was ordered to reduce the number of my troopers. This order I did not

like so I sent in my resignation on condition that if more goldfields were discovered and more Commissioners were required, I should have an appointment if I wished it, which was accepted.

I therefore returned to my old employment on my station, but first I rode to Sydney to see the young lady [Margaret Innes] who had promised to marry me and secondly to pay my respects to the Governor. I only remained a few days in Sydney because I had much work to do on my run, having been absent thirteen months.

When the drought commenced I had on my two runs about 2,300 head of cattle, but after the rain had made the grass grow again all I found were not more than 1,100 head. The greater number of which were the large and strong animals so I had a great number of fat oxen. In my district where there were not many diggers, the price of a fat bullock was from £1/5/- to £2, but in Victoria the price was from £6 to £10 a head. How to take the bullocks there in good condition was the difficulty. No one had ever taken fat bullocks such a distance and all my friends said it would be impossible.

I engaged two servants, an Englishman and a black fellow. A gentleman called Murray, John Savory Rodd's brother-in-law who managed his stations, came to help me with three horses of his own which he hoped to sell well in Melbourne. I provided a pack horse which I made carry 200 lbs of flour, two of Murray's horses carried the tea, sugar, and meat, the pots to cook in, the blankets, a tent and diverse other necessities, but not heavier than 150 lbs on each horse. Mr Murray was in command of the pack horses and I of the fat cattle. I chose from 400 bullocks 125 of the fattest and commenced a journey of 500 miles. At first the two men, George Hill and Jamie Hamilton, an aboriginal, drove the cattle and I for four days assisted Mr Murray with the pack horses which were very troublesome. The packs turned over frequently and we spent several hours a day driving them a few miles, but this experience was very useful and Mr Murray soon learnt to pack the horses well. On the fifth day, at Steel Caldwell's station Moonbooga, [on the Bland creek] I noticed that the bullocks showed symptoms of having been badly driven so I gave my pack horse to the black fellow and took his place driving the oxen which I continued to do for the remainder of the journey until we reached Melbourne. Sometimes from great heat we did not go more than three miles in a day and sometimes we went ten or twelve miles. I studied the nature of the bullocks and never let them be thirsty, hungry or tired. At night we chose a dry piece of ground near water for their bed, lighted six or eight fires round the whole camp and watched them all night.

The journey took eight weeks and when we arrived at Melbourne we found that there were not any fat cattle in the market for sale. All the butchers admired my beasts and marvelled at their good condition after such a long journey. For twenty of the best I got £10/10/- a head and for none of them less than £9. This was a great triumph for me and what I had accomplished only for my own benefit afterwards proved to be of great benefit to the Lachlan district where I lived and other men who had anxiously waited to see how I succeeded found a good market in Melbourne for their cattle.

When I had finished my business in Melbourne I returned by sea to Sydney; between these cities there were regular steamers and I immediately made arrangements for another journey with more of my cattle. In Sydney I bought a cart and two horses to carry provisions and other things for this journey because it was my intention to take a larger number of bullocks than the first time and consequently a greater number of men. For three years I had managed the property of P.C. Boswell, my countryman, neighbour and friend, who had gone to England to see his mother and relations. At

this time it was necessary to sell some of his bullocks so I determined to take them with me to Melbourne.

When everything was ready I started with 250 head of which about 60 belonged to Boswell. These were not as quiet as mine and I had great difficulty in keeping them at night. I myself watched them all night and I had no time to sleep except in the middle of the day while the bullocks were resting. In the middle of the second day I was sleeping thus. I had given my horse to one of the men with instructions to watch while I slept. This man let the horses feed fortunately with their feet hobbled. Something frightened the wild bullocks and immediately all the cattle and horses rushed away leaving us on foot. I instantly pulled my belt very tight and ran after them, hoping to keep them in sight till the hobbles hurt the horses' feet when I hoped to catch them. My hopes were not in vain and after they had galloped about a mile they stopped and with much caution I succeeded in catching my horse and then my servants. With a great deal of galloping and labour we stopped the cattle in their wild career and returned to the road after having lost four hours. This long run made them very thirsty and there was no water to give them, so that night it was with the greatest difficulty that we kept them in the camp, and when in the morning we knew we had not lost any of them, we were very glad, but they were so tired that we remained all day at this place pasturing the cattle round the camp.

But my troubles did not end there. In two days we arrived at the Murrumbidgee river fed from the mountains covered with snow in winter and on the highest peaks perpetually. This river, the bullocks would not cross until the middle of the second day when they were very thirsty. Our way lay along this river for some miles and so having driven for two or three miles from the place we crossed, I let them feed in a large piece of land almost surrounded by the river where I hoped they would remain all night.

Scarcely had I unsaddled my horse when my servant discovered that the brutes were crossing the river swimming. I was at once on horseback again and finding that only 70 head were remaining on my side of the river, I ordered a man to take his horse and some provisions in his pocket and follow me. I had to go back to the ford to cross for the water was too deep at the other place, then we galloped as fast as we could through the trees in the darkness. The moon afterwards rose and by its light we managed to follow the tracks of the bullocks for about two miles. We then came to some ground where the grass had been burnt up and where it was impossible to see the tracks, so we hobbled our horses, lit a fire and lay down to sleep. When day began to dawn we again followed the tracks but unfortunately the rain fell so heavily that our labour was all in vain, the tracks were obliterated. We continued to ride in the direction that I thought would be best but after two days we had to return to look after the rest of the cattle without having found the lost ones. The bullocks which had not crossed the river were the quietest and therefore the fattest. So ashamed to go back to my run after so much trouble, I resolved to go on to Melbourne with these 70 head. I took two men, one to drive the cart and one to drive the cattle with me, and I sent two men back to follow the bullocks, collect them and take them to my station. After I returned to my station I found that these wild brutes had taken a short cut to my station and crossed a country of forty miles without water. They went in four days to their own station, from which it had taken nine days to drive them to the place where they were lost on account of my having to drive them short journeys daily along water courses. But to return to my journey, it was much easier after this. The cattle were quieter and never tried to leave the camp at night. But when I arrived in Melbourne I found the market was full of fat

cattle. On the other hand, the butchers remembering the care I had taken the first time with my bullocks bought mine immediately at the highest market price, leaving many others not sold in the market. I had never put my cattle in a yard, always camping them out on dry ground and they looked and in good condition, whereas the rest of the cattle for sale had been driven by hired men and yarded in wet weather in dirty yards, were empty bellied and covered with mud.

These two journeys had given me some hundreds of pounds more than my expenses, besides which my uncle Hugh had sent me £400 and as my prospects were good I thought it a good opportunity to enter upon married life. I had been engaged for four years to the lady I have before mentioned but my various misfortunes which I have related had made marriage impossible.

In preparation for the event I had begun to build three rooms and these were so far completed in July that James Newell promised me that they would be ready by the day on which I was to return with my wife. I went to Parramatta, a small town situated 15 miles from Sydney and where the young lady lived with her mother and sister. Our marriage took place on August 30, 1853 and I drove off with my wife in a gig with two horses abreast, one in the shafts and the other attached to an outrigger to cross the Blue mountains and passing through Bathurst we reached the Lachlan river, a journey of 200 miles, which occupied six days. When we arrived at my home I was much disconcerted on finding that my new rooms were not yet finished and that I had to take my wife into the old hut which consisted of two rooms with a bark roof. However it was very comfortable and we lived there till the other house was finished, which was nearly a year for we made alterations which took longer to finish than we thought at first. As my income was small and dependant on the grass and fat stock it produced, the work was all done by me and my servant James Newell without the labour of other workmen.

I had at that time no difficulty in selling my bullocks. A new class of men had arisen to supply the great demand in Victoria with fat cattle. These men bought cattle all over the country for this market and my bullocks found a ready sale in my own yards.

In the year 1856 I made a speculation at which I worked hard for four years and which to people who have not lived in a new country in which at certain times, great fortunes were made, would seem a madness, but from the first moment I was certain in my own mind that it would end well. I bought a property called Waroo, which had been very badly managed and from which the proprietor, James Sloan could not obtain a sufficient return in comparison to the expense. He was too occupied with other speculations to change the management, and when I offered him more money for it than the current price; he accepted the offer to end his troubles. It had eight miles on the southern bank of the river Lachlan; it extended twenty miles from the river towards the south to Lake Cowal and contained 102,400 acres. All this acreage was not leased but only two parts, one along the river extending five miles back and another of the same size twenty miles off along the lake. The land between these two properties had no permanent water and therefore was not under lease but my cattle had the use of it, particularly in winter when much water was not necessary. The cattle of these runs had been much scattered by the drought of 1850 and proper care had not been taken in collecting them. The proprietor would not believe that his servants were lazy and thievish. He lived 65 miles from these runs and did not know how he was robbed, but he was very glad to be free from the bother while selling these runs for a good price and I half doubted whether I should make much by my speculation. As he was a great friend, he gave me very easy conditions of

purchase. The price was £3000 to be paid in four years during which time I was to pay 6% interest for the money.

In a few months after I had concluded this purchase, the price of such properties rose much above what I had given and if I had sold it without any more trouble I would have made some money, but I believed that by working hard at collecting all the strayed cattle and by watching that I was not robbed I could make some thousands of pounds before the time should come for payment of the purchase money. For a year I did not do much work there. I dismissed all the men by degrees and tried to impress on my new servants the necessity of working faithfully in my service. I built two new houses, repaired the yard in which the cattle were collected and bought eight horses to work on that station. The bad example of some men in the neighbourhood and the strong temptation that was frequently given to steal the calves and brand them for themselves obliged me many times to change my servants.

During the third and fourth years I worked on these runs, which were situated forty miles from my house but I could generally be home on Sunday. I frequently rode up to my house on a Saturday evening after a day of hard work but I was well paid for my labour. I branded from 500 to 600 calves a year and had about 3000 cattle in these two runs. In each year I had sold enough cattle to pay all the expenses but in the fourth year I wished to sell the runs and all the cattle. I knew several persons who wished to buy such runs but all told me that the number of cattle was too great for the extent of land so I resolved to sell 1000 head, the conditions of the sale being that I should deliver them in the colony of Victoria on a run on the river Loddon, a distance of 500 miles from my run and I was to receive £3 a head for all I delivered. The number was to be about 1000 of which half were to be male, the age of none was to be under 2 years and I was to deliver them in the month of April. I had about six months before me in which to fulfil my contract. At first I put aside twenty horses for the Journey and never worked them. Then I collected all the beasts that had acquired the bad habit of straying in the bush beyond my run. These were pastured by two men on horseback who put them into a yard at night. This work had gone on for a month when I saw that the grass near the yard was much trampled down and that I would have to find more grass for the cattle. This difficulty I had not foreseen. I had no other yard and to construct one was a labour of much time. Nevertheless I was determined to rest the horses that were accustomed to collect the strayed cattle and to take my stockman, Billy the Scrubber, and two other men and begin at once to construct a temporary yard in the middle of the run where the grass was abundant. The weather was fine, we had two tents and we cooked our own food. We cut down a great number of pines and then made an enclosure two yards high with them around about an acre of land. With much labour and perseverance we completed the yard in a month and as we had worked a fortnight before and a fortnight after Christmas when other men, the stockmen on the neighbouring runs, on whom I depended for assistance, did not work much, I had not lost much time and I had made sure of sufficient grass to keep the cattle in good condition during the time I was mustering them.

When I mustered 1150 cattle I began my journey. I took six men to drive the cattle and one with the cart, this had two horses in it and each man had two horses and I had three. We followed the course of the river Lachlan for 200 miles and then we crossed the country between that river and the river Murrumbidgee. This country was 30 miles long without water so we had to drive the cattle all night as the heat was too great for such a journey in the daytime. When we crossed the Murrumbidgee I lost eleven head. The river was broad and deep and when the first beast was in the middle of the

river it turned around and meeting the others turned them and they made a circle in the middle of the stream, swimming thus they made a whirlpool but I did not know there was so much danger till I saw one beast rise lower down the river dead. Immediately I ordered all the men to drive all the cattle headlong into the river, their force pushed the circle of cattle swimming over the river and all the rest came to land except the eleven mentioned. After this I had a country of fifty miles without water in which other men not taking proper care had lost both their cattle and their own lives. But their misfortune warned me what it was necessary to do. I remained one day at the bend of the river to rest the cattle, the next day I did not allow them to drink till the middle of the day was past when they were all very thirsty and then when all the cattle had well drunk I commenced my journey. It was four o'clock in the afternoon when I left the Murrumbidgee. I put the cart on the road first and told the driver to keep always about 100 yards before the cattle and when they stopped he was to stop and when they went on he was to go on and thus to go continually before them. Then I put three men on horseback to each side of the cattle to prevent them feeding and to keep them in a long line following each other along the road. I myself rode at the end to make sure that none of the cattle stopped and that all the men kept their proper places. When it was dark we stopped for an hour. We picked up a few dry sticks which were very scarce for the whole country was without trees, a few bushes only could we find in some places. With these we made a fire and had our supper while the cattle who were tired rested. After supper we continued in the same order all night. Three times I found the men asleep on their horses and the cattle leaving the road to feed. Twice they denied the imputation so the third time I let them sleep till all the cattle had passed and they were some distance behind, then I rode back and asked them what they were doing there. I got no answer but their horses got spurred and I had not to accuse them of sleeping again that night. Notwithstanding these faults my men worked very well and we arrived at the water in 24 hours from the Murrumbidgee, a distance of fifty miles, a thing which had never been done before with so large a number of cattle. The beasts were so tired that I had to make them rest all the next day. This was much against the wishes of the stockman in charge of the run; he threatened to drive away the cattle. I told him it would take six men to drive 1100 head and as he could not do it of himself, I wouldn't let him disturb the tired animals. Then he threatened me with the law but when he found he could not frighten me he came to my camp and lit his pipe and asked a lot of questions about my journey. I asked him if he had any tobacco; he replied in the negative and I then gave him half a pound of tobacco and he rode away quite contented. After this I had no more difficulty till I arrived at the Murray, the largest river in the island of New Holland. The Murray as well as the Murrumbidgee are fed from the snow covered mountains, the first named is the largest and is navigated for more than a thousand miles by steamers. It is also the frontier between the provinces of Victoria and New South Wales. This river is so large that it is necessary to construct yards on the banks with a passage down to the water so as to force the cattle over the river. I had no difficulty in getting my beasts over, my servants, horses and cart crossed over in a punt. Our way was along and down the river. My cart when crossing a stream sunk in the mud and I had to empty it before the horses could drag it out of the stream. This work occupied so much time that I had to make my camp two miles from the crossing place. I had hardly loosened the horses when the stockman who ought to have been with the cattle rode into camp saying all was right but I did not believe him and sent him back immediately and he arrived in time to stop only about half the cattle from swimming across the river. I was much annoyed for I had not intended to give them the opportunity of playing me the same trick as before, but as in all such cases I had to find a remedy for the misfortune caused by other people. I lost no time riding fast with George Ranken and crossing the river by punt at once

arrived at the place where the cattle had swum over. They had all disappeared but I heard in the distance the lowing of cattle which, not being usual at night, concluded was made by my beasts, so I took the direction of the noise and after having ridden for some time through thick scrub I found a few beasts and then a few more and more till I reached a large plain without trees where by the light of the stars I saw a long line of my beasts. I rode to the end and after much trouble and without noise I made them stop and feed and so for two hours we continued to receive cattle as they came out of the scrub. By daybreak we had all the cattle in a mob and in about ten hours they were all over the river again except six who would not follow the rest and we had to drive them two miles up along the river forcing them into the yard where they had crossed the day before. About two o'clock in the afternoon we continued our journey again.

For three days our work was easy but the last day was the worst of the journey. We had to go twenty miles across a plain without a track. The night before the proprietor gave me the point of the compass by which he thought I ought to guide myself. The next morning I set off in that direction but after I had travelled for three or four hours another gentleman overtook us and told me I was altogether out of the right track and then showed me the point of the compass by which I ought to guide myself. I then pointed out to my stockmen the way we ought go and I rode fast to the place where I expected to find water but much to my disgust there was nothing but mud, except near a hut where a man was watching to prevent cattle making the water muddy, so I rode quickly back and turned the cattle in the direction of the river Loddon which was shown to me by the man at the hut. I sent all the horses in turn into the water and the cart to obtain some in a small barrel for ourselves. The poor cattle were very thirsty for they had travelled for many hours under a hot sun and I was very glad when the sun went down to arrive at the end of the plain where there were a few trees. I chose a place for the camp where there was plenty of dry wood with which we made eight or ten fires around the cattle. I knew they would be very troublesome from having neither food nor drink all day and I was not mistaken. It was with the greatest difficulty that we kept them in the camp; we had to run from one fire to the other chasing them back into camp. They were so bold that we threw the burning pieces of wood at them to frighten them, and so we spent the whole night. On one occasion I was running round the camp to see that all the men were hard at work when a burning stick struck me on the shin and knocked me down. One of the stockmen thought I was a bullock that had passed quickly between him and the fire. Fortunately I was not much hurt. In the morning we were glad that we had not lost any. About midday we came to the river Loddon and to the run where I had to deliver them.

I was too punctual to my time, the owner of the run was not ready to receive the cattle and begged me to allow my men to look after them for two or three days. He was very please with them and at once sold eighty bullocks to a butcher for £8 a head. This run was near very rich gold country where the price of beef was high and the owners of all the runs around about made large fortunes by feeding cattle. This proprietor had paid £4 a head for my cattle so that Christian Ogilvie who had bought them from me at £3 a head made £1000 without trouble, but I was content with the price I had obtained so I was glad he had found a purchaser for my cattle and made some money by the bargain. He was one of my friends on the river Lachlan, a hard worker and honest man but improvident and thoughtless and so one who had not made a fortune.

After I had rested my horses for some few days I returned by the way I had come. It took us eight weeks to drive the cattle to the river Loddon but only three weeks to return with the cart to my run

on the Lachlan. By this transaction I had reduced the number of my cattle so much that I expected to be able to sell the remainder with the run. Mr Cousins to whom I had made a promise to give him first offer, caused me great vexation, after all thought he was doing me a favour in offering me less than I had asked, so I turned my back on him and wrote to another gentleman, Mr William Lee who had the adjoining station and had a great desire to buy my run. On my writing to him he invited me to come out early to his house on Bathurst plains to breakfast with him and talk over the purchase. He was a well to do man, very rich and sometimes called 'Honest William Lee.' He was the son of a soldier, born in Australia and commenced life in the service of one of the gentlemen in the country. At the time I am writing of, he was said to be worth a hundred and fifty thousand pounds sterling. When I told him my price for the run, he at once bought it and before I left his house he gave me a cheque for £4000 and an I.O.U. for £4000 in three months. This sum with the proceeds of other sales made £12,000 that I had received in four years for cattle and the run, so I was well able to pay my friend the purchase money. My profit was more than £7000 after I had paid everything, so I was thus well paid for my four years work.

Two years before this in 1856 my brother James arrived in Australia. He had been thirteen years in India but was obliged to leave that country for his health. He went first to England, travelling by Egypt he visited Italy on his way. He remained three years in Europe and then went to Australia. He lived principally in my house and when I was not at home he took charge of the property. He had not the same love for the place in which I had lived for so many years and believing with me the present high prices were higher than they would be again, he was always advocating the sale of my runs so when in 1858 I was threatened with another drought I determined to sell my run Boyde and two thousand head of cattle. These were some of the best in the district and I had a great name for good cattle so I asked £16,000 for the two thousand bullocks and run which price was at once given to me by a neighbouring proprietor, Josiah Strickland.

[Prior to leaving Australia he also sold Tomanbil to John Campbell, the licence being transferred on April 26 1860, who only kept it for a short period before selling it to John Bligh Suttor, the transfer dating July 27 1860. Suttor was a member of a Bathurst family who had been for some years occupying runs further down the Lachlan.]

After this sale I was determined to visit my native land to see my dear mother who was an old lady and whom I had not seen since September 1840. Before I could leave I had much to do. I had some hundreds of cattle and horses which I had to sell. It had happened that three years before I bought 150 horses as a speculation. My intention had been to dispose of them in spring in Adelaide, but my intention had been prevented by a drought in N.S.W. and all along the course of the river Murray, so I lost the market and the price of horses fell so much that I was had not been able to dispose of them. So I had to find grass for them on my runs and as they would not remain in a place where they had not been bred without an enclosure to keep them I at once employed some men to enclose 7000 acres by a fence of split timber. Sometimes I had four men and sometimes as many as twelve and in two years the enclosure was finished. After this I was able to collect them and keep them on my run. ³⁴⁴

[There were no further activities recorded in this account, except that he writes of a journey out to the Darling River with a view to taking up runs there.]

³⁴⁴ National Archives of Australia MS 956- Journal of Hugh Hamilton

Appendix C. A Letter from Rowland Hassall, Superintendent of Government Stock to Governor Macquarie following his journey to country on the west of the Blue Mountains in August 1815.³⁴⁵

Parramatta, August 18, 1815.

Sir, Agreeable to the directions of your Excellency of the 4th Instant, I set off on Tuesday the 8th for the new discovered country and arrived next day at Jamison's Valley when we overtook our baggage and put up for the night; found the evening very cold with strong winds and rain from the westward with some sleet; about 2 o'clock in the morning we were greatly alarmed by some person knocking and calling at the door where we slept, which proved to be Lieut. Lawson on his return from Bathurst after leaving his herd of cattle in one corner of the plains close to Queen Charlotte's Vale.

When Mr Lawson entered the store room where we slept we were nearly all affright at his appearance, what with his frozen face being wet, cold, and starved with a blanket over his shoulders, in the dead time of night and in such a solitary place, you cannot imagine what thoughts occupied our minds, but the most dismal of all was the dreadful account he gave of the season and country we had to go through; he pointed out that the snow a few miles ahead was 2 inches deep, that the road to Bathurst was so boggy that no one could pass, that it had rained every day and that never in all his life had he gone through such labour, hardship and fatigue; that the frost and cold was so intense that it was unbearable; that through the dreadful frost and intense cold a great number of Government cows and calves had died and further that it would be impossible to keep cattle over the mountains unless they were supported through the winter by artificial feed. From these and similar observations, your Excellency will perceive that we must be much discouraged in our future journey.

After Mr Lawson had refreshed himself with such comforts as our little stock afforded, he left us about 3 in the morning for Emu ford and about 8 a.m. we set off for Mount York, passing through the snow referred to by Mr L. and came to Cox's pass about 1 p.m. After descending the pass we came to the hut where Mr Arkell had fixed the cattle at the commencement of the Vale of Clwyd, which station is very cold indeed through the mountains forming a crescent around the entrance of the vale and in particular through a large mountain east of Mount York that prevents that part of the vale getting any benefit from the heat of the sun for nearly 2 hours after he is risen, which probable was one cause of the death of the cattle; upon making the needful enquiries after the state of the cattle, I found to my dissatisfaction that Mr Lawson's report was too true and that nearly 100 cows and calves had died out of the herd and I fear there will be more; upon mature deliberation to know what to do for the best, I instantly removed the herd from the station to one more exposed to the morning sun, about five miles from the foot of Mount York, to a very pleasant hill opposite the bridge where your Excellency and such encamped near Cox's River; but this station is rather too hilly for the cows and calves, but will make a very excellent stand for the oxen as they can feed all through the Vale of Clwyd, which is well watered and on the other side towards Blaxland Mount. At this station we marked out the place for the yard and huts and hope it will answer the purpose. In the evening we returned to the foot of Mount York where we met our cart and stopped for the night.

³⁴⁵ S.R. Colonial Secretary letters Reel 6005

On Friday the eleventh, we set off for the 3rd bridge to the westward of Blaxland Mount, where we came to for the night; in passing over Blaxland Mount and through the whole of the journey this day, we saw no very good stations for cattle as the country is in general too mountainous and stony, but have no doubt sheep would do well at Blaxland Mount, and a small herd of strong bullocks might be fed on the right hand of the road leading from the 3rd bridge.

Saturday the 12th; about 8 a.m. left the 3rd bridge for the town of Bathurst where we arrived about 7 in the evening, all well.

In our route through this country we came to the Fish River which like Blaxland Mount, is too hilly and stony for cattle, but will make a very excellent run for sheep, all the way till you come to Emu Valley, where the country begins to wear a different appearance. At Emu Valley a small herd of cattle might be stationed but Lewis informs me that there is no certain dependence for water notwithstanding when we passed through the vale the water was half up the horse's legs. We then passed through an open forest to that beautiful and excellent station Sidmouth Valley that no doubt could maintain a good breeding herd of cattle being well supplied with water and grass of an excellent quality and should we find it needful to prepare hay for the winter this station would suit by enclosing about one or two hundred acres of the rich meadow land which is already clear and would allow to be moved twice in the year; which hay might be stacked at little expense for the winter supply and the paddock thus fenced in would answer the purpose for weaning calves and for a few weeks after each mowing .

This station I have no doubt will well answer the purpose for fixing a good breeding herd upon there being good grass and water in abundance.

After stopping at this place for about an hour we left for Campbell's River, but found no supply of water that could be depended upon in the distance of 4 miles for any herd to be stationed at but as the Fish River runs parallel with the road and not more than 2 or 3 miles from it there can be no doubt but that stations may be appointed along the banks of that river which would have a most excellent range to graze upon through this extensive open forest that the road passes through. On Campbell's River also there might be a station or two, one up the river beyond Mitchell's Plains and another where it joins the Macquarie River, to which place I rode down and from the appearance of the country on the north side of the river, there might be some good stations fixed upon on the Macquarie and O'Connell Plains etc, as well; as well as the north side the Macquarie River leading to Bathurst plains, but coming on we were forced to mind our pace for fear of being benighted when we soon entered those beautiful and extensive Bathurst plains and went to rest in the middle cottage on the banks of the creeks.

Sunday the 13th, spent the whole of the day at Bathurst. Through the night we had severe frost and snow which continued all the daylong; it was completely like a winter's day in the month of January in England; the plains, hills and mountains were all covered with snow; I was much delighted to see it having never seen such a day of snow for these 20 years; about 11 o'clock we all assembled together in the soldier's hut for divine service and gave an exhortation from the 1st chapter of the Colossians and 28 verse. Our congregation was small, but I thought the Lords day should not be forgotten altogether; the evening closed as well as the morning opened with sleet, frost and snow and was very cold but I found no inconvenience from the cold as I can bear the cold of winter better than the heat of summer.

Monday 14th: This morning we witnessed the hardest frost which has been known here; after breakfast I read your Excellency's directions relative to cattle feeding between Cox's River and the Fish River when the sergeant of the party and all persons present as was Mr Lawson's stockman who lives in the soldier's hut, but as Mr Lawson had left only one man to look after his herd of cattle on the plains, the man knew not what to do or where to go; therefore the cattle still remain on the plains until we receive further directions from your Excellency, which directions as soon as thus come to hand shall be communicated to Mr Lawson. I have the pleasure to report to your Excellency that the Govt. cattle and sheep which feed on the plains look remarkably well, no cattle or sheep in the colony look better; the sheep we killed by permission of your Excellency for the little party weighed more than 50 lbs, although the sheep were very poor when they went over the mountains.

Mr Cox's cattle that feed upon the plains(about 400 in number) are wonderfully recovered and look healthy and well, and from the appearance of the stock that feed upon the plains, as well as the situation altogether which is well watered and very pleasant; can have no doubt but that we might establish 4 or 5 good stations that would supply 16 or 18 hundred head of cattle and if there should be a scarcity in winter, how easy could that be made up by making hay in the summer for the winter supply as mentioned in the paragraph of Sidmouth Valley.

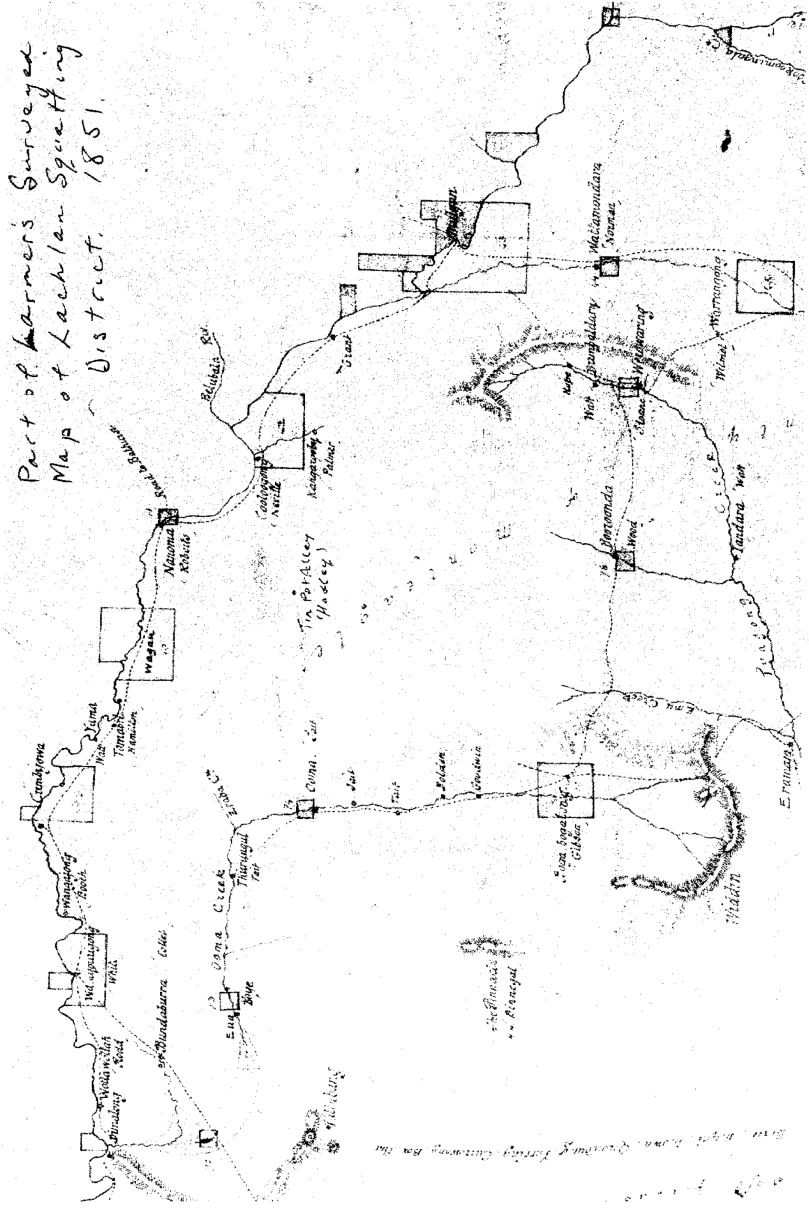
After making our general observations of the plains etc, and the morning clearing up, we made our way back to the Fish River where we had ordered the cattle to meet up and there we slept on Monday night, but the whole of the country being covered with snow we could make no new observations on the appearance of things, but we found the road very rotten, so we were forced to get off our horses 40 or 50 times and lead them through the bogs.

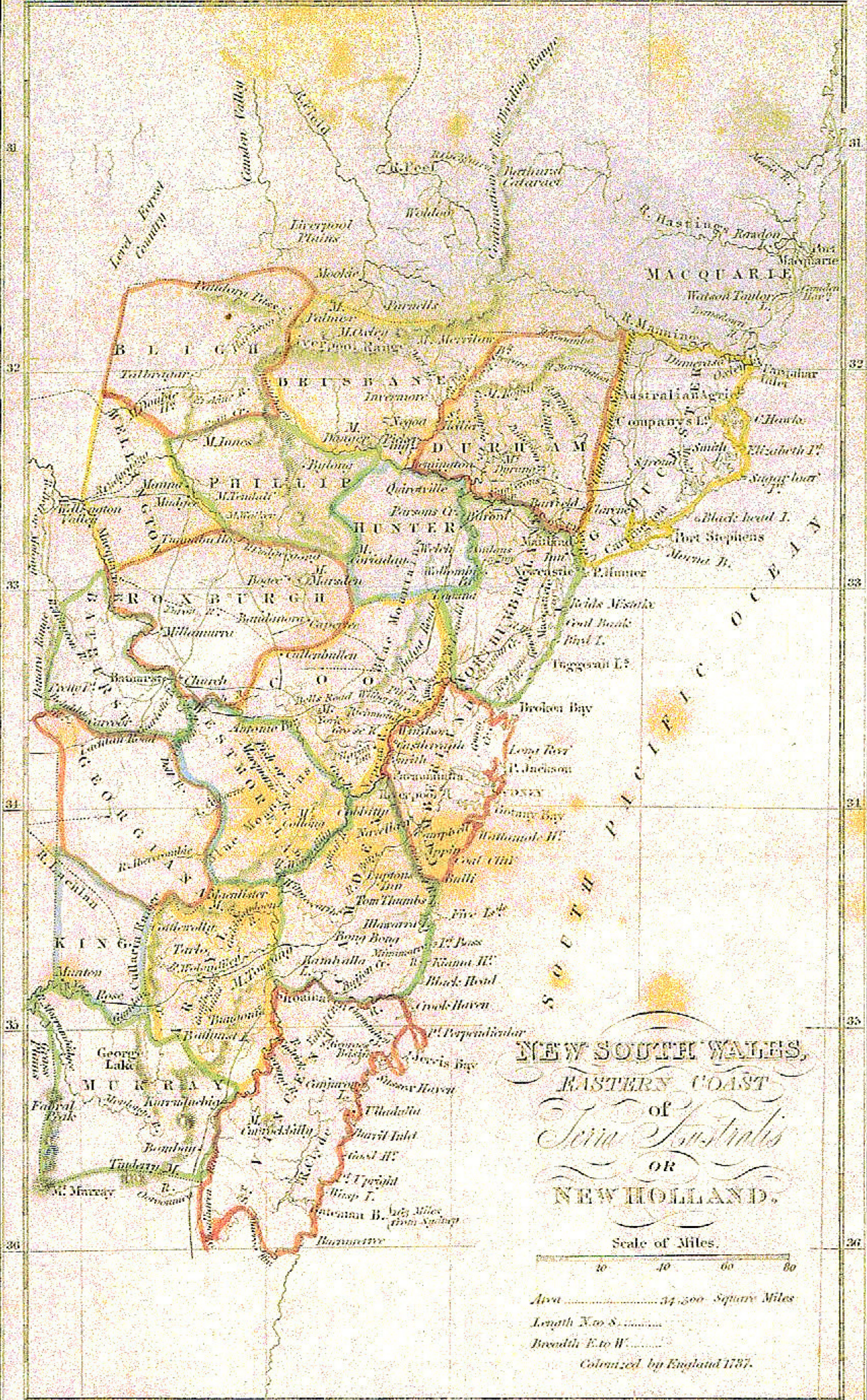
Thursday the 15th we set off for Mount York and on our way we stopped several hours at Cox's River and had some hopes that the cattle would do better there than in the Vale of Clwyd and gave directions that cows and calves should as soon as possible be drafted off from the oxen and be taken to Sidmouth Valley, where there can be no doubt of their doing well. Mr Arkell is going out this next week again to carry this into effect. In our journey this day from the Fish River to Blaxland's Mount, the snow had fallen to that degree that we could not see the face of the country and as we rode along the road, the snow was full ankle deep, but soon after the sun set we got to the foot of Mount York and went to rest.

Wednesday the 16th: This morning we ascended Cox's pass and made our way to Jamison's Valley where we stopped for the night. We had a very pleasant ride with a clear sun through this day- we were not more than 35 minutes getting up the big hill, which I suppose was as quick as it ever was accomplished.

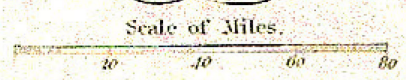
Thursday 17th: This morning about half an hour after sun rise we left Jamison's and came to Emu ford about 12 and after refreshing ourselves and horses at Martin's, we set off about 2 p.m. and reached home about 6 in the evening. Thus I have taken the liberty to furnish your Excellency with the outlines of our journey, sincerely wishing that I could have had in my powers to have given you a more pleasing account of the stock. But hoping that the report of my next journey will be more satisfactory. I remain, Sir, Your Excellency's most obedient and humble servant, R. Hassall.
Supt. Govt. Stock. To His Excellency, Governor Macquarie etc, Sydney.

Part of Farmers Surveyed
 Map of Lachlan Squatting
 District. 1851.





NEW SOUTH WALES,
EASTERS COAST
of Terra Australis
OR
NEW HOLLAND.



Area 34,300 Square Miles
Length N. to S.
Breadth E. to W.
Colonized by England 1787.