

# **Politics in Queanbeyan – From the Counties to Federation**

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**(Excerpt)**

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# **PART ONE**

## **Prelude to Self-Government - Dramatis Personae**

## **Explorations**

The recognised first people of the Queanbeyan district are the Ngunguwal, although there was much overlap and interaction with neighbouring Ngarigo and Namadji tribes and Ngambri descendants of the Ngunguwal people claim distinct recognition. The first peoples lived in the region undisturbed for at least 20000 years before Europeans entered the district from the early 1800s.

Twenty years after the landing of the First Fleet, from the British colonial perspective, the land of the Molonglo and Limestone Plains was still “wild” country that lay beyond the furthest European settled land defined in New South Wales to the south that ended at Lake Bathurst. The two plains lay between the Murrumbidgee River in the west and the Jingerra highlands which rose up from the plains to the Shoalhaven River in the east. Through the plains, tributaries of the Murrumbidgee flowed from the mother stream, seasonally flooding watercourses that were to become known as the Queanbeyan and Molonglo Rivers, and bordering the plains to the south were the mountains at Jerrabomberra and Jindera. Beyond that, the Maneroo plains lay before the Snowy Mountains, all country still as yet largely unexplored by Europeans.

Charles Throsby, James Vaughan and Joseph Wild are credited with being the first Europeans to explore the district from 1818 and in 1820, Governor Lachlan Macquarie was guided by Throsby to see for himself the land they had entered.<sup>1</sup> During this expedition Throsby extended his attempts to find the source of the Murrumbidgee. Macquarie was joined by surveyor, James Meehan, who on previous expeditions had named Lake Bathurst and the “Goulburn Plains”. Joining them were Dr Thomas Reid, naval surgeon of the *Morley*, and for part of the journey, Rev. Cartwright. With them also was Macquarie’s aide-de-camp, the New York born, Major Henry Colden Antill, who had arrived in New South Wales from London as Captain of the 73<sup>rd</sup> Regiment in 1809. Antill’s wife, Eliza Wills, was the step-daughter of George Howe, the owner of the *Sydney Gazette*. Her sister, Sarah, was married to Dr William Redfern, head of the Sydney Dispensary.

Several stages of Macquarie’s journey were enhanced by the aid of locals such as the “patriarchal” Nagaray of the Burra-Burra tribe and his family, which included his son, Bhooan, chief of the tribe. After passing Lake Bathurst and through land Macquarie named “Argyle Forest”, Macquarie’s party journeyed as far as a body of water the locals called Ngungara, which, sitting around the campfire on the evening of Saturday, October 28, Macquarie re-appropriated as “Lake George”, after the current reigning monarch, King George the Third. At the time, the otherwise often dry or marshy swamp covered an expanse of eighteen by five miles with fresh water and was teeming with black swans, broilgas and ducks. The “magnificence and size” of what he termed “this noble sheet of water,” along with rich pastures and fertile soil he had passed through under heavy rain impressed Macquarie with the region’s promise. Learning from a local guide, Taree, that the Murrumbidgee did not flow from the lake but mountains in the west, further explorations were encouraged and Macquarie returned to Sydney, keen to promote the district for settlement before his return to England the following year.

A couple of years later, the reformist proprietor of the *Monitor* newspaper in Sydney, Edward Smith Hall, and Dr David Reid established stations near Lake Bathurst. Hall’s station, “St Heliers”, was managed by his cousin, Henry Hall. David Reid of “Inverary Park” later also had a run at Maneroo at a location which became known as “Dr Reid’s Flat” (near modern-day Binjura or Bunyan).<sup>2</sup>

In May and June, 1823, Captain Mark Currie and Brigade-Major Ovens, also guided by constable Joseph Wild, partly due to his good relationship with the locals, journeyed south beyond Ngungara/Lake George. After nearly losing one of their horses to the boggy swamp that was the

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<sup>1</sup> Macquarie, 1820

<sup>2</sup> Dr Reid died in January, 1840. Two of his sons became Members of Parliament and his daughter, Emma Juana, married one of William Balcombe's sons, Alexander Beatson Balcombe.

southern end of the lake at that time, dining on emu, kangaroo and damper and camping on the banks of “South Fish River” beside the Limestone Plains, on the first of June, they passed through Limestone to “a beautiful small plain” on the banks of the Murrumbidgee, which Currie named Isabella’s Plain, after the daughter of the new Governor, Thomas Brisbane.<sup>3</sup> There is no sign of any runs or huts on Captain Currie’s map at that time, but he does note where, after passing through much “fine forest country intersected by stony ranges” further to the south, he met a tribe of aborigines on the extensive plains that he learned after befriending the locals they called “Monaroo”.<sup>4</sup>

Following these first expeditions and a further journey by “the King’s botanist”, Allan Cunningham, in March, 1824, the main attraction of the district was its lush grazing land and from the early 1820s a few adventurous settlers and prominent Sydney families established large pastoral estates on which they ran sheep and cattle. Grants, leases and squatting runs with peppercorn rents were later supplemented with large acreages bought at auction sales and for a £10 fee, graziers could depasture their stock on the plains as far south as the Maneroo and the Snowy.

In the early years, only a few settlers resided on their properties. Others shared their time between Sydney and their estates or were absentee landlords, who left the management of their flocks and herds to superintendents, overseers and shepherds, occasionally relatives or otherwise trusted men who sometimes married into the family or became wealthy in their own right. Initially, nearly all superintendents and station hands were convict men and women and their families assigned by the government, but land-owners also employed Aboriginal hands and later settled their estates with free immigrants from England, Ireland, Scotland and Wales under assisted immigration schemes that encouraged settlement by British subjects.

The early European settlers and landowners in the district were some of the pivotal figures in the history of New South Wales and Australia, beginning with the earliest British history of the colony.

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<sup>3</sup> Currie, 1825

<sup>4</sup> Currie’s expedition was followed by Hovell and Hume’s journey to Port Phillip in 1824 and Oxley’s 1824 journey across the west of the Murrumbidgee, with some overlap of territory to Lake George. Currie states that on his 1825 map he retained Oxley’s later co-ordinates for Lake George even though they differed slightly from his own. Edited by the controversial former NSW Justice, Barron Field, *Geographical Memoirs*, in which Currie’s account appears, is a useful, but not entirely reliable source of information relating to early descriptions and explorations of the colony. Although containing narratives by recognised observers, being supplemented with floridly written accounts by Field himself, the book was dismissed as pretentious and redundant by the *Australian* on its publication in 1825 (*Aust*, Thurs 8 Dec 1825, p2).

## **Sydney-side**

In the first decades of European settlement of the colony, with power resting in Britain and with the Governor, and without any local immediacy of focus in the management of New South Wales, issues were mostly a matter of individuals attempting to wrangle support for their own personal interests through favours from the Governor or by subversively appealing to friends and power-brokers back in Britain in an attempt to exert influence in their direction. With perceptions of favouritism in the assignment of convicts and land grants rampant and no means of appeal or lodging of grievances other than through the Privy Council in England, with the venue for legal adjudication being back in Britain and legal and administrative outcomes several months' sail away, divisions started to emerge, based largely on personal disputes, around which "camps" nefariously assembled and mobilised. The best known of these and the incident that caused the first major division in the governance of the colony was Macarthur's military coup over Bligh. Several people who were to become settlers of or significantly associated with the Queanbeyan district played a prominent part in this drama, including George Johnston, Robert Campbell, John Palmer, Dr. Robert Townson and Gregory Blaxland.

Robert Campbell senior established the merchant industry in New South Wales. Born in Argyllshire, Scotland, in 1769, Campbell arrived in India in 1784 and by 1796, he was with his trading company, Campbell, Clark and Co., when the NSW government allowed one of their ships, the *Sydney Cove*, to bring the first private merchant cargo to Port Jackson.<sup>5</sup> Under the command of Captain Gavin Hamilton, the *Sydney Cove* set out from Calcutta (Kolkata) in Bengal for Port Jackson in November, 1796, but was wrecked at Preservation Island off the north-eastern tip of Tasmania in January, 1797. After salvaging what they could of the cargo, some of the survivors stayed on the island with Captain Hamilton, while a week later a party of seventeen, including some of the Indian crew, chief mate, Hugh Thompson, supercargo Clarke and seaman, John Bennet, managed to get a longboat to the mainland of Australia, from where they walked, crawled and rafted their way six hundred kilometres up the rugged coast and across many rivers to Port Jackson to report the wreck. Only three of the party reached Sydney to present a letter from Captain Hamilton to Governor John Hunter with details of the incident, but Clarke's account of their trek details how they all would have perished were it not for the assistance of locals all the way up the coast who fed them fish and shellfish and ferried them across one of the rivers in their canoes. Two boats, the *Eliza* and the *Francis*, were dispatched by Governor Hunter to rescue the remaining survivors on Preservation Island and one to find two men of Clark and Thompson's party who had been left outside Port Jackson, too weak to continue. Nothing was heard of these two men, nor of any of the men left along the way, and one of the boats sent to Preservation Island, the *Eliza*, captained by Armstrong of the *Sirius*, was itself wrecked on the return journey and also never heard from again, but in June, Captain Hamilton and the remaining Indian crew of the *Sydney Cove* sailed safely into Port Jackson on the *Francis*.<sup>6</sup>

The events helped confirm Hunter's hypothesis that Van Dieman's Land was an island or set of islands separated from the mainland by a strait of water. He sent Matthew Flinders on one of two more salvage journeys to Preservation Island and Bass and Flinders on their legendary journeys to chart the coasts of Tasmania and Australia.

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<sup>5</sup> Holcomb, 2013

<sup>6</sup> A week after Campbell's arrival in Sydney, Captain Hamilton died, reportedly having never recovered from the ordeal, and was laid to rest at the burial ground in George Street. It is uncertain what happened to the Indian sailors who survived. Brought up in the heat of India, life in the cold was very difficult for them. Extra blankets had been provided with this in mind, but weakened by scurvy from the voyage, being shipwrecked in icy waters, or due to the conditions on Preservation Island or in making the trek up the coast, only about seven of the Indian sailors survived. The wreck was discovered in 1977 and excavations of the site on Preservation Island have revealed remains of the wooden hut Hamilton built from the ship's timbers, a stone cairn believed to be used for a signal fire, food the sailors lived on and cargo of the *Sydney Cove*, including porcelain, livestock and alcohol (Nash, 2005).

Meanwhile, back in India, Robert Campbell's company chartered the *Hunter* and sent Campbell to Port Jackson to both assess the wreck of the *Sydney Cove* and the potential for Port Jackson as a trading base. Arriving in June, 1798, sailing to and from India, within a few years "Merchant Campbell" established the private mercantile trade in the colony from his wharves along Sydney harbour and the banking system that was to set the model for the nation. Supported by Governor Bligh, although within restrictions, Campbell funded government investment in the colony and his private loans to settlers without extortion helped small farmers to become established.

In 1801, Robert Campbell married John Palmer's sister, Sophia. John Palmer had sailed to Australia with the First Fleet as the purser of the *Sirius*. Appointed as Commissary in 1791, as a man of propriety, his quietly efficient management of the colony's finances gained "Little Jack" the trust and confidence of most and the reputation of a "gentleman." As brothers-in-law, Campbell and Palmers' successful business partnership went some way toward displacing the pernicious rum corps economy, led by John MacArthur, that was stifling the colony. In 1804, in an attempt to break through the export market to England, at that time still dominated by the East India Company, Campbell sailed to Britain, leaving Palmer in charge of his interests in Sydney.

In 1806, another of Campbell's ships, the *Sydney*, was chartered by the government to deliver an emergency supply of wheat from India to New South Wales and it too was wrecked, this time off the coast of New Guinea, but with no loss of life. Many years later, in 1824, Campbell was awarded £4000 compensation for the loss in the form of cattle and a land grant, which he took up on the Limestone Plains.<sup>7</sup>

By legend, George Johnston was the first man to set foot on the ground when the First Fleet sailed into Port Jackson in 1788. Born in Annandale, Scotland, in 1764, the son of Lord Percy's aide-de-camp, Johnson saw service as a Lieutenant in the Marines before sailing out with Arthur Phillip in the First Fleet and then appointed head of the New South Wales Corps in 1790. While Johnston's son, Robert, became the first native-born Australian to join the Royal Navy, in 1808, George Johnston was the man who, at John MacArthur's instigation, arrested Governor William Bligh and assumed the Lieutenant-Governorship of New South Wales. Although the dispute was mainly a power tussle between MacArthur and Bligh, underlined by MacArthur's control of the rum trade, John and Gregory Blaxland, Dr Robert Townson and the Blaxlands' later business partner, Simeon Lord, all signed the original petition to Johnston to remove Bligh, who in his brief term as Governor from 1806, had managed to get several people off-side.

Dr. Townson was a previously accomplished but wayward scholar who had been in Australia for barely a year at the time of the mutiny. Although he had been promised financial and other support in setting up a laboratory and conducting scientific studies, along with the Blaxlands, Townson fell out with Bligh for his cautious approach to approving grants.

During the affray against Bligh, John Palmer and Robert Campbell were firmly seated on the other side of the table from the rebels, remaining loyal to the Governor, for which they were dismissed from their positions as magistrates by Johnston as the assumed leader of the colony.

At the end of the siege, in 1810, MacArthur, Johnston, Campbell and Bligh all went to London for the showdown - Bligh and Campbell as witnesses in the court-martial against the rebels and the usurpers pleading their cause for mutiny. When the court-martial in London ruled the armed overthrow of Bligh to be "illegal and invalid", the outcome was architected so as to not let a potentially destructive skirmish impede the progress of the infant colony. Instead of enacting the death penalty for what was the capital crime of mutiny, financial penalties were imposed and while humiliating,

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<sup>7</sup>HRA: S1; Vol. XI, pp. 460 – 462

compared with execution, Johnston's penalty of being cashiered was relatively lenient, even if Johnston later exclaimed that it had broken him financially.

Bligh's replacement, Lachlan Macquarie, the man most suitable to engineer a constructive resolution to the crisis, with no military attachments and a progressive attitude, encouraged a non-punitive advancement. Campbell and Palmer, dismissed as magistrates by the intervening regime for supporting Bligh, were both re-instated and "in the interests of the harmony" of the colony, Macquarie simultaneously prohibited any prosecutions against the rebels. In 1813, George Johnston returned to the colony, treated by Macquarie as any other settler<sup>8</sup>, and on Robert Campbell's return to Sydney in 1815, he resumed leadership of his businesses in Sydney from his brother-in-law, Palmer.

The new Governor experienced no antagonism from Johnston. In fact, a comfortable friendship formed between Macquarie and Johnston. Like Macquarie, Johnston was supportive of the emancipist principle. His partner and later wife, formerly a milliner, the attractive Jewish girl, Esther (Julian) Abrahams, had sailed out on the same ship with him in the First Fleet in 1788 as a convict, during which voyage their relationship began.<sup>9</sup> Esther's daughter, Rosanna, who sailed out to Australia with her mother as a baby, married the industrious benefactor and ship-builder, Isaac Nichols, who also arrived in the colony as a convict. Esther's first son with Johnston, George "Abrahams or Johnston" jnr., was born in early 1790, and their second son, Robert, born on Norfolk Island exactly two years later on March 9, 1792, was former Governor Arthur Phillip's only god-child.<sup>10</sup> George and Esther Johnston owned an expansive estate in what is now the inner west of Sydney, but which at the time was part of what was comprehensively called Petersham. Johnston named his estate "Annandale", for which the modern inner-city suburb is named. The Johnston's son, Robert, was to obtain land on the Limestone Plains, as a neighbour to Campbell and Palmer.

Soon, other disputes arose as old-timers and newcomers formed new allegiances, switched camps and united against the enemy of the day in a perpetual maelstrom of petulances, bickerings, current interests and righteous stands.

Briefly superintendent of government stores under Governor Macquarie in 1813, John Palmer's son, George Thomas Palmer, joined his father as a magistrate at Parramatta and became joint Secretary of the Agricultural Society of New South Wales. Among new magistrates also appointed by Governor Macquarie in 1821 was Dr Henry Grattan Douglass. Dublin-educated surgeon Douglass had arrived in Australia on the *Speke* in May, 1821, to become the highly-regarded head of the general hospital and of the Female Factory at Parramatta.<sup>11</sup> Douglass was equally favoured by the new Governor, Sir Thomas Brisbane, on his arrival in November, 1821, with whom he shared a passion for science. Douglass' friendship with the Governor and William Charles Wentworth both helped protect him from disputes that began early into his appointments and to antagonise his relationship with the "flogging parson", Rev. Samuel Marsden.

In 1822, on the complaint of Dr James Hall, Samuel Marsden accused Douglass of abusing a convict girl in Douglass' service, Ann Rumsby, with whom it was claimed he had taken "indecent liberties".<sup>12</sup> Dr Hall claimed that Rumsby had stated to him that Douglass would be the "ruin" of her. Five magistrates of the Parramatta bench, including the Palmers, summonsed Douglass and Rumsby to appear before them. Douglass refused to comply, however Rumsby maintained that Hall had

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<sup>8</sup> *HRA*: S1; Vol. XIII, p242

<sup>9</sup> Unlike in much of the world, Australia was unusual in that Jewish people were among its European settlers from the arrival of the First Fleet, with convicts and free settlers alike occupying all positions in Australian society, becoming farmers, merchants, businessmen, traders, wealthy investors, theatrical performers, hoteliers and bushrangers, as those of any other religion or background.

<sup>10</sup> Levi & Bergman, 1974

<sup>11</sup> *HRA*: S1; Vol X, p538

<sup>12</sup> *HRA*: S1; Vol X, pp744 - 780

misconstrued her meaning and that by “ruin” she meant that a marriage had been arranged for her to a man she did not like.

In this matter both Palmers, father and son, sided with Marsden, Hannibal Macarthur and John Blaxland in subjecting Rumsby to a five-hour examination during which they attempted to procure from her a statement that agreed with the account of the conversation Dr Hall claimed to have had with her, promising her indemnity if she “told the truth”. When Rumsby refused to provide the evidence that would incriminate Douglass, the inquiry escalated to that of a “violent” interrogation and on the basis only that she did not provide the evidence that confirmed Hall’s hearsay interpretation of their conversation, the magistrates accused Rumsby of “perjury” and, without authority, banished her to Port Macquarie. However, having spoken with Rumsby herself, who stated that Douglass had treated her with nothing but kindness, the Governor, Sir Thomas Brisbane, found himself in a position whereby he could not countenance the assumption of authority by magistrates acting against a Justice appointed by him, nor the misapplication of impartial justice in illegally sentencing a man in his absence and of whom they themselves were the accusers. While the magistrates may have been maintaining the honour of a gentleman in supporting Dr Hall’s version of events, their claim to be defending Rumsby against Douglass’ misconduct, to Governor Brisbane’s mind, was belied by the harsh treatment to which they themselves subjected her. Brisbane had reason to question Dr Hall’s accounts and perceiving a conspiracy, the Governor acquitted Douglass, pardoned Rumsby and instituted proceedings against Dr Hall. Given a choice between resigning or retracting their resolution not to associate with Douglass, the Magistrates maintained their stance. Subsequently, Brisbane dismissed all five for their “illegal and improper decision”, admonishing their “secret” actions against a man who had “redounded to the honor of His Majesty’s Government more than the united efforts of any five Magistrates in the Territory”, aghast at the manner in which an “unprotected” girl was both examined and convicted “without any testimony against her”.<sup>13</sup>

Marsden then claimed that Douglass had tortured a convict to extract a confession from him and Hannibal Macarthur had Douglass charged with illegal practice, but when examination of court records revealed that Marsden and Macarthur were no strangers to torture and ill-treatment of convicts themselves, the charges against Douglass were dropped and the Attorney-General charged them with the same action they had introduced against Douglass. Revealed as a common practice, a new Bill was introduced to indemnify all the magistrates of the colony from prosecution for torture.

John Palmer was re-instated as a magistrate in 1825. Douglass was appointed a Director of the Bank of NSW and with fellow scientist, Governor Brisbane, was a prominent member of the Philosophical Society, of which he was the first secretary.<sup>14</sup>

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<sup>13</sup> *ibid.*

<sup>14</sup> Liston, 2009



## The “New Country”

As the population of New South Wales increased and grazing land around Sydney was occupied, sheep and cattle-owners were forced to move further from the city to depasture their stock. It was on this basis that Europeans began entering the district from the north-east in the early 1820s, moving beyond Lake George and southward from Goulburn and Yass toward the Molonglo and Limestone Plains.

By 1822, Dr Robert Townson had joined G. T. Palmer on the board of the Agricultural Society. Although he never undertook any scientific pursuits in Australia, Townson established the wine-producing Varro Ville estate at Botany, said to be second only to Gregory Blaxland’s vineyard at Brush Farm. In 1821, Townson was granted permission to graze in the country opened up by Throsby.<sup>15</sup> The next year he wrote that he was feeding on the Goulburn Plains and that the only factor holding him back from taking stock to the “new country” was the want of four men for which he had applied, in response to which he had been assigned only one shepherd.<sup>16</sup> In 1823, due to a land dispute with Robert Johnston, he offered to exchange seventy-seven acres of his land at Botany Bay for land in the “new country” on the Goulburn Plains.<sup>17</sup> After another land dispute in 1823, this time with James Meehan, whereby Townson was dispossessed of his grazing run, his stock was moved south of Bredalbane to a thousand acres at “Gunderue” (Gundaroo), fifteen miles northwest of Lake George. On the advice of his overseer, in October, 1824, he applied for a ticket of occupation for this run<sup>18</sup> which was granted in December, to be under the supervision of free man, Thomas Murray.<sup>19</sup> Townson also established a station called “Turanna” at Murrumbateman, which became the subject of a dispute with Samuel Terry, who acquired the land when Townson died in 1827, the Board having rejected Townson’s request on the basis that allowing him to keep non-continuous claims would set a dangerous precedent. Having gained the reputation of a kind-hearted eccentric, in relation to which the editor of the *Gazette* felt his obituary lacked sufficient Christianity,<sup>20</sup> Townson left the majority of his £70000 fortune to one of John Blaxland’s daughters.<sup>21</sup>

The explorer and radical reformer, Hamilton Hume, owned a property north-west of Lake George and it was from there that on the 17<sup>th</sup> of October, 1824, he and Hovell set out to make the first overland crossing to Port Phillip Bay, the small settlement previously only reached by sea and the nascence of what was to become the colony of Victoria.

Richard Brooks bought land north of the Molonglo in 1825 and Australian-born Francis Kenny was a settler at Airds and had been an honorary police constable before being granted a ticket of occupation for land east of Lake George in 1825. The following year he married Mary Byrne.

Although the first formal applications for grazing were made in 1824, sheep and cattle were grazing on the Limestone and Molonglo Plains almost as soon as they were declared as suitable for the purpose. Near the junction of the Queanbeyan and Molonglo Rivers, at a spot he called “Quinbean”, being the local peoples’ name for it, Timothy Beard (Baird), transported in 1806, formerly overseer to Sir John Jamieson and now inn-keeper at Cabramatta, was occupying a station under the superintendence of his son, Joseph, and several assigned servants.<sup>22</sup>

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<sup>15</sup> NSWSA: NRS 897, NSWSA: NRS 937

<sup>16</sup> NSWSA: NRS 897

<sup>17</sup> NSWSA: NRS 899

<sup>18</sup> NSWSA: NRS 899, 994

<sup>19</sup> NSWSA: NRS 937

<sup>20</sup> *Syd Gaz*, Mon 2 Jul 1827, p2

<sup>21</sup> *Aust*, Fri 29 Jun 1827, p2

<sup>22</sup> Timothy Beard was married to Elizabeth Rolfe. Both had children from their former marriages. The year after Timothy Beard died in 1848, Elizabeth married her step-son from Beard’s previous marriage, Timothy Beard jnr. and after Elizabeth died, an inheritance case ensued between her new husband’s heirs and the heirs from her former marriage, the Rolfes (*SMH*, Tues 13

By June, 1824, further to the east on the Molonglo Plains, at a place he called “Carowillah”, “where the river meets the plains”, industrious Catholic farmer, Owen Bowen (Boyne), transported in 1811, was now a successful sheep farmer.

In the early 1820s, Clerk and Registrar of the Governor’s Court, Waterloo veteran, Joshua John Moore, was depasturing stock on the Goulburn Plains and in October, 1824, his application to allow his stock to graze on two thousand acres at a spot beside the Molonglo River west of the river junction, called “Canberry”, was granted. The land was defined as being “fifteen miles west of Marlow Plains at the North west angle of Triangle Plains and the Southwest end of Yass Plains” and was to be under the management of emancipist, John McLaughton.<sup>23</sup> When Moore applied to buy the land on December 18, 1826, he claimed to have been occupying it for “upwards of three years”,<sup>24</sup> an unverified claim at times referred to as evidence that Moore’s was the first permanent European presence in the locality of Canberra from 1823. The 1826 letter further defines the location as being “situated at Canberry on the E. bank of the river, which waters the Limestone Plains, above its junction with the Murrumbidgee, adjoining the grant of Mr. Robert Campbell, senior”. Moore was granted the land under purchase in the 1830s.

In 1806, free settler William Mannix had sailed to Australia with Robert Campbell senior on the *Elizabeth*, following which he settled at Upper Minto. On May 26, 1824, after being dispossessed of an existing run by the Surveyor-General, he applied for permission to occupy land at “Marlow Plains”, stated as being “about 18 miles to the westward of Lake George” under the charge of ex-convict Michael Welch.<sup>25</sup> This and the information in the October, 1824, letter to J. J. Moore would define “Marlow Plains” as what became known as the “Molonglo Plains”, the “river junction” referred to in that letter assumedly being the junction of the Queanbeyan and Molonglo Rivers, where the town of Queanbeyan was to be located. The application was granted and while Mannix himself lived at Upper Minto, in 1833 he bought land along the Molonglo.

In 1824, ex-convict, Ann Martin, was given permission to use land near Lake George as a grazing run under the care of her son, James Taylor, who had been born in the colony and given permission to be educated with his brothers at the orphan school. James Taylor then occupied land next to Johnston’s, across the river from Moore’s “Canberry”.

On June 19, 1824, having been dispossessed of land at Mulway Plains, John Cullen had been sanctioned “the temporary occupation of two thousand five hundred acres of land, around your stockyard to be erected at Mankarow Plains about twelve miles Westward of Marlow Plains and fourteen from Lake George” for the use as a grazing run under the charge of assigned men, Patrick Murphy and Joseph Cox.<sup>26</sup> Called “Battery Point” by the stockmen, but “Thurallagh” by the locals, this land was along a tributary of the Molonglo, within a few miles of Owen Bowen’s run to the west.

In February, 1823, Robert Campbell, John Palmer and John Palmer junior, were together given permission to use land near Lake Bathurst as a grazing run under the management of free settler, Bartholomew Morley, and in 1825, Governor Brisbane compensated Campbell for his losses through the wreck of the *Sydney* with sheep and cattle and a land grant of 4000 acres on the Limestone Plains.<sup>27</sup> In 1825, Campbell instructed his overseer, James Ainslie, to drive a flock of sheep to a location on the Limestone Plains. Led to the Molonglo by local Aboriginals, Ainslie established his station next to Moore’s property, “Canberry”, and this became Campbell’s “Pialligo” estate. Scottish-born Ainslie was an able, if somewhat colourful and militaristic, manager and it is he to whom the

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Jun 1893, p7).

<sup>23</sup> NSWSA. NRS907 Col. Sec. to J. J. Moore, 21 October, 1824. 601/1824.

<sup>24</sup> NSWSA: NRS899 *Memorial to the Governor*, 1826

<sup>25</sup> NSWSA. NRS899 *Memorial to the Governor*, 26 May 1824, Number 615 & Reply, same date, 223/441

<sup>26</sup> NSWSA: NRS907

<sup>27</sup> *HRA*: S1; Vol. XI, pp. 460 – 462

solid establishment of “Pialligo” is owed. Only eight years earlier, Ainslie had fought Napoleon at Waterloo as a member of the Scots Greys, following which, as legend goes, he had recovered from a sword blow to the head, a blow it was said, which had left him with an inclination to “eccentricity” when under the influence of the local rum.

In 1828, John Palmer’s son, George Thomas Campell Palmer, joined his Campbell relatives in the district. G. T. Palmer established a station at Ginninderra, north of his uncle-by-marriage, Robert Campbell. In 1805, G. T. Palmer had married Catherine Irene Pemberton, and their daughter, Sophia, was to marry Robert Campbell senior’s third son, Charles, in 1837. John Palmer also bought land to the south of his brother-in-law, Robert Campbell, senior, at Jerrabomberra. Robert Campbell senior’s second son, John Campbell, also bought land in the district and his third son, Charles, married to G.T.C. Palmer’s daughter, managed the Palmer estate, “Palmerville”.

Terence Aubrey Murray, as gallant with his liberal thinking as in his stony good looks, arrived in Australia with his father and sister, Anna Maria, on the *Elizabeth* in 1827 when he was eighteen. Installed as manager of his father’s property near Lake George, Murray developed a strong familiarity with his new surroundings and its people, including local aboriginals, before acquiring the property in his own right in 1835 and adding to it several estates, including “Ajamatong” and “Winderadeen”. A year after their arrival in the colony, Anna Maria married merchant Captain George Bunn in Sydney and also in 1828, Terence and Anna Maria were joined by their doctor brother, James Fitzgerald Murray, who was appointed to Moreton Bay Hospital in 1830 and Assistant Surgeon of Civil Hospitals in the colony from 1831 to 1836.

## **The 1828 Census**

At the time of the November, 1828, census, all the land south of Yass, at Lake Bathurst and to the south on the Limestone and Molonglo Plains was titled as the district of “Goulburn Plains” in “County Argyle”. The Maneroo was classed as beyond the settled districts or limits of location.

Nineteen-year-old, Joseph Beard (Baird) was residing on two hundred acres at “Limestone Plains”, on which he was managing two hundred and thirty cattle for his father, Timothy Beard.

Owen Bowen was running about eight hundred sheep on the Molonglo (“Malanglo”), with former convict, John Campbell, as his hut keeper, and two of the rising generation of locally born settlers, brother and sister, Samuel and Elizabeth Boulaway, residing on the property.

James Ainsley was still superintendent to Robert Campbell’s estate at Pialligo and with him was Charles Bowman as shepherd, who had been transported in 1826.

North of *Pialligo*, Duncan McFarlane was managing G. T. Palmer’s estate at Palmerville, on which was Thomas Hyland, and among those on his father, John Palmer’s, estate were Frederick Allen, G. Barrigan, Thomas Taylor and John Hartley.

Captain Robert Johnston, George Johnston’s son and now an officer of the Royal Navy, had returned permanently to New South Wales in 1823 on the death of his father. He became a York Street merchant and took up extensive runs at Jeir and on the Limestone Plains, where at the time of the 1828 census, he was running near to three thousand sheep, with Scultope as overseer to several hands and shepherds, among them James Griffiths, John Hartley, James Loungs, Timothy Taylor and George Brittan.

By the time of the 1828 census also, the Colonial Treasurer, William Balcombe, held an estate on the Molonglo, which after his death in 1829, his family continued to manage and expand on for a short time. Balcombe was a former East India man and had been host to Napoleon in exile on St. Helena.<sup>28</sup> Balcombe had been withdrawn from the island when suspected of running messages for the former Emperor, but on appeal from Balcombe’s brother, Robert, the suspicions were lifted and he was sent to New South Wales as the colony’s Treasurer in 1823. Working Balcombe’s estate were William Johnstone and twenty-one- year-old, Robert Griffiths, transported in 1827, who married widow, Catherine Byrne, in August, 1838.

By this time, Samuel Terry and his family also owned much property on the Yass and Goulburn Plains. Terry, dubbed the “Botany Bay Rothschild”, had risen from transportation in 1801 to become the wealthiest man in Australian history. In today’s values he was worth about twenty-four billion dollars, making him not only the richest man in New South Wales, but one of the richest men in the world, even if Terry intentionally kept his entire fortune in the colony. On his arrival in New South Wales, Terry had been assigned as a stonemason to Rev. Samuel Marsden. While still a convict he had set up his own stone-mason business in Parramatta. He established a farm in the Hawkesbury and became a supplier of provisions to the government. Terry also kept an inn in Sydney and in 1810, he married fellow inn-keeper and prominent member of Sydney society, the enigmatic, twice-widowed, Rosetta Marsh, inheriting her children, one of whom married his nephew, John Terry Hughes. Samuel and Rosetta Terry expanded their property acquirements throughout the colony, including a grant of 2000 acres in Illawarra from Governor Macquarie in 1821, named Terry Meadows, a stud farm at Terry Brook, a farm at Mount Pleasant, “Box Hill” farm, “Redmire” at Strathfield, “Hoxton Park”, “Devil’s Bank” at Prospect, “Macquarie’s Fields” at Ingleburn and properties in Bathurst and on the

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<sup>28</sup> During his exile on St Helena, Napoleon had formed an attachment to Balcombe’s 14-year-old daughter, Betsy, who later wrote of her experiences with Napoleon.

Yass plains, on which they bred sheep, cattle and thoroughbred horses. At one point Terry owned twenty per cent of Sydney, holding more real estate in the city than the Bank of New South Wales, of which he was a major share-holder, even if much of this was in mortgages rather than titles in his name. Although the Bigge report claimed that much of Terry's fortune had been acquired by questionable practices, mostly extortion in having drunken guests sign away their properties as settlement for gambling debts, he had a friend in Governor Macquarie and many of the accusations against him were dismissed at the time as mere gossip. At least some of his wealth was attained through grants and government favour. That the hard-core "flogging parson", Samuel Marsden, was inclined against him was not unexpected and much of the hostility against Terry's character was the determined whispers of a conservative colonial Sydney society refusing to legitimise the conspicuous emancipist. But, as was characteristic of the time, Terry was a hard and frequent litigator and he amassed property with unscrupulous determination, much of it purportedly through "peacocking", all of which did not enhance his reputation. However, as he drove through the domain in his gilded carriage, Terry became a leading voice for the rights of emancipists and a philanthropist helping to fund Sydney College. At the time of the 1828 census, thirty-five-year-old George Davis, transported in 1813 on the *Earl Spencer*, was superintendent to Samuel Terry at Murrumbateman. With Davis was his wife, Mary (nee Lawrence), who had arrived in 1814 on the *Prosburnbury*, and their children, all born in the colony.

Henry O'Brien was a major landholder near the Murrumbidgee, toward Yass, with Robert Beaven as stockman. Hamilton Hume's brother-in-law, George Barber, also held land nearby.

Landholders at Gundaroo were Captain Barlow and William Guise. Former convict, Peter Cooney, was among those settlers listed to receive a grant of land in 1821 and by 1828 he was farming at Gundaroo River, with his brother, Terence, assigned to him.<sup>29</sup>

On Captain Richard Brooks' estate south-west of Lake George were husband and wife, James and Ann Blake, and John Anderson. Francis Kenny's shepherd at Lake George was David Aiken.

To the south on the Maneroo, James Ahearn was shepherd to Henry York and John Almond, herdsman to William Charles Wentworth. James Taylor was hut-keeper to Daniel Cooper and Samuel Tailor, herdsman to Daniel Cooper and William Guises' brother-in-law, William Klensendorlffe.

In 1828, John Stephen junior and his wife, Mary Matthews Stephen, acquired land at Limestone Plains with a 2560-acre primary grant. Stephen junior, the *enfant terrible* of the Stephen family, the legal royalty of the colony, had arrived in Sydney in 1827. Alongside William Cordeaux, Governor Darling appointed Stephen junior a Joint Commissioner for Apportioning the Colony on 17 October, 1827, replacing J. T. Campbell. By February, the next year, Darling had appointed Stephen junior Registrar of the Supreme Court. John Stephen junior's father, Supreme Court judge, John Stephen senior, had arrived in Sydney in August, 1824, at the same time that Governor Brisbane's first Legislative Council was established, comprised of the Lieutenant Governor, William Stewart, the

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<sup>29</sup> In March 1833, the Cooney brothers were at the Murrumbidgee, when Terence Cooney lost a case against one of Captain Rossi's men, who he had charged with highway robbery at the Goulburn races. The Judge directed an acquittal, exclaiming that the case was at best one of "pick-pocketing" and ordered the accused be returned to the Government, with an admonition that assigned servants shouldn't be allowed to attend such events (*Syd Mon*, Sat 24 Aug 1833, p4 & *Aust*, Fri 23 Aug 1833, p3). Some months later, Cooney's home was robbed, but on journeying to Lake George for a Warrant, Cooney found himself superseded by one of the robbers who took out a Warrant against him for allegedly stealing a calf. Cooney in jail, the *Monitor* commented on the injustice of the outcome (Sat 28 Dec 1833, p2). Cooney was released on bail by the Attorney-General but in 1835, Peter Cooney was brought up on a charge of cattle-stealing from Henry O'Brien (*Syd Mon*, Wed 18 Nov 1835, p3), when it was claimed that the Cooney brothers' herd had "increased with the most astonishing rapidity", but the legality of his detention was a matter of dispute (*Syd Clnst*, Thur 19 Nov 1835, p4 & p5). The Cooneys were brought to trial in May, 1836, when Peter Cooney was allowed bail from Sydney jail, but Terence Cooney's non-appearance on the advice of his lawyer was contentious (*Syd Hld*, Mon 23 May 1836, p2). When Terence failed to appear in court in September, it was intimated that he had fled the colony (*Syd Mon*, Sat 17 Sep 1836, p2).

Chief Justice, Francis Forbes, the Colonial Secretary, Frederick Goulburn, the Principal Surgeon, James Bowman, and the Surveyor General, John Oxley. John Stephen senior was the patriarch of what Wentworth called “the Stephen family deluge”, with Stephen senior’s other sons including Sidney Stephen, Francis Stephen and Alfred Stephen, all practising law in Sydney or Van Diemen’s Land. James Stephen junior, Permanent Secretary of the Colonial Office in London, was John Stephen senior’s nephew.

Originally, land grants were restricted to an upper limit of 2560 acres per grant without purchase. In 1828, in recognition for his public service positions, Stephen junior applied for five thousand acres, which he claimed would not be covered by the land currently occupied by Timothy Beard. A grant of 2560 acres was approved with Stephen junior obtaining the land over Taylor and Johnstons’ “temporary” occupations across the river from Moore and Campbells’ stations.

Daniel Geary, an Australian-born ticket-of-leave holder whose wife and family were also born in the colony, was the District Constable, having been appointed constable and pound-keeper for Goulburn Plains in 1826. From September 28, 1829, alongside the local constable, law enforcement on the Goulburn Plains consisted of the First Division of the Mounted Police under the command of Lieutenant Lachlan MacAlister of the 48<sup>th</sup> Regiment. Starting with only eight men, by the next year the patrol had risen to a stable contingent of around twenty men. In 1829 also, Geary was dismissed for drunkenness and neglect, replaced by John Passmore.<sup>30</sup> He was re-instated in 1830<sup>31</sup> and earned praise from Lt. MacAlister for his “coolness and courage” in capturing bushrangers who went on a rampage around Bathurst in 1830. Geary’s bravery took a heavy toll, for in April, 1831, he was awarded a special pension of just over £18 per year, having been rendered unfit for service due to the injuries he sustained in the action.<sup>32</sup> He settled at Gundaroo at a place called Geary’s Gap, near Lake George, a name that stuck for the location.<sup>33</sup>

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<sup>30</sup> *Syd Gaz*, Thurs 3 Sep, 1829, p3

<sup>31</sup> *Aust*, Fri 23 Jul 1830, p1S

<sup>32</sup> *Syd Gaz*, Thurs 21 Apr 1831, p1 & NSWSA: NRS1286

<sup>33</sup> Geary’s sons, Daniel and John, ran away from home, but later returned to Gundaroo, where they were living in 1874.

Geary’s wife died of heart failure when the couple were living at the “Angel Inn” in Liverpool in 1856 (*Emp*, Sat 16 Aug 1856, p4). Geary died in Bathurst in 1875.

## The Counties

In 1829, the British settled area of New South Wales was divided into nineteen counties. Named for the Secretary of State for the Colonies, Sir George Murray, County Murray, a new county assigned to the land beyond Argyle, was the land of the Limestone and Molonglo plains that lay between the Murrumbidgee, Yass and Shoalhaven Rivers and was the limit of defined settlement to the south-west. Beyond the Jerrabomberra and Jingera Mountains lay the still undefined territory of the Maneroo. County Murray encompassed all the territory that would come to include the towns and villages of Queanbeyan, Canberra, Ginninderra, Lanyon, Micalago, Captain's Flat, Lambert, Bungendore, Boro, Molonglo, Sutton and Gundaroo, and all the settlements that lay between, including that part of the town of Yass that was south of the Yass River. To the northwest lay County King and along the eastern border toward Sydney was the County of St Vincent, which contained the town of Braidwood and extended all the way to the coast at Bateman's Bay. To the west lay the Counties of Cowley, Beresford and Dampier.

In 1829, under instructions from the Surveyor General, Major Thomas Mitchell, as Assistant Surveyor, Robert Dixon was assigned the task of surveying that part of the County that would include the Molonglo and Limestone Plains. Dixon reached Bong Bong at the end of February, 1829, arriving at "Goulburn Plains" on the 30<sup>th</sup> of March. On April 9, from "Tiranna", he wrote to Mitchell that he planned to start for the Molonglo the next day with another surveyor, Docker. Taking six days to proceed from Goulburn Plains, he was at "Limestone Plains" on May 2, when he wrote he was "now tracing Medara Creek which runs through the top of Limestone Plains".<sup>34</sup>

I have cleared two hills at trigonometrical stations Yarrow Peak and Balcombe Hill which enables me to extend our trigonometrical operations to the West and Northwest. I expect to reach the Morumbidgee in a few days. The cold, Frosty nights which I now experience and Winter coming on inducences [sic] me to ask the favour if you get me a lining for my Tent as I was not so fortunate as some in that respect. I am in no ways particular to colour or cloth if it would keep the cold out.

- Dixon, R. *Survey of Allotments Roads etc. in Parishes of Bong Bong, Mittagong, Sutton Forest and Traverse of Wingecarribee River County Camden. Farms Allotments etc. Parish Terranna and Wollondilly River. County Argyle. Molonglo River. County Murray.* (Surveyors' field books 1794-1861. NSWSA: NRS13889; [2/4948]).

Throughout May, Dixon surveyed a further seventy-five miles from the Molonglo River to the Murrumbidgee to the Yass River. His accompanying progress report, dated "Between the 1<sup>st</sup> and 31 May, 1829" noted

The weather in general favourable very little rain but cold frosty nights the western Mountains covered with snow. met several tribes of Natives amongst which were the notorious Montogi, Maravanne, Borabong etc. etc. and several tribes from Monaroo and Nammage, all of which were peaceable. Kangaroo and emue very scarce abundance of wild fowl...

The Molonglo river was only running at some places, but consists of large Ponds. The Murrumbidgee is a rapid stream with a Stone bed difficult to ford in many places, with high rocky Banks, and abounds with Fish and wild Fowl.

- *ibid.*

William Balcombe features in Dixon's field books and Dixon's map identifies the locations of Timothy Beard's station at "Quinbeam", Moore's "Canberry", Robert Campbell's "Pialligo" and the huts belonging to James Taylor (James Martin) and Robert Johnston on the south bank of the Molonglo, across from Moore and Campbells' runs.

While the surveys were being compiled and the boundaries for the Counties drawn up, settlers continued to take up land within territory of which the boundaries were yet to be defined, but which was to become County Murray.

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<sup>34</sup> NSWSA: NRS13889; [2/4948]

At the northern end of the County, toward Yass, William Guise held land at Byong, near Gundaroo, as did his brother-in-law, William Klensendorlffe. Other major landholders around Gundaroo were James Richard Styles, Patrick Dyce and Maurice Barlow.

While Robert Campbell senior continued to expand his estate, the *Returns for the Colony* for 1829 lists land grants of over 500 acres in County Murray to William Balcombe, Robert Cox, Major Rohde [sic.], Thomas Wood and Joanne Keefe, granted land at what was called “Micaliglo” at the furthest point of County Murray in the south.

Joanna McKenna Keefe was the widow of Thomas McKenna, transported on the *Britannia* in 1789 and emancipated by 1817. Johanna and Thomas McKenna had a small farm of 80 acres at Wilberforce, where they supported eighteen convict servants at their own expense, for which they were granted further land. They supplied wheat to the government stores which they exchanged for horned cattle. Together, Johanna and Thomas McKenna, Richard Keefe and Matthew Hyland, worked land at Wilberforce and when Thomas McKenna died in 1824 or 1825, Joanna married Richard Keefe. At the time of the 1828 census she was fifty and he thirty-five and they were running sheep. Matthew Hyland had arrived in the colony on the *Rolla* in 1803. In 1823 Hyland was granted permission to pass through Cowpastures and past County Argyle to the county south and west with his wife and sons. In 1825, Joanna McKenna Keefe and Matthew Hyland were jointly granted a ticket of occupation for 3000 acres south-east of Lake Bathurst and due to a grant made to her previous husband, on February 21, 1829, Joanna McKenna Keefe was promised land at Michelago. This land at the time was designated as “Monkedelan Plains, opposite Micaligo” and was matched by an equivalent grant to her husband, Richard Keefe. When Joanna Keefe died around 1839, as her widower, Richard made claim to her land at Michelago. Keefe kept an inn and married Catherine McFarney in 1841. When Richard Keefe died in 1843, his widow claimed his estate.

Michelago was the furthest point of County Murray and therefore the furthest land within the limits of location, beyond where at Maneroo, William Charles Wentworth, Klensendorlffe and Cooper depastured stock.



## Civil Justice

With judicial progress having begun under Governor Brisbane, Australia was moving from being a penal settlement toward a society of free settlers and progress in legal and social justice was being made due to the intelligence and ability of a few very well-educated men in the judiciary and at the bar. Leading Australia from regimental to judicial governance were Francis Forbes, who had taken his seat as Chief Justice of the Supreme Court on May 17, 1824, Supreme Court Justices, James Dowling and John Stephen senior, the Attorney-General, Alexander Baxter, Australian born and Cambridge educated barrister, William Charles Wentworth, and barrister Dr. Robert Wardell. Wardell was also editor of the *Australian* newspaper. Stephen senior headed what Wentworth termed the “Stephen family deluge”, who among others included John Stephen senior’s legally practising sons, Sidney and Alfred. For their independence but legally proper leadership progressives came up against the autocratic but lesser in legal ability, Governor Ralph Darling, who was determined to assert his regimental authority. In the interim few weeks following Sir Thomas Brisbane’s departure, the Lieutenant-Governor, Colonel Stewart, was Acting Governor until the arrival of Darling on December 18, 1825.

Darling’s reputation as a pen-pusher pre-empted a cool reception to the colony of the new Governor in place of the popular, if administratively weak, Brisbane.<sup>35</sup> Wentworth only, greeted Darling with a cordial welcome, that was also, however, to be short-lived as Wentworth found his reformist principles challenged by Darling’s less liberal politics. Darling and Macleay’s efficient revision of the management of New South Wales was a necessary development from the laxness of Brisbane’s administration, but Darling’s sympathies were with the “exclusives” with whom he soon fell in and the new Governor was intent on purging the public service of the convict and emancipist element introduced by Macquarie and tolerated by Brisbane.<sup>36</sup>

The free press, Edward Smith Hall of the *Monitor* and Atwell Edwin Hayes, who became editor of the *Australian* after Wardell sold his interest in 1828, were acutely hostile toward Darling.<sup>37</sup> When Wardell’s independent *Australasian* newspaper was established in 1824, Robert Howe had entreated the government that the *Gazette*, essentially the government paper, be able to act in a similarly uncensored manner, but Darling’s response to criticism was to muzzle the press, leading to lengthy libel laws between Darling and the free papers. The Howes at the *Gazette* remained faithful to Darling but the independent newspapers, the *Monitor* and the *Australian*, were relentlessly scathing of the autocrat whose every act of militarism provided them with the opportunity of condemning his governance and bringing his fitness into question. The rejection of Darling peaked with his treatment of Sudds and Thompson, two officers who had attempted to leave the service by acquiring criminal convictions for which they were subjected to exceptionally cruel punishment. For criticising Darling’s harshness in the Sudds and Thompson case, Captain Robison, the Stephens’ brother-in-law, was court-martialled.

After Darling dismissed public servants such as W. H. Moore, the press began to cast him as an autocrat, nepotistically favouring friends and family in lucrative positions, land grants and assignment of convicts and in removing opponents, seemingly at will. Dr Henry Grattan Douglass, of whom Alfred Stephen was agent, became another of Darling’s casualties, when in 1828 he was ordered back to England after the “Turf Club Dinner” affair. Douglass was a doctor on the King’s staff in England and a medical researcher in France before returning to Australia in 1848 and becoming one of the founders of the University of Sydney and Member of the Legislative Council.

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<sup>35</sup> Bennett, 1865

<sup>36</sup> *ibid.*

<sup>37</sup> A. E. Hayes was the nephew of notorious kidnapper and builder of Vaucluse House, Sir Henry Brown Hayes.

Matters between Darling and the reformers were brought to a head by incidents involving John Stephen junior. In a despatch of October 26, 1827, Governor Darling had informed Viscount Goderich that he had appointed Stephen junior as a Joint Commissioner for Apportioning the Colony, under the Surveyor-General, Thomas Mitchell, to replace J. T. Campbell. In February, 1828, Darling appointed Stephen junior as Registrar of the Supreme Court to the continued antagonism of Chief Justice Forbes, who, while having no objection to Stephen personally, was somewhat slighted by Darling's *sub judice* appointment of Stephen without his consultation. Forbes' examination of the legality of the appointment, Darling claimed, was motivated by Forbes' continuing antagonism of his government. As the hostilities between Darling and the press and the legal reformers of New South Wales intensified, Darling complained to the Secretary of State for the Colonies, Sir George Murray, in a lengthy diatribe against the New South Wales Justices, even accusing the unimpeachable Forbes of being "greedy for power".

Murray's reply was a declaration to Darling that the days of military rule in Australia were over. Darling gained no sympathy from Murray, who in no uncertain terms expressed his displeasure at Darling's attempt to outmanoeuvre the Justices by going behind their backs. On the 30<sup>th</sup> of August, 1828, Murray censured Darling for his excessive character attacks on individuals of unimpeached reputation and for conveying accusations to Britain against the Justices without their knowledge and without them having been given opportunity of defence. He denounced Darling's treatment of John Stephen senior, Francis Forbes, Wardell and Wentworth. Murray upheld Justice Forbes' interpretation of several matters and recognised Forbes' hesitation in relation to Darling's original appointment of Stephen junior as Registrar, stating that Forbes had acted correctly in ensuring that it was legal.

Murray censured Darling for his actions over the 'Turf Club Dinner' affair and for his dismissal of W. H. Moore, which he "regretfully allowed", for his treatment of Sheriff Mackness and of Douglass, which was also "regretfully approved due to past disturbances". Darling was also upbraided for his autocratic manner in issuing Proclamations and Orders without appropriate consultation and seemingly for ulterior personal motive against his critics. Faced with this state of affairs, Murray demanded a resolution between the parties on threat of recall of both the Governor and the Judges.

There the matter remained until in early 1829, Darling was able to pounce on John Stephen junior for his part in the harbouring of convict girl, Jane New. Convicted in Chester on April 27, 1824, New had been transported to Van Diemen's Land. Initially placed in a respectable assignment, in 1826, she married emancipist, James New, and with still some time to go on her sentence, in September, 1827, she was given permission by the Lieutenant-Governor of Van Diemen's Land to leave the colony for New South Wales with her husband. Now a woman of some means (her husband owned an inn in Sydney) and living a relatively privileged life, essentially the same as a free woman in Sydney, New was convicted of stealing a large quantity of silk from French widow, Madame Josephine Reus<sup>38</sup> in George Street. The theft was alleged to have taken place on December 18, 1827, but the case did not go to trial until January 5, 1829, when New was defended by Sidney Stephen.<sup>39</sup> At the time, theft of goods over the value of forty shillings (£2) was still a capital offence and New was found guilty and sentenced to death. New was remanded to Sydney jail, but on the grounds of a legal technicality relating to the law under which she had been detained, her conviction was found to be invalid and her sentence was remitted.<sup>40</sup> The *Monitor* records a separate case in August, 1828, whereby New and Hannah Ralph were convicted of shoplifting from a Mrs Rickards, a Mrs Reynolds and a Mr Appleton.<sup>41</sup> On behalf of New's husband, Sidney Stephen's brother, Francis Stephen, applied for a writ of *habeus corpus*, Sidney Stephen refusing to do so, believing New to be guilty and that she

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<sup>38</sup> Madame Reus is referred to in several sources as "Rous" or "Rens". "Reus" was used in letters by Mme Reus in relation to requests for denization (*HRA, Despatches, XVII*) and complaining of the conduct of Father J. J. Therry toward his fellow Catholic Priest, Father Power (*HRA, Despatches, Vol. XV*).

<sup>39</sup> *HRA, Despatches XIV*

<sup>40</sup> *ibid.*

<sup>41</sup> Mon 18 Aug 1828, p4

“should be punished” for her actions.<sup>42</sup> In the mean-time, on the Governor’s orders, New had been removed from Sydney jail to the Female Factory at Parramatta.

Fortunately for New, her case came along at a time the reformers were in the middle of their battle with Darling and while there was little doubt that New was guilty of the offence for which she was tried, what caught their attention was that the Governor took it upon himself to remove New from her legal assignment to her husband to have her placed in the Female Factory, a liberty with her person which they saw as a breach of his authority. From there on, the protagonist became almost incidental to the matters surrounding her, as New’s case suited the political interests of Darling’s opponents who challenged his autocracy on the grounds of his interference with the law.

Part of the background to New’s case lay in the grievance Edward Smith Hall of the *Monitor* and Atwell Edwin Hayes of the *Australian* held toward Darling for his interference in their convict assignments. Employees at the *Monitor* and the *Australian* had been removed by Darling, as punishment, Hall and Hayes believed, for their criticisms of the Governor. Claiming that the purpose of transportation was to effect punishment and to provide labour for the colonies, the significance of the Jane New case related to the Governor’s right to interfere with the assignment of labour, upon which the value of one’s property and business depended. Intercedence in assignments, it was claimed, was supposed to be only in the interests of the prisoners and had thus been along the lines of masters and apprentices, i.e. as remission of sentences or to protect servants from abuse. On the basis that those criteria did not apply in this case, Hayes and Hall welcomed the case against Darling as grounds for their own actions against him.

Transportation was not subject to the common law of England, but was administered by Acts of Parliament, giving the three judges sitting *in banco* to hear the Jane New *habeas corpus* writ, Chief Justice Forbes, James Dowling and John Stephen senior, a substantial decision to consider. The result of the examination of the relevant Acts was that all three judges were in agreement that New could be remanded, not for the offence for which she was tried in New South Wales, but for still being under sentence for the offence for which she was originally transported to Van Diemen's Land, from where she had travelled illegally, her original sentence being not due to expire until April 26, 1831.<sup>43</sup>

On lengthy interpretation of the statutes, on the 21<sup>st</sup> of March, 1829, Chief Justice Forbes summarised the case as consisting of two parts - 1. That New’s sentence had been remitted by the Governor and therefore she was deemed not to have committed an offence in New South Wales and therefore he did not have the right to detain her and 2. That the Governor of New South Wales did not have the right to intercede in her assignment to her master, in this case, her husband, by the Lieutenant-Governor of Van Diemen’s Land.

Justice Forbes also determined, however, that the Lieutenant-Governor of Tasmania had not the right to allow Jane New to travel to New South Wales and therefore, her original sentence not yet completed, as only a pardon could allow her to leave the colony to which she had been sent, she was a prisoner-at-large in New South Wales, whereby the authorities did have the jurisdiction to detain her in whatever manner they saw fit pending her return to Tasmania.

The *Australian* differed in that while it welcomed the decision that the Governor did not have sovereign rights over New’s person, they disagreed that New was illegally at large in New South Wales.<sup>44</sup> While there was some disagreement as to whether Jane New was innocent in the Reus case, the *Monitor* embraced the decision as some form of vindication and immediately invoked it as a precedent in their claims against Darling for the removal of their workers.

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<sup>42</sup> *Aust*, Tues 10 Mar 1829, p2 & *Gazette*, Tues 17 Mar 1829, p2 & *HRA Despatches*, XVI

<sup>43</sup> *HRA XIV & Syd Gaz*, Tues 24 Mar 1829

<sup>44</sup> *Aust*, Fri 27 Mar 1829, p2

The *Gazette* was at variance with “the Decision”, maintaining that the Governor did have the right to determine assignment of prisoners, by placing emphasis on a literal translation of the Act as giving the Governor absolute power, quoting the same relevant part of the Act that referred to the Governor’s powers to revoke assignments, but focussing not on the proviso of remission of sentences, as Justice Forbes had in interpreting the spirit of the Act.<sup>45</sup>

The storm intensified when in the midst of the battle ensuing around her, New escaped from custody twice, once whisked away in a carriage at Hyde Park racecourse while on the way to the Female Factory,<sup>46</sup> following which she was re-captured, and then on April 5 from the Factory<sup>47</sup> after which she disappeared entirely.

Evidence was found that Justice Stephen’s son, John Stephen junior, had organised New’s escapes and was harbouring her at a cottage in Lower Minto under the name of “Mrs Frances Dickson”, when following up on information received, on June 17, the cottage was raided by the police under the instructions of Superintendent of Police, Captain Francis Rossi. Although there was no sign of New, a warm bed, apparently recently vacated, women’s apparel and letters signed by John Stephen junior claiming Mrs Dickson and Jane New to be free women, constituted strong evidence that New had been at the cottage and had fled on the arrival of the police.<sup>48</sup>

Darling referred to the matter to the Executive Council, who, after examining Stephen, and the owner of the Minto cottage, Amos Crisp, concluded that Stephen had been implicated in the Jane New case for some time and they recommended he be removed from his public service positions.

Before the Executive Council, Stephen admitted to signing letters found at the cottage purporting New and Dickson to be free women, being information that differed with the official date of New’s conviction and also from information in a letter Stephen had written to the Governor of Van Diemen’s Land pleading for a remission of New’s sentence which he stated was not to expire until 1831.<sup>49</sup> The incriminating letters were based, Stephen claimed, on Affidavits he had witnessed, but which, on investigation, could not be located, a fact confirmed by Chief Justice Forbes.

Governor Darling was convinced that Jane New and Mrs Dickson were one and the same person and the material evidence of Stephen’s complicity in New’s disappearance was all Darling needed to remove Stephen from all his public offices and with an apparent determination. On June 29, Darling documented the case against Stephen in a Despatch to the Secretary of State for the Colonies, Sir George Murray, with the conclusion that

Mr Stephen has been guilty of a flagrant dereliction of duty, both as a Magistrate and Registrar of the Supreme Court, in granting Certificates of the freedom of a Female Convict, which he knew to be contrary to the fact, and which Certificates it was not within his province in either capacity to grant, the Convict, moreover, having absconded from Government and being absent at the time when the certificates were granted.

- *Despatch 81 from Darling to Murray, 29 June 1829 (Historical Records of Australia, Despatches XV)*

Darling proposed “infatuation” as a mitigating factor for Stephen, a proposal enhanced by the fact that apparently Stephen’s wife, Mary Matthews Stephen, was in London at the time. However, Stephen’s exceptional determination to defend New may in part have been based on principle. New was unusually noted as a young woman of “prepossessing” beauty<sup>50</sup> and genuine fears were held for her, should she be placed in the Factory. Moreover, evidence that it was obligation, at least in some part, fuelling her protection may lie in that, according to Stephen junior, New was an informant.

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<sup>45</sup> *Syd Gaz*, Thurs 26 Mar 1829, p2

<sup>46</sup> *Aust*, Tues 31 Mar 1829, p3 & *Syd Gaz*, Tues 24 Feb 1829, p2

<sup>47</sup> *Syd Gaz*, Thurs 9 Apr, p2 & *Aust*, Wed 15 Apr 1829, p2

<sup>48</sup> *HRA, Vol XV*

<sup>49</sup> *HRA Despatches XV & XVI*

<sup>50</sup> *Aust*, Tues 31 Mar 1829, p3

In May, 1829, Stephen wrote to the gentleman New had been assigned to in Van Diemen's Land, claiming persecution of New. Stephen claimed New to be innocent, including in several instances of shop-lifting charges against her brought before him.<sup>51</sup> He claimed the Madame Reus case of January, 1829, to have been malicious and that New had been convicted by "an infamous perjury". However, he also stated that two petitions pleading mercy had been prepared, one by fourteen magistrates and another by the Bank of Australia, due to information obtained by New in relation to a robbery which had taken place at the bank. During the weekend of September 13 to 15, 1828, robbers had tunneled through the nine-foot thick concrete walls of the bank's underground strong room in George Street to steal a large amount of cash.<sup>52</sup> A reward of an absolute pardon was offered by the Governor for any information relating to the robbery.<sup>53</sup> According to Stephen junior, while in jail New had provided information that had led to the recovery of some of the stolen money.<sup>54</sup> Stephen claimed that the petitions never reached the eye of the Governor, being allegedly maliciously withheld by the unnamed bearer. He also claimed that when the Judges passed their judgement that New was at large in New South Wales, every effort was made by New's husband to arrange her return to Tasmania.

If New was being shielded from malice or out of obligation, Darling was unmoved. Stephen had been uncooperative with the Executive Council enquiry, calling it a "star chamber" and accusing that documents had been stolen by the police when they raided the cottage at Minto. Moreover, whoever Mrs Dickson was, there was no account of Jane New, who had entirely disappeared.

Notwithstanding the outcome against Stephen, New's case was taken up by E. S. Hall as a parallel to that of Peter Tyler, a compositor at the *Monitor*, who Hall believed had been taken from him as punishment for his criticisms of Darling's governance. With the Jane New case as a precedent, Hall objected to Tyler being taken from his service at the *Monitor* to be put in a chain gang at the Governor's will without having committed any offence and like Francis Stephen for New, he applied for a writ of *habeus corpus*. The magistrates who heard this case, Captain George Bunn, Captain Rossi, Edward Wollstonecraft and W. J. Brown, concluded that the Jane New case was distinctive and that the Supreme Court's decision in that case had been meant to apply to that case only. Subsequently, Hall sued Rossi *et al.*, defended by Wentworth, with Chief Justice Forbes finding in his favour, stating that the bench had acted in contempt of the decision made by the higher court in relation to the assignment of servants as determined by the Jane New case. Wentworth applied for a criminal conviction against the magistrates, in the argument for which he claimed they had been influenced in their actions by Alexander McLeay, whom Darling had replace Frederick Goulburn as Colonial Secretary. Justice Dowling dismissed the criminal case against what the *Monitor* referred to as a "packed bench", considering that malice on the part of the magistrates had not been proved, but with severe remarks as to the affront of a lesser tribunal taking it upon themselves to usurp a decision of the Supreme Court.

The *Gazette* was indignant at Justice Dowling for what it considered a passing rebuke for its criticism of his decision in the Jane New case and it defended the magistrates, Rossi *et al.*, questioning if the Supreme Court had the right to censure them. While accepting the Supreme Court's decision in the Jane New case to be binding and that the magistrates had therefore not acted according to law, they questioned if they had done so "knowingly".<sup>55</sup>

Confusion surrounding New's convict records and apparent discrepancies in the case against her in Sydney<sup>56</sup> led to questions as to the dates of her convictions and her guilt. As a repeat offender, New had been convicted for larceny in Lancashire as Marie Wilkinson in 1821, for which she was

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<sup>51</sup> *HRA, Despatches XV*

<sup>52</sup> *Syd Gaz*, Wed 17 Sep 1828, p 2 & *Aust*, Fri 19 Dec 1828, p3 & *Syd Mon*, Sat 20 Dec 1828, p8

<sup>53</sup> *Syd Gaz*, Wed 19 Sep 1828, p1

<sup>54</sup> *HRA, Despatches XV*

<sup>55</sup> *Syd Gaz*, Tues 4 Jul 1829, p2

<sup>56</sup> Tues 24 Feb 1829, p2

sentenced to twelve months in jail, and she also went by the names of Jane Henrie and Marie Wilson, under which she was convicted in 1824. An alteration of New's convict indent, for which the Colonial Secretary of Tasmania's Chief Clerk was later held responsible, became the basis of a libel case that ultimately saw Edward Smith Hall imprisoned for printing an editorial article referring to the Colonial Secretary, Macleay, as having knowingly submitted false records.<sup>57</sup> Charged with libel for that misleading article and losing his case to retain Tyler as his assigned servant, Hall was charged with harbouring a prisoner of the Crown, which, along with another libel case against him, in all meant a fifteen-month prison term. Hall, who continued to manage the *Monitor* from his jail cell in Sydney, also appealed to the Secretary of State in London, George Murray, in a lengthy set of accusations against Darling in relation to his management of the colony.

With Darling again under fire from the press, John Stephen junior pleading persecution and an ambiguous public sympathy for New evident in a subscription fund for her defence published in the 'free' papers promising anonymity,<sup>58</sup> the matter now looming in much the same manner as the mutiny against Bligh, an address was got up in support of Darling, published in the *Gazette*.<sup>59</sup> Among those who signed the Address were Robert Campbell, the MacArthurs, G. T. Palmer, John Palmer, John MacLaren, John and Gregory Blaxland, Robert Johnston, John Hosking, J. J. Moore, Lachlan MacAlister, J. B. Montefiore, H. C. Antill, Major Rohde, David Reid, James Styles, Henry Donnison and Richard Brookes.

Funds for New were raised in Van Diemen's Land as well as New South Wales.<sup>60</sup> While Hall put his name to the fund,<sup>61</sup> subscriptions were also stated as having been received by people signing themselves "A Friend to Constitutional Liberty", "One who hates persecution", "Audi alteram partem" (hear the other side) and "over the hills and far away".<sup>62</sup>

Two days later, on July 9, 1829, Darling's new Legislative Council of New South Wales, composed at the time, consisted of himself, Colonel Stewart, Chief Justice Francis Forbes, Anglican Archdeacon Scott and the Colonial Secretary, Macleay, (who comprised the Executive Council), with John MacArthur, Robert Campbell, senior, and Charles Throsby.

Much was made of Stephen junior's apparent refusal to sign the Address to Darling, an omission Stephen explained with reference to the impartiality required of his public service position. However, Darling remained unmoved and therefore, with testimonials from the Justices Forbes, John Stephen senior and James Dowling, and the Attorney-General, Alexander Baxter, all testifying to his good conduct while in office, Stephen junior went to England to plead his cause, claiming he was doing so because Darling had advised him that his only recourse was direct appeal to the Secretary of State, similar to the manner in which disputes had been settled in the past. On Tuesday, July 28, 1829, Stephen sailed out of Sydney on board the *Eliza*, his arrival in Britain delayed by some four months when he was detained on Mauritius, a move he claimed was due to interference by Darling. In London, Stephen was rebuffed by Sir George Murray, who despite several pleas refused him an interview and instructed him through Under Secretary, R. W. Hay, that his only chance of a government position was by directly clearing his name before the instrument of his dismissal, i.e. Governor Darling, back in Australia. Faced with this dilemma, Stephen emphasised the great cost he had borne in going to England to clear his name only to be met with contradictory advice and the greater cost and risk that would be borne by him in returning to Australia for the same purpose. Stephen appealed to Murray that he had never been given an appropriate opportunity to defend himself or even been adequately advised of the grounds for his dismissal, but that Darling's only

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<sup>57</sup> *HRA Despatches XVI & Syd Mon*, Sat 4 Jul 1829, p2 & Sat 5 Sep, 1829, p3 & *Col Times*, Fri 31 Jul 1829, p3

<sup>58</sup> *Aust*, Fri 3 Apr 1829, p3

<sup>59</sup> Tues 7 July, p

<sup>60</sup> *Aust*, Fri 8 May 1829, p2

<sup>61</sup> *Syd Mon*, Mon 13 Apr 1829, p7

<sup>62</sup> *Aust*, Fri 27 Mar 1829, p2

answer had been a bare referral to his “conduct at the enquiry”. He invoked seeming devices of humiliation as evidence of persecution, i.e. that Darling had advertised his dismissal five times in the *Gazette*, the *Monitor*’s observation that Darling had addressed him as “Mister” rather than “esquire”, that Darling had his ship searched prior to his departure for England and that Darling had arranged his detention on Mauritius for four months under suspicion of harbouring New. Stephen claimed that he had been denied all normal processes of justice, including by the Superintendent of Police, Captain Rossi. He also claimed that he had been confused with his brother, Sidney Stephen.

However, Sidney Stephen refuted his brother’s claim<sup>63</sup> and Stephen junior had no sympathy from his cousin in England, the Permanent Secretary, James Stephen. Murray disclaimed all responsibility for Stephen’s decision whether to return to Australia or not. Murray was also deaf to Stephen’s appeals for financial assistance in a situation Stephen claimed the government held some responsibility for. Caught between the old system and the new, when full transition to trial by jury and responsible government in New South Wales had not yet been realised, Stephen found himself in a state of ‘suspension’ in more ways than one. Deprived of “all further hope of succeeding in the object of [his] return to [England]”, i.e. to “procure redress against the arbitrary conduct of Lieut. General Darling”, Stephen took the only course he felt left open to him, with no parliament yet in Australia, he would appeal to the House in Britain and on July 22, 1830, Stephen notified Murray of his intentions in an impassioned letter.

Driven to a measure solely by the cruel necessity of the case to which I would fain have avoided, it becomes my last duty to that Department, which has denied me justice, to give respectful notice of my intention to bring the subject under the consideration of the ensuing Parliament.

My reputation having been deeply injured, my means of support debarred, and my domestic happiness destroyed by a most unparalleled [sic] act of infamous oppression, I trust an ample excuse will be allowed for my thus throwing myself on the House of Commons for protection and support.

- *Historical Records of Australia, Series 1, Despatches Vol. XV, 12 August 1830*

Murray’s reply remained blunt in the form of a brief statement from Under-Secretary Hay stating that, “Sir George Murray does not conceive any further reply to be necessary”,<sup>64</sup> but the matter now about to go to Parliament, Murray approached Governor Darling for details.

In reply, Darling complained to Murray that the legal team behind New had managed to ‘get her off’ by wrangling the system, alongside a general accusation that within a supposed network of relationships, both familial and friendly, they were manipulating the law and avoiding prosecutions. These claims did not find sympathy with Murray, being somewhat spurious and defensive at a time that Darling himself was denying charges of nepotism and cronyism on his part when attention was drawn to his visible connections with the Dumaresqs, the Colonial Secretary, Alexander McLeay, and Auditor-General, William Lithgow. Originally, Darling had proposed “infatuation” as a mitigating factor for Stephen. A (possibly coded) letter from Jane New to her husband written two days before her second escape and declaring her affection for him may have offset any perception of carnal impropriety and Amos Crisp had testified that when Stephen stayed at the cottage, although Stephen and “Mrs Dickson” breakfasted and dined together, Mrs Dickson always slept in his daughter’s bed.<sup>65</sup> While it was never certain what exactly took place in May and June of 1829, or of anyone’s role in Jane New’s escapes, Stephen’s father, Justice John Stephen senior, later stated that he truly believed that his son had acted with disinterested but, humanitarian, motive. E. S. Hall at the *Monitor* emphatically defended Stephen in his efforts for New when referring to Stephen’s passion in other cases of alleged injustice.<sup>66</sup> Now, however, against all such defences, Darling blatantly accused Stephen junior of “living with” Jane New at the “abandonment of his wife and family”, a fact he

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<sup>63</sup> *HRA Despatches Vol XVI*

<sup>64</sup> *ibid.*

<sup>65</sup> *HRA Despatches Vol. XV*

<sup>66</sup> *Syd Mon*, Mon 27 Jul 1829, p2

claimed was apparently well-known, and rather than claiming the New incident to be a matter of singular “infatuation”, he now brought Stephen junior’s general character into question, invoking “criminality” and raising an issue of supposed circumstances under which Stephen had left his previous position in Jersey for New South Wales.<sup>67</sup> Darling now also noted that the certificates signed by Stephen falsely stating New to be free and dated April 1, had to have been prepared after her escapes, even though Stephen signed a sworn Affidavit that he had no association with her March 21 abscondment.

Darling claimed that after New had fled the cottage at Lower Minto, she had gone to a hut on William Cordeau’s farm nearby and then to Francis Kenny’s property at Airds. From there, Darling claimed, she had been harboured at William Wentworth’s mansion at Vacluse, where she stayed until July 6, the same day that Notary, John Raine, had stated a woman calling herself “Mrs Dickson” had gone into his office. Darling believed New then rowed out on Sydney harbour to meet a cutter, the *Emma Kemp*, which made for New Zealand.<sup>68</sup> Darling claimed that the “strict” attentions Stephen was calling persecution and interference with his travels, had foiled an earlier plot by Stephen to smuggle New out with him on the harbour from Vacluse.<sup>69</sup>

If Darling appeared confident in his accusations against Stephen it was with good reason. Privately, and never declared publicly, England had stood by Darling against “the Sydney Judges” in their interpretation of the Jane New case. In a Despatch of January, 1830, George Murray had conveyed to Darling that the NSW Judges’ interpretation of the Statutes was beyond their jurisdiction and erroneous – that the Governor did have the right to intervene in the assignment of convicts and that the purpose of transportation was to reduce expense to the government, not to supply labour to settlers, which was deemed a privilege, not a right. Within polite statements of lack of presumption that the Sydney Justices had been pandering to popular applause, Darling was instructed to deliver the blow to the Justices discreetly so as to preserve public confidence in the local judiciary.<sup>70</sup> John Stephen’s brother, Sidney Stephen, also agreed that the Governor had the right to intercede in assignments and there was evidence that Stephen junior had forged letters he claimed to have been written by his wife and his cousin, James Stephen, the Permanent Secretary, falsely claiming that Darling had been recalled.<sup>71</sup>

Stephen junior’s supporters, however, did not desert him and armed with a petition he pled the cause for trial by jury and representative government for Australia in the British House of Commons. London MP for Middlesex, Joseph Hume, entered the affray, defending Stephen junior and his brother-in-law, Captain Robison, and criticising Darling’s governance of New South Wales in statements appearing in the London papers, *Times* and the *Mirror of Parliament*, claiming financial mismanagement, nepotism, favouritism, “muzzling” of the press and improper military trials.

Darling lengthily answered to Murray in England,<sup>72</sup> while at the same time in Australia he was demanding the dismissal of Surveyor-General, Thomas Mitchell, for “insubordination” to “set an example to the colony”, similar to his approach to Sudds and Thompson.<sup>73</sup> Additionally, while Darling was praising Charles Sturt for his expeditions into the continent, writing glowingly of him to Murray and recommending him for reward and commissions for further explorations, the *Australian* criticised Darling for his treatment of Sturt’s fellow explorer, Hamilton Hume. At the time that the Jane New case was being tried in the first months of 1829, Hume had been away with Sturt on his expedition past the Macquarie River. In May, 1829, the *Gazette* stated that the expedition had returned

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<sup>67</sup> *HRA Despatches Vol XVI*

<sup>68</sup> *HRA Despatches XVI*

<sup>69</sup> *ibid.*

<sup>70</sup> *HRA, Despatches XV*

<sup>71</sup> *HRA, Vol. XV, 14 Dec 1829, 10 June 1830, 30 July 1830 & 18 August 1830*

<sup>72</sup> *HRA, Despatches XV*

<sup>73</sup> *HRA Despatches Vol XVI*



with no discovery of any importance, but simultaneously declared that Sturt had accomplished the aim of his instructions, an anomaly the *Australian* noted, questioning the value of the expedition in relation to its expense, having achieved nothing beyond Oxley previously and also intimating that Hume was somehow being slighted in relation to his role in the expedition, stating that the government should be rewarding him with more than mere thanks. This, followed by payment to Sturt with a land grant, raised eyebrows even further. When a second expedition was proposed shortly after, the *Australian* questioned the expense of the venture and Sturt as leader compared with Hume, for example. Under siege in New South Wales and now also back in Britain, in response to his critics and a recommendation by British MP, Maurice O'Connell, for his recall, Darling appealed to George Murray to stop the "poison", dismissing the *Monitor* and the *Australian* as melodramatic gutter press exploiting a common public's taste for cheap scandal and venting an unrealistic perception that Hall and Wentworth had "no influence whatever" in New South Wales.

John Stephen junior more than likely was harbouring Jane New and Britain had supported Darling against the Sydney Judges in the Jane New case, but Darling responded to the rise against him with a level of arrogance that blinded him to the real issues and a stubbornness that all but ensured a messy end to his Governance when recalled in 1831. He had attempted to pass a Bill to restrict the press, fortunately refused by Britain and, with few people sorry to see him go, Darling sailed out of Sydney in October, 1831, with conflicting revisions of his governance, starting with an enquiry called by Maurice O'Connell in the House of Commons on July 23, 1832.

In 1832, Viscount Goderich acceded to Stephen junior's request to be able to bring his evidence in the Jane New/Frances Dickson identity case before the Executive Council<sup>74</sup> and under the new Governor, Richard Bourke, in 1833, the Council conducted a second enquiry, for which Stephen was ordered to return to New South Wales. Stephen's return to Sydney in May, 1833, accompanied by his wife and daughters, was a noisy celebration of his representation of Australia in Britain and his criticisms of Darling. Stephen was Secretary of the Australian Patriotic Association, whose main achievement was the advocacy for a Legislative Assembly for New South Wales and Trial by Jury, in relation to which a petition was forwarded to one of Stephen's supporters and a champion for the cause in Britain, liberal MP, Henry Lytton Bulwer, for presentation in the House of Commons.

Prior to the start of the second examination, probably to raise much needed funds, in November, 1833, Stephen junior mortgaged his 2560 acres at Limestone Plains on the south bank of the river at Canberry, next to what had been Donnison's land but was now Francis Mowatt's, to Daniel Cooper and Samuel Levey, and in January, 1834, he sold it to William Klensendorlffe. In 1838, Klensendorlffe paid out the mortgage to Daniel Cooper as the surviving partner of Cooper and Levey.

In the mean-time, Amos Crisp had left Airds to reside on a property near Lake George, where he was when a statement obtained by Captain McAlister caused him to be delivered to the inquiry in Sydney.<sup>75</sup> The *Monitor* believed the manner in which Crisp was brought up constituted witness tampering and it questioned the impartiality of the proceedings.<sup>76</sup> In 1836, Crisp was convicted of cattle-stealing and subsequently forfeited of his property, including his land near Lake George, which went to Francis Kenny.<sup>77</sup> Crisp's descendants remained as settlers in Gundaroo and at Monaro.

After several months of investigation, the second inquiry upheld the original finding that Jane New and Frances Dickson were probably the same person,<sup>78</sup> a result which denied Stephen any chance of a public service position. In 1835, Stephen tried to sue a man who had loaned him an urgent £150 for

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<sup>74</sup> *HRA, Despatches XVI, 24 Dec 1832, No 147*

<sup>75</sup> *Syd Mon*, Wed 18 Dec 1833, p2

<sup>76</sup> *ibid.*

<sup>77</sup> *Syd Hld*, Mon 8 Aug 1836, p1

<sup>78</sup> *HRA Despatches XVII, No. 68 22 Jul 1834*

allegedly under-selling possessions left with him as security on default, but lost the case.<sup>79</sup> The following year, in obscure circumstances, Stephen junior left Sydney for Tasmania, with uncertainty surrounding his position as Secretary of the Patriotic Association until he formally resigned in February, 1837. Not long after, a scandal erupted over £500 worth of missing Patriotic Association Treasury bills entrusted to Stephen for transmission to Bulwer in England for his services on behalf of the Association but which never reached him. E. S. Hall, who had been elected Secretary in Stephen's place, claimed that Association funds were never in jeopardy, the bills for them being payable only to the nominated recipient, and Stephen's character was defended with reference to the debt owed to him for his efforts on behalf of Australian political and judicial reform. Nevertheless, suspicion surrounded Stephen's explanations for the missing bills. The Association disintegrated, but Stephen emerged relatively unscathed until in January, 1840, notices were posted that he had fled creditors in Tasmania, arriving a short time later in Port Phillip. At this point the coincidence of the manner in which Stephen had left Sydney was now overtly noticed both in a Tasmanian paper and re-printed in the *Port Phillip Gazette*, just as Stephen arrived at his new town of residence.<sup>80</sup> Stephen tried to bring libel proceedings against the *Gazette*, even as the master of the ship that had ferried Stephen out of the colony was facing charges for improper carriage in Tasmania and the Commissioner for Insolvent Estates in Hobart Town posted notices that he had dismissed Stephen's petition for insolvency.<sup>81</sup> However, again Stephen emerged relatively intact. By September, he was an assistant editor at the *Port Phillip Gazette*, the paper he had originally tried to sue.<sup>82</sup> He became Secretary of the Port Phillip Mechanics Institute and enjoyed a stable career as a Police Court prosecutor. He was an Alderman on the Melbourne Council at the time of his death on October 30, 1854.<sup>83</sup>

Whatever Stephen's role in advocating Australian interests, it was over-shadowed by the questions surrounding his character and conduct and by the 1840's his name was all but forgotten in New South Wales. In ill-health, his father, Stephen senior, had re-located to Tasmania and then resigned in 1832. He died in December, 1833, at the same time as the second inquiry into his son was taking place, when Lord Aberdeen denied his widow's plea for a pension.<sup>84</sup>

As for Jane New, there was uncertainty as to her whereabouts after her escape. On July 9, 1829, Affidavits by John Raine, a Notary Public in Sydney, sworn before solicitor, D. Pool, and Registrar, John Eyde Manning, stated that on July 6, a woman calling herself Frances Dickson had come forward to his office and made a declaration that she had been at Stephen's cottage, in hiding from an abusive husband and that when the police approached she had fled fearing that she had been found.<sup>85</sup> Raine, who claimed he had seen New many times, including in court on March 21 when the writ of *habeus corpus* was heard, swore that New and Dickson, although bearing a resemblance to each other, were not the same woman. It was believed, however, that New had sailed out of Sydney for New

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<sup>79</sup> *Syd Gaz*, Thurs 9 Jul 1835, p3

<sup>80</sup> *Cornwall Chronicle*, Sat 11 Jan 1840, p2

<sup>81</sup> *Syd Hld*, Wed 1 Jul 1840, p3

<sup>82</sup> *Port Phillip Patriot*, Mon 7 Sep 1840, p3 & *Australasian Chronicle*, Tues 6 Oct 1840, p3

<sup>83</sup> On 6 October 1834, at St James' in Sydney, Stephen's daughter, thirteen-year-old Claudia Hamilton, born in London on 19 February 1821, married Charles Christian Dutton, a Sydney businessman in partnership with his brother, P. L. Dutton. In June 1837, Stephen's son-in-law, C. C. Dutton, dissolved his business partnership in Sydney with his brother and went to Adelaide in the newly established colony of South Australia, where he became Clerk of the Supreme Court and then High Sheriff of South Australia in May, 1838 (*Syd Mon*, Wed 29 Oct 1834, p3 & *SA Gaz*, Sat 19 May 1838, p1). Claudia died on November 26, 1838, in Port Macquarie, New South Wales (*Syd Gaz*, Sat 1 Dec 1838, p3). It seems that Dutton was in Adelaide at this time, fully engaged in his duties as Sheriff (*SA Gaz*, Sat 24 Nov 1838, p1), so it may be that Claudia and Dutton were separated by this time. In January, 1839, Dutton put all his property in Adelaide up for sale (*Sihn Aust*, 30 Jan 1839, p2 & *SA Gaz*, Sat 4 May 1839, p5), after which he sailed to Port Lincoln, from where in March and April he was part of an exploratory expedition of the near environment (*SA Gaz*, 20 Apr 1839, pp2,3). A son to Dutton and Ellen White was born in Port Lincoln on 16 April 1839. Dutton was appointed Coroner for Port Lincoln in September 1839. He had two more children with Ellen White before in 1842, he disappeared while droving a herd of cattle around Spencer's Gulf, after which a search party led by Edward John Eyre failed to find him.

<sup>84</sup> *HRA, Despatches XVII, No. 11, 25 Dec 1834*

<sup>85</sup> *HRA, Series 1, Despatches Vol. XV, 12 August 1830*

Zealand with her husband, James. New had borrowed money from John Jobbins, leaving a box for security for which Jobbins posted notices in August would be sold to cover the debt.<sup>86</sup> Governor Darling contended New went to New Zealand and then maybe to England, but accounts in the papers were that while she did flee the colony for the Bay of Islands, on being exposed there, reports of which by Alfred Stephen's nascent *Australian*,<sup>87</sup> the *Monitor* denounced as being "in very bad taste",<sup>88</sup> she went to Hawaii,<sup>89</sup> where she was reported to have died on July 28, 1831.<sup>90 91</sup>

Following the Stephen affray, Australia was denied responsible government until 1856, not through the impositions of Britain, but by the landed gentry in Australia, the wealthy pastoralist "squattocracy", of whom Wentworth later was to become one in an alliance with the Macarthurs.

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<sup>86</sup> *Syd Gaz*, Sat 22 Aug 1829, p4

<sup>87</sup> Fri 22 Nov 1833, p3

<sup>88</sup> Sat 23 Nov 1833, p2

<sup>89</sup> Forrell (2012) contends that New may have sailed to Hawaii in the brig, *Bee*, seized in Hawaii in 1834 by the British Consul for transporting runaways from Hobart. Some evidence for this may lie in the strange tale surrounding the owner of the *Bee*, William Cuthbert, which can be constructed from newspaper reports of the time. It seems that Cuthbert arrived in Hobart on Feb 14, 1833 (*Hobart Colonist*, Sat 22 Feb 1833, p3), having left Sydney on the 7th (*Hbrt Cour*, Fri 22 Feb 1833, p3), states the *Bee* arrived on Feb 17) and in March, he married a Martha Kilpatrick (*Hbrt Cour*, Fri 5 Apr 1833, p2). On March 31 he sailed out of Hobart, reportedly, with a cargo of runaway debtors aboard (*Hbrt Chron*, Tues 2 Apr 1833, p3; *Syd Gaz*, Sat 27 Apr 1833, p2). The *Bee* then arrived at the Bay of Islands on May 9, departing for Hokianga a week later on May 16, but mysteriously remaining in sight off the bay for two days (*Hbrt Cour*, Fri 26 Jul 1833, p4). Another ship, the *Byron*, reported that the *Bee* had then apparently left the Bay of Islands, intending to sail for Hawaii with a cargo of flax (*Syd Hld*, Thur 22 Aug 1833, p3), a report corroborated by a letter appearing in the *Australian* (Fri 23 Aug 1833, p3). On Aug 27, the *Hbrt Colonist* claimed that the matter of the runaways had been resolved without going to law (Tues 27 Aug 1833, p2). In September, however, Cuthbert was in Hobart, where a Warrant was issued for his arrest, it appearing that his marriage to Kilpatrick was bigamous, the circumstances of which were complicated, relating to the marital status of his first wife (*Austral-Asiatic Review*, Tues 27 Aug 1833, p3). A series of mysterious events then took place surrounding the *Bee*. According to the *Hobart Colonist* (Tues 17 Sep 1833, p3), Cuthbert bribed the arresting constable, Holding, to assist him in a series of deceptions involving a boat that Cuthbert took to East Bay Neck from where he rejoined the *Bee*, having sent her on a decoy sail around Maria Island, and after which the *Bee* did sail for Hawaii with constable Holding on board. In January, 1834, the former first mate of the *Bee* arrived in Sydney from New Zealand in the *Harriet* relating how he and others had been forced off the *Bee* at gunpoint without clothes or provisions (*Syd Mon*, Fri 24 Jan 1834, p2). He reported that Cuthbert had a police constable from Hobart and several runaways on board and intended offloading his cargo in Tahiti before heading for the Spanish Main. However, in March, the *Bee* arrived in Hawaii, where she was seized by the British Consul on Oahu, Richard Charlton. Cuthbert again escaped, reportedly heading for California, but the new master of the *Bee*, Captain Stewart, was ordered to sail her back to Sydney (*Syd Hld*, Mon 24 Apr 1834, p2 & Mon 5 May 1834, pp2,3; *Syd Gaz*, Tues 6 May, 1834, p2; *Hbrt Cour*, Fri 16 May 1834, p4). The *Bee* left Hawaii on 12 March and arrived in Sydney in May, hauled off from the wharf to Rotten Row (*Syd Gaz*, Tues 20 May 1834, p2; *Syd Mon*, Wed 21 May 1834, p2; *Syd Hld*, Mon 5 May 1834, p2 & Sun 25 May, p2), after which from the King's Wharf on June 18, she was sold to satisfy Cuthbert's creditors, as listed in the claims court (*Aust*, Fri 6 Jun 1834, p3; *NSW Gov Gaz*, Wed 11 Jun 1834, p394; *Syd Gaz*, Thurs 12 Jun 1834, p1; *Syd Hld*, Thur 19 Jun 1834, p2).

<sup>90</sup> *Syd Mon*, Sat 28 Mar 1835, p3. Given the discrepancy in the dates this may have been meant to be 1834.

<sup>91</sup> As the proprietor of *Truth* newspaper, in 1912, John Norton, the notoriously corrupt politician suspected of gaining the newspaper by fraud and of murdering George Grohn in 1902, serialised a book about the Jane New case, called "Under the Broad Arrow", written by Sir Francis Forbes' grandson, George Forbes, published as a book in 1913. Along with containing much incorrect information, the account was an absurd amalgamation of New's case with that of John Fitch, who was convicted of murder in Sydney in 1844 (*Morning Chronicle*, Sat 27 Jan 1844, p3). In this version, as an innocent girl victimised by evil men of power, New is framed by Fitch, in Forbes' narrative elevated to the status of a police constable, who predated upon the beautiful Jane and has her falsely convicted in revenge for rejection. The book was very popular and was the basis of a law suit by Forbes against the executors of Norton's estate in 1916 for unpaid royalties (*Wyalong Advocate*, Wed 25 Oct 1916, p2).

## Free Settlement

It was during the 1830s that the next main phase in the development of the Queanbeyan district took place. The random system of land acquisition by way of grants and tickets of occupation, which had been abolished in 1828, gave way to Crown lease purchases and then in 1831, the release of Crown land for public sale by application, with Title Deeds being issued from the mid-1830s. As the lands opened up, many free settlers took up land in the “new country” on the Limestone Plains and along the Molonglo and penetrated further south into the Monaro, with holdings ranging from a few hundred to several thousand acres. However, while applications for small holdings at five and six shillings per acre were made by many and several grants of under five hundred acres are recorded through the 1830s, many applications for smaller holdings were refused, while the existing big landowners continued to expand their estates.

The opening of the lands for settlement coincided with the opening up of the colony in 1831 to free settlers under assisted immigration schemes. In January, 1831, Viscount Goderich wrote to Governor Darling of the intent to settle unemployed agricultural labourers of southern England to Australia and in March, plans were begun for such a scheme on the initiative of the first Presbyterian chaplain in New South Wales and founder of the non-denominational Sydney College, the innovative but puritanical Rev. John Dunmore Lang.<sup>92</sup> Rev. Lang had arrived in Sydney in May, 1823, with the aim of establishing “a Presbyterian Church of Sydney, in communion with the Scottish National Church”.<sup>93</sup> After laying the first stone of the Scots Church on Thursday, July 1, 1824,<sup>94</sup> amid the financial crisis in southern Scotland in 1830, Lang returned to Britain to arrange a £1500 five-year loan from the British government “to bring out from fifty to sixty families of free emigrants, mostly mechanics, from the West of Scotland, as a trial of a scheme for emigration on a new principle, and preparatory to its adoption on a larger scale, in the event of success”.<sup>95</sup> Hailed as “the most important importation the colony has ever received”, on the first of June, 1831, the *Stirling Castle* sailed into Sydney with a cargo of books, scientific equipment from Andersonian University and 140 passengers, comprising skilled immigrants and their families.<sup>96</sup> After clearing quarantine following a measles scare, Lang’s small army of teachers and tradesmen disembarked the *Stirling Castle* to educate Australia’s youth and build the Australia College, the success of the venture laying the groundwork for government funded immigration schemes, while Lang became the outspoken editor of the *Colonist* newspaper which he founded in 1834.

In 1830, among the last major primary land grants under the old system were those made to Matthew Anderson, William James Packer and Richard Popham. In 1830, Governor Darling promised 640 acres along Ginninderra Creek to Richard Popham of Bungonia, whose possession became official in September the following year. In 1837, in the same year he was appointed a Commissioner of Crown Lands for Bungonia, Popham sold the land at Ginninderra to Charles Campbell. Popham was active in Braidwood, where he was Clerk of the Course at the Braidwood races, but went bankrupt in 1843. According to the *Queanbeyan Age* he lost all in a shipwreck when attempting to venture into the merchant trade.<sup>97</sup> He became Inspector of Sheep at Maneroo from 1855 and settled in Micalago, where he lived for many years, later with the Ryrie family. He died in Queanbeyan in 1881.

William James Packer was a prominent Sydney cabinet-maker, born in the colony, the son of a former New South Wales Corps sergeant and successful Sydney businessman, James, and his wife, Sarah. After inheriting his father’s wealth in 1816, Packer married Esther Haley in 1821 and lived in

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<sup>92</sup> *HRA Despatches Vol XVI*

<sup>93</sup> *Syd Gaz*, Thurs 29 May 1823, pp2,3

<sup>94</sup> *Syd Gaz*, Thurs 8 Jul 1824, p2

<sup>95</sup> *Syd Hld*, Mon 1 Aug 1831, p4 & Mon 14 Nov 1831, p2

<sup>96</sup> *Syd Gaz*, Sat 15 Oct 1831, p2 & *Syd Hld*, Mon 7 Nov 1831, pp2,3

<sup>97</sup> *Glb Hld*, Tues 1 Nov 1881, p3

Campbelltown. He later settled at Gundaroo on his property adjoining the village, “Esthermead”, named for his wife, from whom he was estranged by 1843, and where he was still living when his mother died there in 1856.

Also settling at Gundaroo in 1830 was Donald McCleod and soon after in 1831, Patrick Dyce, both of whom were to be long-term residents.

In 1831 also, there were three land grants under five hundred acres and primary land grants above that amount were made to John Burke, Thomas Cowper, G. C. Curleurs, Henry Donnison, Mrs Robert Johnston (marriage portion), Henry Manton, Richard Popham, Alexander Riley and Mrs Sadleir. John Landgon, a Sydney butcher, was granted land beside Popham’s at Ginninderra, which he mortgaged to William Charles Wentworth as the Executor of his father, D’Arcy Wentworth’s, estate, in 1832.

In 1831, John MacPherson and his wife, Helen, bought land near J. J. Moore’s “Canberry”, which they called “Springbank”. They had several children from 1830, but being this early in the history of the district the births were registered in Sydney. John MacPherson had arrived with the McPherson family as a free settler in Sydney on the *Triton* from Leith, Scotland, in 1825. His father, Peter MacPherson, became overseer to George Innes at Bathurst.<sup>98</sup> John MacPherson added to his “Springbank” property with an 1836 purchase of unlocated land to the Molonglo River, adjoining Mowatt’s, formalised in January, 1837.<sup>99</sup>

When Robert Johnston’s elder brother, George, died, Robert had become the secondary beneficiary to his father’s estate, of which his mother, Esther, was the principal heir. In 1829, Johnston and his brother, David, had his mother declared incompetent and became her Trustees and on his mother’s death in 1846, Robert gained control of her estate. In 1829, Robert Johnston’s sister, Blanche, had married Captain George Edward Nicholas Weston. The land adjacent to Johnstone’s 2560 acres at Yarralumla plains on the Molonglo, came into Edward and Blanche Westons’ possession from 1831. Weston and his wife resided on their property, “Horsley”, a wooded estate near Prospect, and the Yarralumla estate was under the management of Robert Johnston, who visited it every year.<sup>100</sup>

In 1832, there was one land grant of 160 acres and further grants to Robert Campbell senior. Further land sales were made to James Hannibal Rose and Samuel Terry at Yass in the north.

The description of the district in the *NSW Calendar and Post Office Directory* of 1832, starting from the north at Gundaroo, was

Higher up the stream, which is a branch of the Yass River, are the farms of Dr. McLeod, Styles, Jackson, Barlow, Dyce, Penson, Packer and Guise; Guise has a good house and extensive garden...Between the upper part of the Shoalhaven River and the plains on one of the branches of the Murrumbidgee, known as the Molonglo, Limestone and Yarralumla Plains, &c. the great chain of the Southern Alps appears to commence. The first mountain mass being known as Gourock range, the path across to Molonglo, leaving this on the right, leads through an opening between Gourock and the summits to the southward, which are at first rather detached, but increase in height and bulk as the range extends; to a very lofty mass, named Mount Murray, bearing south-west from Lake George, is usually covered with snow. This range has been made the eastern boundary of the County of Murray. At Molonglo Plains are the farms of Balcombe, Captain Rouse, White, Smith, Mannix, Wood, Crawford, Seabrook &c.; lower down at Limestone plains, the farms of Robert Campbell, and George. T. Palmer, Esquires; lower down still, at Yarralumla plains, those of Stephen, Donnison, and Weston; to the north-west at Ginnin-ginninderra, are the farms of Palmer, Popham, Johnston, and Langdon; the the south-west on the Murrumbidgee, at Tagroan, are the farms of Murdoch and McLaren, and twenty miles south-west is Monquedelan plains, where Mrs Keefe has a farm.

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<sup>98</sup> *Syd Gaz*, Mon 31 Oct 1825, p2. George Innes was originally appointed as John Stephen junior’s replacement as Commissioner for Apportioning the Colony, but the appointment was retracted when the position was abolished.

<sup>99</sup> Convict indents and newspaper records note assignments of 25-year-old Henry Taylor, a farm labourer, and 19-year-old, Henry Seller, a paper-hanger, to John MacPherson in Argyle in February 1833<sup>99</sup> and others in 1835.<sup>99</sup> Seller was sent to jail for cattle-stealing in 1837 and Henry Taylor received his Certificate of Freedom in 1840.

<sup>100</sup> *Syd Hld*, Mon 14 Apr 1834, p4

By this time, the names of a few of the earlier land holders disappear from the district. Some settlers had been moved, among them Timothy Beard at “Quinbean”, due to disputes over claims of occupation or due to temporary leases and after the land was opened up for sale, occupants purchased their grants or that of others, some to become holders of vast estates of tens of thousands of acres, others to mortgage or sell at a profit. Although many of the prominent Sydney owners did not live permanently on their pastoral runs, those who depended on them for income retained or expanded them, their wealth largely invested in the sheep, cattle and agricultural industry that was the mainstay of the Australian economy. When the land was released for public sale, many of the large land-holders bought their existing squats, but as from 1831 there were less restrictions on land ownership, they were also able to freely add to their acreages.

Conflicts over temporary grants or grazing leases, confusion over locations of occupations prior to survey, issues with documentation and legal technicalities led to disputes and dispossession. One land-holder, Williams, took Robert Campbell to court for taking possession of his huts and for damage to his sheep when after buying the land Williams was occupying in 1833, Campbell placed sheep Williams claimed were scabby on the land before Williams was able to move his own.<sup>101</sup> The court found for Williams, albeit for £100, much less than the £3000 damages he had asked for, due to some uncertainty in the evidence as to the exact extent of damage he had sustained.

It became apparent that being ill-equipped and sleeping out in freezing conditions were not the only issues associated with Dixon’s 1829 survey. Difficulties with the conveyance of his letters and monthly progress reports impacted on a matter that was to be the basis of controversies for decades - that of identification of runs. Taking up land in undefined locations during the 1820s was risky. Permits for occupation were granted on the statements of applicants, who themselves defined the locations of their grants, the only conditions from the Government being that the land was not already occupied and that settlers employed convict labour and branded their livestock as prescribed by the Government. Weaknesses in administrative procedures, along with a change of Governorship from Brisbane to Darling in 1825, led to disputes over claims, exacerbated by inconsistency in surveying practices, which caused confusion over names and subsequently in some instances of the precise location of stations.

In the midst of the appointment and dismissal of John Stephen junior from his public offices and disarray within the Surveyor-General and Colonial Secretarys’ offices, as Mitchell succeeded Oxley as Surveyor-General and Darling replaced Brisbane as Governor, Stephen junior took possession of land formerly occupied by Taylor and Johnston at Limestone and a curious dispute arose over land John Cullen was occupying at the Molonglo, but which was claimed by Robert Crawford. Crawford was formerly Principal Clerk in the Colonial Secretary’s office, now a pastoralist of independent means. Cullen was part of a community of publicans and residents of the Rocks in Sydney, who generally looked out for each other and took care of each others’ interests. Transported in 1814, four years later, Cullen assumed the lease of the “Dog and Duck” public house in George St, Brickfield Hill, on the death of a friend, Ambrose McGuigan, along with McGuigan’s leases for Sydney toll booths. Cullen married McGuigan’s widow, Mary, and became Trustee for his wife and her four children by McGuigan, including over sixty acres of land at Appin. After Mary died, Cullen married Frances Murphy in 1824, the teenage step-daughter of another friend and publican at the Rocks, James Flynn. Flynn had been transported in 1818,<sup>102</sup> during which year he had married a widow, Alice Murphy, and assumed the care of her children by her former husband, including that of her daughter, Frances, who married John Cullen. James and Alice Flynn had a son, John, in 1819. After Alice died in August, 1825,<sup>103</sup> on December 15, Flynn married Eleanor Walsh, the widow of William Walsh, who also had been a publican at the Rocks. Flynn became guardian of Eleanor’s son by her former husband,

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<sup>101</sup> *Aust*, Fri 23 Mar 1838, p2

<sup>102</sup> Flynn had sailed to Port Jackson on the “Guildford”.

<sup>103</sup> *Syd Gaz*, Thurs 9 Jun 1825, p3

William Walsh junior, and Cullen and another of Walsh's friends acted as the boy's trustees. Therefore, as well as caring for his own children, Cullen was trustee for the McGuigans, married Flynn's step-daughter, was a trustee for Flynn's step-son, William Walsh junior, and also became a semi-guardian for Flynn's son, John. Granted a conditional pardon in 1824, as a free man Cullen was now permitted to purchase land and from August, 1825, he took over the old "Freemasons Arms" on York Street.<sup>104</sup>

In 1825, James Flynn had been approved a grant of five hundred acres of land by the Governor, Sir Thomas Brisbane, due to his care of several convicts under his charge. However, from early April, 1826, James Flynn sold up his extensive real estate in Sydney and Liverpool, including his several cottages and houses in Princes and Cumberland Streets, Sydney, on his leaving the colony.<sup>105</sup> Flynn's wife, Eleanor, died on April 23, 1826<sup>106</sup> and from April to July, 1826, both Flynn and his step-son, Walsh junior, posted Notices calling in claims on their departure from the colony. On June 27, Walsh junior, now being of age, released his guardian and trustees from all responsibility for his financial affairs, including John Cullen.<sup>107</sup> In May, the sale of William Walsh's property on his leaving the colony was also advertised.<sup>108</sup>

Cullen had been grazing cattle at the Molonglo since he took possession in 1824. On the 24<sup>th</sup> of October, 1826, James Flynn informed the then Surveyor-General, John Oxley, of his intention to select the grant allowed to him in 1825 to be "where Mr John Cullen's cattle graze at present, known by the name of 'Battery point' in the County of Argyle".<sup>109</sup> Permission for Flynn to occupy the land was approved by the Colonial Secretary on October 28, 1826, but Flynn never took possession of the land, which Cullen continued to work.

As well as the leases to public houses, Cullen owned or held the leases to a large amount of property, including allotments in Sydney and several rural farms. However, as well as gaining notoriety for certain forms of extravagance, Cullen also gained attention for other reasons. In July, 1826, Cullen was convicted of a violent assault on an assigned man in his employment, John Fox, who had attempted to intervene when Cullen was beating his teenage wife.<sup>110</sup> With the judge stating that Fox had every right to interfere when Cullen's wife was shouting "murder", Cullen was fined fifty shillings for the assault, noted as an unusually large sum, but which he paid in cash on the spot. Cullen returned Fox to the Government and when Fox sued Cullen for non-payment of wages, Cullen claimed that a Government Order absolved obligation for payment if assigned persons were returned to the Government within six months.<sup>111</sup> Such a "rascally" Order, Captain Rossi stated, did not exist and such would constitute "fraud" should a person be expected to work "for nothing". The court negotiated a settlement for Fox, which Cullen again paid on the spot.

In October, 1826, Cullen called in outstanding toll payments due to him and for which he was responsible, with a swipe at his near neighbour at the Molonglo, William Balcombe, Treasurer at the time, who he claimed "made no allowance for such deficiencies".<sup>112</sup> At the same time, he bought an

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<sup>104</sup> *Aust*, Wed 5 Apr 1825, p1

<sup>105</sup> *Aust*, 26 Apr 1826, p2; *Syd Gaz*, Wed 10 May 1826, p1. Flynn's name does not appear in the 1828 census.

<sup>106</sup> *Syd Gaz*, Wed 26 Apr 1826, p2

<sup>107</sup> *Mon*, Fri 21 July 1826, p1

<sup>108</sup> *Syd Gaz*, Wed 24 May 1826, p1

<sup>109</sup> NSWSA: NRS 907

<sup>110</sup> *Syd Gaz*, Wed 19 Jul 1826, p3; *Syd Gaz*, Wed 9 Aug 1826, p3; *Aust*, Sat 12 Aug 1826, pp3,4; *Syd Mon*, Fri 18 Aug 1826, p7.

Cullen was convicted for assaulting the man who intervened, not for beating his wife. Although the subject of much popular misconception, wife-beating was neither unconditionally legal nor generally morally condoned, especially if, as in Cullen's case, there were screams of "murder", but due to ignorance of the law and attitudes toward women from specific quarters, in practice, it was not always prosecuted or prosecuted well and in some cases, as the *Australian* complained in one case, it was even encouraged (Fri 24 Jul 1829, p3).

<sup>111</sup> *Syd Gaz*, Wed 16 Aug 1826, p3

<sup>112</sup> *Syd Mon*, Fri 27 Oct 1826, p8

estate from Bradbury in Campbell Town for the exceptional amount of £2000<sup>113</sup> at which he managed a new public house called “Cullen’s Inn”.<sup>114</sup>

However, Cullen was soon in court again. In April, 1827, he was removed as guardian for his former wife and the McGuigan children by the Supreme Court, partly due to what Cullen claimed was an ‘ungentlemanly’ attack on his character by Dr Wardell, who conducted the case for the prosecutor, Cornelius Dempsey, and despite that, Cullen pleaded, he had improved the land held in trust for them at Appin at his own expense.<sup>115</sup> More seriously, Captain John Payne was Cullen’s partner and in July, 1828, Payne and Cullen were charged with cattle-stealing, when cattle belonging to George Paul of Five Islands, it was alleged, had been found among Cullen’s herds at Argyle.<sup>116</sup> The charge against Payne was dismissed, but Cullen was imprisoned, refused bail, while awaiting trial.

In August, 1828, Robert Crawford made a claim for the same piece of land occupied by Cullen at the Molonglo. Seemingly unaware of the conflict, the Colonial Secretary’s office approved Crawford’s grant on October 10. Meanwhile, with Cullen still in jail, the cattle-stealing hearing was continually postponed, until in September, with Sydney Stephen appearing as his defence, Cullen was released on bail. The case dragged on at Cullen’s great expense in maintaining about thirty witnesses for the defence in Sydney until in November, 1828, with delay again threatened when the main witness for the prosecution failed to appear, Justice Dowling finally decreed a *noli prosequi*. Cullen, however, not understanding that this meant that the Judge had ordered the case against him to be dropped, wrote a passionate letter to the *Monitor*, defiantly declaring, that although he confessed he didn’t know what the term ‘*noli prosequi*’ meant, he would fight that too!<sup>117</sup>

On November 24, Crawford wrote to Cullen requesting that he and Payne remove their cattle from his land. In December, 1828, Cullen protested against Crawford’s claim to the Governor, stating that it was “orphan land” that he was ‘maintaining’ as the trustee for James Flynn’s son, John. Flynn, he vaguely stated, had died following a “reverse of fortune” that, Cullen claimed, had left only the land at the Molonglo for Flynn’s son to inherit.

When Thomas Livingstone Mitchell succeeded John Oxley as Surveyor-General in 1827, he had taken charge of an incompetently managed office and prior to any survey of the Molonglo region. Subsequently, confusion over the location of the land and apparent misplacement of documents delayed the government’s ability to resolve the dispute. There were two locations called “Battery Point”, one at “Turanna”, formerly Dr Robert Townson’s possession, and the other on the Molonglo at “Thurrallagh”.

The Colonial Secretary’s initial position to Mitchell was “Inform Cullen that no decision can be come to until the Sur. Gnrl shall make a positive report after Asst Surveyor shall have seen the place in question.”<sup>118</sup>

A note by Mitchell on January 31, 1829, attests to the state of affairs in the Surveyor-General’s Office, wherein he asks “**Where is the report on it?** I have searched and have not been able to find any paper on this subject – instead my office is now very nearly cleared of Land Papers”.

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<sup>113</sup> *Syd Mon*, Fri 3 Nov 1826, p5

<sup>114</sup> *Syd Mon*, Fri 16 Mar 1827, p5

<sup>115</sup> *Syd Gaz*, Mon 16 Apr 1827, p1

<sup>116</sup> *Syd Gaz*, Wed 2 Jul 1828, p2

<sup>117</sup> *Syd Mon*, Mon 1 Dec 1828, p1

<sup>118</sup> NSWSA: NRS 907; 2/7835. All of the correspondence between the Colonial Secretary and the Surveyor-General’s Offices referred to in this matter are held by the NSW State Archives and Records in the file cited.



During April and May, 1829, as Robert Dixon was surveying the Molonglo, Mitchell tasked him with investigating the site and on “May 2, 1829”, Dixon wrote to Mitchell from “Limestone Plains” -

The station occupied by Cullen and Payne as Executors for Flynn, was called by the stockmen Battery point and the Natives Thurrabilly but has no allusion to Battery point at Goulburn Plains. I make nothing further out respecting it.

Following further investigation, on June 26, 1829, Mitchell wrote to the Colonial Secretary, informing him that the land referred to by Cullen and Crawford was the same place and that it was not clear that Crawford had been authorised to take possession of it. The Colonial Secretary’s conclusion was that “Of course the land is Mr Cullen’s and Mr Crawford must be informed”.

However, as with the land at Appin, Cullen’s claim to the land at Thurrallagh was obscure. Flynn had been granted the land, but not taken possession. Aware of that, Cullen had continued to work the land, again claiming as he had with the land at Appin, to be doing so for the benefit of the orphan child of a friend, but without legally distinct basis.

On August 19, 1829, Cullen pleaded with the Government for the orphan boy, John Flynn, not to be dispossessed of his property, stating “...with all due respect towards Mr Crawford...while I admit the prudence of his selection, that its propriety might appear far less questionable if made in any other quarter...”. Cullen specified that he had made improvements to the land to the value of £200, including a cottage, stable, dairy, piggeries and stockyards and a five-acre paddock on which Crawford was now growing wheat.

In response, the government requested the Surveyor General to expedite the report called for on June 20. Dixon had sent his progress reports to Mitchell as they were completed in May and June, 1829, but whether due to difficulties noted by Dixon, that communication was hampered by there being little means by which mail could be sent from largely uninhabited regions, the general disarray of the land office or any other reasons, the reports were requested again from the Surveyor-General in August, when Mitchell replied that they had already been forwarded. Duplicates were sent, in which it was confirmed that the land referred to by Cullen and Crawford “were one and the same”.

On October 12, 1829, the Colonial Secretary’s office called for duplicates of the relevant documents including the “several communications” from Crawford supposedly addressed to the Colonial Secretary’s office relative to the dispute, to which on October 23, Crawford replied that he had made no communication with the Colonial Secretary’s office on the subject since he had received the letter of October 10, 1828, authorising his possession of the land, writing

Under this authority I took and still retain possession of that land, and I was not acquainted with any claim being made to it by Mr Cullen, excepting incidentally at a time when I had occasion to call at the Surveyor-General’s office.

I may however inform you that I recently received a communication from Mr Cullen threatening to commence legal measures to enforce me to give up possession of this land, but as I am perfectly satisfied that Cullen has no earthly claim to it, I mean to oppose any application he may make to this effect, and I would therefore beg to suggest that the Government should allow Cullen to endeavor to establish his claim by the means he has proposed to adopt.

- NSWRA: NRS 907; 2/7835

In the mean-time, on October 17, 1829, Mitchell wrote to the Colonial Secretary

I have just discovered these among a bundle of papers sent to me some time ago by Mr dela Condamine and understood to relate exclusively to Grazing leases

on which was replied

*You will of course now act within but I believe you have now further explanation on the subject of the case of Crawford and Cullen.*

With Cullen apparently threatening legal action against Crawford, a further note from the Colonial Secretary to Mitchell reads

**Urgent**

**Inform Cullen that the Govt cannot interfere – but that if he has any claim to the land, he can of course establish it in the Supreme Court.**

Below that, another note reads -

*What is Flinn's title to the land?*

There is an order for 300 acres of land in favor of James Flinn dated 8 Oct 1825 and the Surveyor Gl. states that the selection thereof was notified on 28 Oct 1826 at Battery Point the same place at which Mr Crawford has [?] possession of 1300 acs. but it does not appear that Flinn ever received possession.

The circumstances of James Flynn from the end of 1826 after he advertised he was leaving the colony and made the claim for the land at Thurrallagh are unknown. It may be that the reason Flynn never took possession of the land is that he left the colony around that time or as Cullen stated, he had died.<sup>119</sup>

Assumedly, Cullen was informed of the potential for referral to the Supreme Court but, for whatever reason, he did not take that route and subsequently, Crawford retained possession of the land.

By this time, Cullen was in dire circumstances. By May, 1829, his partner, Payne, had taken Writs out against him, which Cullen claimed were “feigned”,<sup>120</sup> but in July, Cullen was up on a charge of assaulting a bailiff in the exercise of his duty in taking possession of premises.<sup>121</sup> During this same time, whether due to financial irresponsibility, unfortunate circumstances, unscrupulous treatment of a poorly advised or educated man or, more likely, a combination of those, Cullen’s creditors, including Bradbury, from whom he had bought the Campbell Town estate, sent him bankrupt and seized his assets. Within a few months, by mid-1830, he was imprisoned for debt, with the *Monitor*, in appealing for his release, noting the pitiable condition to which he had deteriorated.

JOHN CULLEN.

We feel it to be a duty of common humanity, to apprise the relatives and creditors, and their attorneys, with regard to this person, that in consequence of his imprisonment and misfortunes, and of his indulging in a certain infirmity while he had yet money at his command, that he is gone quite out of his mind. A suspicion exists among some, that he is feigning. He cannot feign night and day. He goes about in the night, and his deportment at all times indicates a total loss of judgment. He is harmless, and is sensible of kindness, but he is quite unable to speak of his concerns, and his situation is truly pitiable. His relatives send him food once a-week, but he has not sense enough to take care of it. He devours his weekly portion and wastes it together, in a couple of days; and, but for the charity of his brother debtors, he would starve the rest of the week. It appears a cruelty to keep a lunatic in jail for debt.

- *Sydney Monitor*, Saturday 24 July 1830, p3

Cullen died in 1831 and his estate was claimed by Dempsey with additional claims made by other creditors, including on his Sydney allotments in Ambrose McGuigan and his wife, Frances Cullens’, names.<sup>122</sup>

The character claims made against both Cullen and Crawford were as any during legal disputes. It was believed that charges, such as of cattle-stealing, were at times invoked for unscrupulous motives, but a claim was made also that Cullen himself had prevented the prosecution witness in the cattle-stealing case from coming forward. While Crawford had a reputation for punishing convicts in his service, Cullen also could be exceptionally harsh. Legal vulnerability was exploited as people took up land in the colony, but Cullen himself was aware of the obscurity surrounding his hold on land he was

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<sup>119</sup> There is no official record of James Flynn’s death in NSW.

<sup>120</sup> *Syd Gaz.*, Tues 26 May 1829, p3

<sup>121</sup> *Syd Gaz.*, Sat 1 Aug 1829, p2

<sup>122</sup> *Syd. Gaz.* Thurs 26 Dec 1833, p4

maintaining ‘in trust’ and due to the McGuigan case, of potential issues associated with his trusteeship. Cullen’s pleas that he had improved and was working lands he was occupying with questionable legal authority for the benefit of orphan charges could be contentious given that Cullen directed all he had and held trust over toward his own interests, including the new and exorbitantly expensive inn at Campbell Town.

Whether the claims made against Cullen in the McGuigan trustee case were just or not and although Cullen himself experienced an unfortunate end, not all turned out badly for the McGuigans, James Flynn’s orphan son, John, or Cullen’s widow, Frances. Frances married another Rocks victualler, Alexander Elliott, in 1833. On Dr Robert Townson’s death in 1827, some of his original land was re-allocated, including seventy-five acres to McGuigan, at Norongo, Captain’s Flat, which land continued in McGuigan family ownership into the twentieth century. A purchase of land in Princes St by James Flynn for £1 11 6 was granted by Governor Darling on January 1, 1827<sup>123</sup> and whether James Flynn left the colony or died, the interests of his son, John, were cared for. John owned land near Yass, where in 1841, he married Mary Ann Connolly. He then lived in Jugiong near Gundagai, where he and his wife had many children and he resided until his death in 1883. In June, 1833, Crawford sold the land at Thurrallah to John Hosking for over £300 to himself and ten shillings to his wife, Sarah.<sup>124</sup>

Another man dispossessed, Joseph Beard, moved to the Maneroo, as did James Taylor, who owned a station called “Taylor’s Flat” under the name of James Martin. Robert Campbell of “Duntroon” eventually owned the land adjoining the Queanbeyan village reserve and called it the “Oaks” estate, on which was built a fine stone residence which gained that title.

However, while Beard was no longer in possession of his original claim, by at least as early as 1832, the name for the locale of his former station at the river where it joined the Molonglo had come into general use - as “Quinbeane” when John Palmer made an application for land in 1832, the river was referred to as the “Queenbean River” in 1835 by Robert Campbell when he applied for land “at the confluence of the Queenbean and Molonglo Rivers”, as “Queenbean Creek” when Charles Campbell applied for land at its confluence with Burra Creek and as “Queenbean Creek” in an application by Thomas Macquoid.

From 1831, the land beside the Westons’ on the south bank of the Molonglo, across the river from “Canberry” and “Pialligo” was held by Sydney merchant, Henry Donnison. In 1832, Donnison mortgaged his entire 5120 acres at Limestone to William Cordeaux, John Stephen junior’s former colleague as Joint Commissioner for Apportioning the Colony, and on September 5, 1832, he sold the land to William Dawes, a merchant in Sydney, for £250, but a few months later, in early 1833, Francis Mowatt became the owner of both pieces of land.

Of Scottish descent, Francis Mowatt was born in 1803 in Eastbourne, Sussex, the son of Jane Fulton and Captain James Ryder Mowatt of the King’s American Rangers. Captain J. R. Mowatt was later Barracks Master at Eastbourne and was at Romford Barracks in Essex when he died in 1823. Francis Mowatt married Sarah Sophia Barnes (born in India in 1806) at St Martin-in-the-Fields in London on December 27, 1828. He was appointed to the Customs Department in Sydney and in early February he and his new wife set out for New South Wales on the *Prince Regent*. When they arrived in Hobart on July 3, Francis went on to Sydney in the *Triton* to his new job, with Sarah following from Hobart in the *Prince Regent* a month later. Mowatt resigned from his Customs post within a year and established the eight hundred acre “Narellan” estate, three miles from Campbelltown. Within a few years, he had acquired sufficient wealth to buy more land, including Donnison’s former grants at Limestone. This land became defined as “Yarralumla”, to which Mowatt added considerably, buying

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<sup>123</sup> NSWSA: NRS13836

<sup>124</sup> *ibid.*

up much of the surrounding land when released for sale from 1834, including in August, Edward and Blanch Weston's 2560 acres to his west. In August, 1834, the lease for the land identified as being adjacent to Johnston's, was bought in the names of Weston, his wife, Blanche, and Francis Mowatt. He also bought more land in the district, including 2560 acres to the south at Jerrabomberra. Francis Mowatt built a large residence at Yarralumla and established a sheep station, his "celebrated southern flocks" providing highly valued breeding stock. In 1836, Mowatt's brother, Michael Linning Mowatt, bought land next to his brother's at "Yarralumla", which he sold back to him in 1837.<sup>125</sup>

In August 1833, in the north at Byong, near Gundaroo, a land sale to William Guise next to Matthew Piggot's, stipulated reservation of the road to Limestone Plains. In April, 1834, James Richard Styles bought land next to Packer's at Gundaroo and toward Yass, George Barber gained land bounded by O'Brien. At Molonglo, Owen Boyne (Bowen), gained land bounding Whyte's.

John Jobbins was a butcher at the Rocks in Sydney, an ex-convict who gained his freedom at the end of his sentence in 1822. At his home in Sydney, his son drowned in an uncovered well, prompting calls for legislation to be introduced against such structures, which had been the cause of many incidents. Jobbins owned much valuable property in Sydney and from before 1834, he ran a cattle station at Nanama, near Jeir, south of Yass, and then held much land at Gundaroo.

Throughout the 1830s, the Campbells continued to expand their estates, including with the purchase of Charles Sturt's 5000-acre grant promised in 1836 for his explorations of the interior.<sup>126</sup> Until then, the pastoral runs in the interior had essentially served only as sources of income or at the most as "country estates" rather than as primary residences. After the death of his wife in Sydney in June, 1833, however, Robert Campbell senior took up permanent residency at "Pialligo". He re-named the estate "Duntroon" and built a stone house that was to gain a reputation as being one of the finest residences in the district. By 1836, J. E. Turner was overseer of "Duntroon", Ainslie having returned to Scotland the previous year.<sup>127</sup>

In 1833, the over-worked and much appreciated Auditor-General of NSW, William Lithgow, began his possession of land bordering Lake George near Bungendore, which he held in partnership with the eminent scholar, Sir Charles Nicholson, and A. Guerry de Lauret. The station became known as "Lake George" or "Currandooley", which Lithgow held until after his death in 1864. When the estate was sold to P. H. Osborne in 1866, it was advertised as 16784 acres of freehold land, twelve miles from the Gundaroo gold mines and thirty-one miles from Goulburn, "bounded on the west by Lake George, to the shores of which it has a frontage of ten miles; on the north by Taylor's Creek, and the property of the the Messrs Cooper; on the south by Tarralo Creek; and on the east by marked lines. The Butmaroo or Deep Creek, having its source in the lofty mountain range that divides Lake George from Lake Bathurst, and yielding a never-failing supply of the liquid element, runs through the very centre of the property and waters it from one end to the other."<sup>128</sup> The property was poetically described as "consisting of gently undulating plains, with honeysuckle beltings" with a statement that the "heavy mountain ranges that overhang the northern end of the lake gradually subside towards the southern extremity into gracefully swelling downs, and afterwards into small grassy plains, bordered with honeysuckle and producing a herbage much mixed with the same kind of soleolaceous plants that formerly grew on the bed of the Lake." The same advertisement boasted that "The homestead...built for a gentleman's residence" had "all the conveniences demanded by comfort, and the adjuncts necessary for maintaining and carrying out the working of so large an establishment."

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<sup>125</sup> Michael Linning Mowatt died in a riding accident at Monaro in 1839, at the age of 22 years. His death was certified at a coroner's inquest in 1839, registered at Narellan in 1840. *The Asiatic Journal and Monthly Register for British and Foreign India, Asia and Australasia* (Vol. 29, p318, 1839) made the following note "18. At Bolaro [Monaro], by a fall from his horse, in his 22<sup>nd</sup> year, Michael L. Mowatt, youngest son of the late Capt. Ryder Mowatt, of Eastbourne, and of Romford, England."

<sup>126</sup> *Syd Mon*, Sat 12 Feb 1836, p1S

<sup>127</sup> *Syd Hld*, Thurs 17 Nov 1836, p1 & *FCP*, Mon 24 May 1926, p1

<sup>128</sup> *Glb Hld*, Sat Jan 20, 1866, p5

Nearby, in 1834, a grant by marriage portion authorised in 1832, was made to the explorer, Philip Parker King, the son of former Governor Phillip Gidley King. P. P. King established “Gidleigh” station near Bungendore, managed by his sons. Born on Norfolk Island in 1791, P. P. King had commanded the hydrographic survey which included the voyage of the *Beagle*, with Charles Darwin on board. He was the brother-in-law of Hannibal Macarthur, a Member of the Legislative Council under Governor Gipps and a Commissioner of the Australian Agricultural Company.

In 1834 also, land sales were made to Grose, Hanley, James Hannibal Rose and P. B. Wilson.

It was in the 1830s that the Rutledges also established themselves in the district. By 1834, William Rutledge owned his “Carwoola” estate on the Molonglo Plains, managed by his brother, Richard. Another brother, John, lived at “Cottage Creek” at Maneroo. William Rutledge was a major contractor to the government for several years, supplying the government from his estates at “Carwoola” until 1843. The estates were used mainly for sheep, but in 1838, Richard brought in a large wheat crop at Molonglo. In 1844, William was gazetted as a magistrate and left for Port Phillip. At that time, his brother, Thomas Rutledge, came out from England and settled on “Carwoola”. In 1845, Thomas then held the contract to supply the government from “Carwoola” and the estate was his until he died in 1904. The Rutledges became an important part of Queanbeyan life. Rutledge’s wife, Martha Forster, was Gregory Blaxland’s grand-daughter and her brother, William Forster, was to play a leading role in New South Wales politics, starting with his election for the district in 1856. “Carwoola” became known as “THE model farm par excellence in New South Wales”, renowned for its fine breeding horses and the “splendid products of its tillage”. The property adjoined Lithgow’s “Currandooley”, a selling point when Lithgow’s estate went up for sale in 1866, with between them “Currandooley” and “Carwoola” ranking among the finest properties in New South Wales.

Henry Colden Antill, Governor Macquarie’s former aide-de-camp, always resided on his estate, “Jarvis Field”, at Stonequarry, but in 1834, he bought land at Molonglo neighbouring William Balcombe’s. This was expanded on with many purchases of land, including at “Primrose Valley”, bordering Owen Bowen and John Hoskings’ lands and at Primrose Valley “on the Queanbeyan River”, a lease transferred to him from John Hosking and with land Antill and his wife, Elizabeth, bought jointly with John Hosking. Like Macquarie, Antill was a supporter of the emancipist cause. In 1818, he had married an ex-convict’s daughter, Eliza Wills, whose step-father, George Howe, was the owner of the *Sydney Gazette*, with its government association and printing contract. Eliza’s sister, Sarah, was married to Dr William Redfern, head of the Sydney Dispensary. By 1834, her brother and Major Antill’s brother-in-law, native born, Horatio Spencer Wills, was occupying land leased to John Hosking “at the head of the Molonglo River”. After Horatio’s step-father, George Howe, died in 1821, Howe’s son, Robert, inherited the *Gazette* and Wills was apprenticed to him. However, Wills soon absconded from his position and although he may have spent some time sealing during this time, other tales of adventures throughout the south seas were probably a cover for the dereliction of his apprenticeship.<sup>129</sup> During the time Wills was in abscondment he was working at another printing office, sheltered by his brother-in-law, Dr William Redfern.<sup>130</sup> There was great animosity between Robert Howe and Dr Redfern.<sup>131</sup> Threats against Howe by Dr Redfern were found proved<sup>132</sup> and when Wills was brought before the Court for his abscondment, Wills claimed mistreatment by Robert Howe, including verbal abuse, having a bottle thrown at his head, being horse-whipped while pinned down and being ill-fed.<sup>133</sup> Although the accusation of the withholding of rations was denied, Howe admitted to the other treatment which he claimed was necessitated by Wills “undutiful behaviour”.<sup>134</sup> Wills’ indentures being found legal, Wills was ordered to return to his employment, with Wentworth

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<sup>129</sup> *Northern Miner*, Fri 1 Apr 1921, p3

<sup>130</sup> *Syd Mon*, Mon 4 Feb 1828, p7

<sup>131</sup> *Syd Gaz*, Mon 26 Nov 1827, p2

<sup>132</sup> *Syd Gaz*, Mon 26 Nov 1827, p2 & *Syd Gaz*, Fri 30 Nov 1827, p3 & *Syd Mon*, Mon 3 Dec 1827, p6

<sup>133</sup> *Syd Mon*, Mon 4 Feb 1828, p7

<sup>134</sup> *ibid.*

as his defence counsel advising he was appealing to a higher Court against the decision, during which time Wills should continue to be retained by Dr Redfern. Wentworth also ordered a summons against Howe for the ill-treatment of Wills. When Robert Howe died in 1829, Wills and his elder brother, Thomas, became the Legatees of George and Robert Howes' estates, a matter of dispute with Robert's widow, Ann, and her children. Wills printed the *Gazette* for a year from 1832, at first with George Thomas Graham as editor and then on his own, during which time he also briefly printed the *Currency Lad*. In May, 1833, Howe's widow, the actively reformist and politically liberal, Ann, then took over the *Gazette* as the first female newspaper printer and publisher in her own right in Australia. In 1836, Horatio Wills bought the land previously leased by Hosking, but in 1839 he migrated his entire stock from the Molonglo run to Victoria. Wills became wealthy and was later elected MLA for South Grant, but was killed in Queensland in 1861.

## Foresight

The next vision of the district comes from 1834, when the German naturalist, John Lhotsky, made a journey through Limestone and the Monaro to the Australian Alps. Lhotsky's notes not only record the geography of the district in some detail but he was the first political advocate for the district, immediately identifying issues that would later become pivotal, and with exceptional prescience, he was the first to envisage a city on the Limestone Plains.

As Lhotsky entered the County, far from the lush expanse of water that was the Lake George of Macquarie's visit in 1828, drought throughout the district had seen the lake recede twenty-five feet (approximately 7½ metres) in the previous three years. Lhotsky refers to "Quinbein" in his 1834 journey and approaching Gundaroo, as well as noting Packer's station three miles out, Lhotsky described the porphyritic soils that extended to the Limestone Plains and those around Gundaroo as being fit for vineyards.<sup>135</sup> By Gundaroo Creek, near McLeod's station, at the time under the management of Rae, Lhotsky met up with Assistant Surveyor Stapylton. After passing "the stations of Styles, Jackson, Barlow and Packer", all within a mile of each other and after spending the night in a deserted blacksmith's hut, on Wednesday, January 29, twenty-four miles from Gundaroo, Lhotsky entered Robert Campbell's "very considerable" dairy at Limestone Plains.

I entered the dairy, which is surrounded by some lofty gum trees, through the fine foliage of which, and a heavenly sky, the Italian-like scenery to the S.- the colosses of the Alps were visible. Limestone Plains are at least 7 miles long, but there are several other branches here, separated from each other only by some slight ranges or undulations of land. So are *Molonglo* Plains, 15 miles S. E. from the dairy; they are 7 miles in length, and four or five broad. *Kemberry* Plain lies to the N.N.W., 3 miles from this place.

- John Lhotsky, *Notes on journey from Sydney to the Australian Alps, 29 January-22 March 1834*, Mitchell Library, New South Wales

With letters of introduction from Robert Campbell's son, John Campbell, Lhotsky stayed nearly a week at Limestone Cottage "a clean, romantic little house, overhung with vines, the last one with window panes and such like comforts, as it were at the end of the world", from which garden he sketched views of the Tinderys and surrounding mountain ranges. In early February, Lhotsky made excursions to Kemberry and Ginninderra, noting McPherson's "small, but well-managed allotment of land" and "Sugar-loaf" hill on it. On February 4, Lhotsky left Limestone for Campbell's brother-in-law, John Palmer's, station at Jerrabomberra, seven miles south and at the time lying beside a "chain of ponds". Lhotsky notes McLaren's "Tuggeranong" at Isabella Plain and past the Tinderys, Campbell's "Waterholes" station, twenty-one miles from Jerrabomberra. Six miles further at Michelago, Lhotsky wrote that Keefe's station was "composed of level, arable land, and commanding an extensive cattle run upon the Plains themselves." "The Plains", Lhotsky wrote, "are three miles long and one and a half broad, and stretch from N. by W. to S. by E. The peaks of the splendid range towards the E., appear from hence in their whole grandeur". On the Menaro he notes Packer and Wentworths' stations.

A locality which occupied me very much was the banks of Limestone, or at was or as it was originally called by the natives (they are now no more!) *Kemberry* River, the source of which is at *Molonglo* Plains. It receives afterwards the *Quinbein* Creek 5 miles from hence, in a place bearing S. E. The source of the latter I was told is 2 S., right over the *Twins* or *Tindery* Mountain, at Mr Keef's place *Mikelego* Plains. The *Limestone* River discharges itself into the *Murrumbidgee* about 12 or 15 miles from the cottage in a point which is between W. and S. W. Neither of these two streams has a constant run of water, indeed the *Quinbian* exhibits in most places nothing more than the appearance of an incomplete channel, or a slightly Mark and inclined planum and, over which the rainwater occasionally runs...that portion of the Ranges which is from this place to the right S. W. is called *Namadgi* range; *Tenants* hill is this the scene towards the middle bearing S. by E, there about, 14 miles S. of *Limestone*, is *Joe Beard's* station on the banks of the *Murrumbidgee*, the *Twins* or *Tindera* to the left SSC with a mountain shelf towards the planum and the latter ones are to *United* mama lawns of from 800 to 1000 feet in height above *Limestone*

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<sup>135</sup> Lhotsky, 1834

Plains...on 3d February, I made an excursion towards Ginnin-Ginninderra .The temperature of this day was moderate to the night however chilly wind East by South...  
- ibid.

Lhotsky was critical of the colonial governments of New South Wales and the outspoken manner in which he aired his political views gained him the reputation of a trouble-maker. He became one of the first political advocates for the Queanbeyan district, noting the Governments' neglect of the prime land of the location, which he considered "one of the most important spots as far as the political economy of the colony is concerned" and he was the first to envision a city on Limestone Plains.

The Plains themselves must contain at least 20 000 acres of good, compact, arable land, besides which they form a point where three principal roads, the great road from Sydney, that to Yass Plains, and that to Menaro Downs – will eventually converge. At Limestone, therefore, at no distant period, a fine town will exist, uniting Spencer's Gulph (by means of the Murray), Sydney, and Twofold Bay...A parsonage, ambulating schoolmaster and hospital, courthouse, the post office, and a quarterly fair ought therefore to be immediately established at Limestone, this being the regular thoroughfare for the above stated vast country. As to the post office, the establishment of a mail once a month, has been proposed to the authorities by some gentlemen, who received the answer that it would not pay. But I would remark that any public expenditure ought not to be considered as to its topical, especial or intermediate reimbursement, but as to its compatibility with, and expediency to the *general* benefit.  
- ibid.

Like Rev. J. D. Lang, to whom he made reference, Lhotsky too disapproved of the monopolisation of the land by a few individuals as "Dukedoms", which might otherwise have benefitted the colony under more eclectic distribution. Fourteen miles from Lake George, Lhotsky had encountered a woman whose fear that he was a government agent come to throw her off her squat, when the more influential landholders, equally squatting, enjoyed their land without such fears, impressed him with the unfairness of the land distribution practices at the time.

Lhotsky also took a strong position on what he called the "cheap and easy philanthropy" toward the Aborigines by the British, writing that they would "throw down a crust from their table...without being willing to trouble themselves by inquiring into their real wants, or in giving them advice how to remedy their poverty in a radical way by *labour*". As with the Surveyor-General, Thomas Mitchell, who he admired, Lhotsky appreciated indigenous culture and made some attempt to record it. Like Mitchell writing of a woman singing, whose "soft sounds, so expressive of tranquility and peace, were in perfect unison with the scene around",<sup>136</sup> at Bredalbane, some miles north-west of Lake George, Lhotsky wrote<sup>137</sup>

As it soon after became one of those supernatural Australian full moon nights, I confidently expected that a *Corrobery* (a dance and song) would be performed...Their strain was in 2-4 time, which he marked by beating crotchets, and in moments of greater excitement, quavers. I will hereafter describe a like scene I witnessed near the Alps, and give the music and words of one of our Papua songs, which for majestic and deep melancholy, would not dishonour a Beethoven or Handel. The tones weakened by degrees, the tones died away, and grand silence an aethereal clearness filled the Plain and all the wilderness about my camp.  
-ibid.

The coming of Europeans had been catastrophic for the original inhabitants. Dispossessed and decimated by disease, alcohol or starvation as food sources were depleted by habitat destruction through land clearing and annihilation of local fauna, early accounts of the First Peoples in the district are scant and unreliable. With European settlement, Aboriginal presence was largely diminished and little attempt was made to record or preserve the cultures. Subsequently, little information is available about the First Peoples of the district. The identification of native tribes was a matter of major interest to the Surveyor-General, Mitchell, who demanded the recognition of Aboriginal names. Mitchell's proforma for surveyors required that "Native Names of Places to be in all cases inserted when ascertained". Mitchell admonished Dixon for not doing so in his 1829 map of then undefined

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<sup>136</sup> Mitchell, 1839

<sup>137</sup> Lhotsky published a song of the Monaro women, recognised as probably the first transcription of Australian music (Lhotsky, John & Josephson, Joshua Frey & Pearson, James & Sippe, George. 1835. *A song of the women of the Menero tribe near the Australian Alps*. Sydney: John Innes). Through the Royal Society he also published work on Aboriginal languages.



Queanbeyan district. Without Mitchell's authorisation, Dixon published his own map in England in 1837, come to be known as "Arrowsmith's" map, an act which cost Dixon his position with the Government. However, although Dixon ignored Mitchell's instruction to record Aboriginal names in his survey, some information is found in the names used by the settlers for their properties and for local features.

For his interest, Lhotsky encountered few indigenous people in the district, which at Limestone he exclaimed "were no more!" but other accounts of early European settlers describe the Kamberri (Ngambri) as a tribe of over five hundred people inhabiting a locale from Yass in the north to near Cooma in the south and the Brindabellas in the west to Queanbeyan town in the east. It is believed that the name "Canberry" and its forms, e.g. Canbury, Kemberry, Kamberri etc., that were in use from at least the early 1820s and from which it is believed the modern name for the city of Canberra is derived, is an Aboriginal word from the Ngambri language, although its meaning is uncertain.<sup>138</sup>

It is known that several stations employed Aboriginal hands and several Europeans had indigenous wives, the children of whom, reputedly, began family lines that continued into several generations. Some of the well-known Aboriginal figures of the district were believed to be the descendants of white settlers.

As the first peoples were essentially replaced by a wave of settlers, the existing major landholders retained their positions as the local gentry. When Governor Richard Bourke toured the district in March, 1835, he drank from "Lhotsky's spring," and was on the 5<sup>th</sup> of March a guest at the "hospitable retreat" of Francis Mowatt's estate at "Yarralumla", as well at Henry O'Brien's property at Yass and at T. A. Murray's well-appreciated homestead at Lake George. However, within only a few years, a steady influx of settlers from mixed backgrounds both rendered Lhotsky's 1834 maps redundant and materially impacted on the former social order.

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<sup>138</sup> Koch, 2009

## **Establishment**

In 1835, there was a land grant of two hundred acres and James Atkinson, former Principal Clerk in the Colonial Secretary's office and a director of the Commercial Banking Company, was granted 1920 acres by Governor Macquarie in lieu of a former selection. In 1827, Atkinson had published a review of agriculture and grazing in Australia which was awarded a gold medal by the Agricultural and Horticultural Society of NSW.

Veteran of the Peninsular and Napoleonic Wars, Major James Thomas Morrisset of the 48<sup>th</sup> Regiment, was Superintendent of Police at Newcastle in 1822, Commandant at Bathurst in 1823, appointed Superintendent of Police in Sydney in October 1827, Commandant on Norfolk Island from 1829 to 1834 and Police Magistrate at Bathurst in the 1840s. In 1835, he was granted 728 acres next to G. T. C. Palmer's grants at Ginninderra and a further 640 acres on Canberry Plain, paid for in part by remission due to his service in the army, and £42 paid by Morrisset. Morrisset never lived in the district, but his 728 acres at Ginninderra later became absorbed into the estates of Palmer and then William Davis.

In 1835, James Wright acquired a grant for land at Isabella Plains or Waniassa, south of "Canberry", beside the Murrumbidgee, at the western border of the County.

In 1835 also, T. A. Murray's father died and Murray inherited his property. With his partner, Thomas Walker, by the 1830s, Murray continued to buy more land and built a large homestead on his property, which he called "Winderadeen", near what was to become the town of Collector. In 1835 also, Murray's brother, Dr James Fitzgerald Murray, established "Woden" at Jerrabomberra, with the Murrays' sister, the recently widowed, Anna Maria Bunn, living with him. Bunn's husband, Captain George Bunn, had died in January, 1834, halting a regatta on the harbour. In 1838, Anna Maria Bunn wrote a gothic novel, *The Guardian: A Tale*, the second novel published in Australia, the first in New South Wales.

With Nathan Mayer Rothschild as one of his referees and a worthy dowry of capital, in June 1828, Joseph Barrow Montefiore of the Barbados Montefiores had applied to settle in New South Wales. Montefiore, his wife, Rebecca, their son and a daughter born on the voyage arrived in Sydney on the *Jupiter* from London on February 22, 1829. In June 1829, Montefiore took over Balcombe's former residence in O'Connell Street in Sydney and in 1835, he applied for just over 1000 acres near Brook's estate at Bungendore, with the title approved on February 25, 1836.

In 1835, Thomas Macquoid of Sydney and Peter Murdoch, formerly Fitzgerald's replacement as superintendent of the Agricultural Establishment at Emu Plains under Brisbane for two years until he left for Tasmania as Commissioner for apportioning the colony in 1824, each acquired 2000 acres at Isabella Plains. In April 1835, John Hamilton Mortimer Lanyon acquired 640 acres along the Murrumbidgee at Jeggalite, Isabella Plains, next to Murdoch's, and James Wright acquired 1680 acres at the same location. In 1834, the highly principled Peter Murdoch had resigned the Police Magistracy at Oatlands in Tasmania and become a celebrated dairy farmer in that colony, but in 1837 he returned to Scotland from where in December, 1838, he sold his land at what was now called "Waniassa" to Thomas Macquoid for 10 shillings. In March, 1835, John MacLaren sold his 2560 acres at "Togronor", next to Peter Murdoch's at Isabella Plains, to Thomas Macquoid for £1280.

The 1830s also saw the entry to the district of Thomas Shanahan, his wife, Catherine, and their family. A native of Tipperary, Ireland, transported to Australia in 1822, from 1838, Thomas Shanahan was granted a license for the "Union Arms" at Micalago, at that time called Keefe's Plains, which his cousin, Denis, managed. In 1842, Shanahan acquired the Balcombes' former land at Molonglo, "The Briars", including the 1280 acres promised to William Balcombe, the younger, at Winslaw. In 1844,

Shanahan captured the bushranger, Holloway, near Bungonia.<sup>139</sup> In 1858, the Shanahans' son, Thomas, married Pat Carroll's daughter, Mary Ann.

In 1836, a primary grant of the maximum 2560 acres at Yarralumla was made to Captain Edward Harrison Cliffe, supplemented by a sale of land in August, 1837, of a further 750 acres. Cliffe was an adventurous Sydney sea-captain and trader, considered of the highest character, running vessels as a trader with India. A letter of E. G. Stanley on July 7, 1828, introduced Cliffe to Governor Darling as a settler to NSW. Cliffe owned much valuable land in Sydney, including his residence, "Falcon Cottage", in Castlereagh Street, large enough to accommodate a school for young ladies after his death,<sup>140</sup> and a harbour-front property at Chowder Bay, which boasted a garden designed by Government gardener and well-known horticulturalist, Graham.<sup>141</sup> On Cliffe's early death at the age of forty in November 1837, his 4200 acre estate, "Craven", at Yarralumla, was described as "splendid", a fully working sheep station with several miles of river frontage, possessing "a comfortable Cottage residence, store-house, wool shed, men's dwelling huts, stock-yards, garden, wheat paddock etc..."<sup>142</sup> One of the property's selling points was its neighbours, listed as "Walker, Mowatt, Mcpherson, Johnston, Weston, Macquoid, G. T. Palmer, R. Campbell etc." In 1841, William Walker, Thomas Walker and Samuel Ashmore made claim to 3310 acres of Cliffe's land at Yarralumla, claiming that it had been devised to them in trust.<sup>143</sup>

By the 1830s, John Hosking, prominent Pitt Street and Albion Wharf merchant and Samuel Terry's son-in-law, owned extensive runs on the Monaro and at "Foxlow", on the Molonglo Plains. Hosking's father had come to Australia at Rev. Samuel Marsden's request that he manage the orphan school in 1809. Hosking senior and his family returned to England ten years later, but in 1825, John Hosking jr. sailed back into Sydney, having been granted land at Macquarie Fields. Hosking's brother, Dr Peter Mann Hosking, was a surgeon and dispenser at the Sydney Dispensary. Hosking went into partnership with Terry's nephew, John Terry Hughes, becoming one of the wealthiest men in Sydney. In June, 1829, Hosking bucked the social order of the colony by marrying Martha Foxlowe Terry, the daughter of the wealthiest ex-convict in Australia, Samuel Terry, the uncle of his partner, Hughes. By the 1830s, Hosking had acquired large amounts of land on the Molonglo Plains and at Monaro. Although managed by superintendents, Hosking was a frequent visitor to his estate on the Molonglo, which he called "Foxlow", for his wife.

In 1836, William Hutchinson bought land at what he called the "Burra", south of Queanbeyan on the eastern side of the Queanbeyan River.

The Drs George and Peter Imlay,<sup>144</sup> the pioneering pastoralist, trading and whaling brothers of Twofold Bay, depastured on the Monaro and in 1835, it was reported that one of the brothers had tracked out a road from the Monaro to the port at Twofold Bay from where livestock could be shipped out. The road to the coast had been considered exciting at the time, but for several reasons, it never became as successful as anticipated.

In his 1834 tour, Lhotsky had recorded a sly grog shop on the plains, which he viewed with disgust, correctly observing the destructive effect these impromptu outlets of often home-distilled liquid poison, begging for regulation, would have on the district in general, with alcohol taking its toll on people of all backgrounds, indigenous people and settlers alike. Licensing therefore became an important means by which to bring it under control and partly for the same reason, one land grant was granted, conditional on the erection of an inn.

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<sup>139</sup> *SMH*, Wed 1 May 1844, p4

<sup>140</sup> *Syd Clnt*, Sat 10 Mar 1838, p3

<sup>141</sup> *Syd Hld*, Thurs 8 Mar 1838, p3

<sup>142</sup> *Syd Hld*, Thurs 8 Mar 1838, p3

<sup>143</sup> *Australasian Chronicle*, Tues 12 Jan 1841, p4

<sup>144</sup> Dr George Imlay was at St Helena at the same time as William Balcombe.

The first licensed inns in the district were at Gundaroo, on the northern route from Yass and Goulburn. William Alexander Jackson held the lease for “The Harrow Inn” at Gundaroo in 1834, which he managed with his wife, Caroline. Born in Gloucester in 1797, formerly cook to Lady Mountmorris, at the age of twenty-four, Caroline Turner had arrived in New South Wales in 1823, having been convicted in Surrey in December, 1822. In 1825, she married William Jackson, transported in 1820, and at the time working for Dr Henry Grattan Douglass. The Jacksons owned an inn at Liberty Plains on the Liverpool Road, half-way between Sydney and Liverpool. Retaining the land at Liberty Plains, the Jacksons also bought land at Gundaroo and ran the “Harrow” inn. In 1835, the license was in the name of James Hamilton, granted by JsP. Hardy and Manning of Yass. After William Jackson died in October, 1837, his estate was inherited by Caroline and their two sons, William junior and James, and Caroline assumed the lease of the “Harrow”. In addition to the inn and its adjacent land, the Jacksons had acquired much property in Gundaroo, where their son, William junior, continued to reside. Part of Gundaroo was at one time referred to as “Jackson”, for the family that had been so historically prominent there. James Hamilton held the lease of the “Harrow” in 1838 and then George Turner in 1839, until Caroline Jackson resumed it in 1840. Caroline went insolvent in 1842,<sup>145</sup> but she inherited from her uncle, George Turner, of Covent Garden in England, and Admiral Benbow. In 1845, Caroline Jackson married David Duncomb in Goulburn, but he died two years later. In 1849, Caroline married Alfred Martin. He died in 1890 and surviving all her husbands, Caroline died in 1895, at the age of 94. The Jacksons’ daughter, Esther, married surgeon, George Yarnold, in Goulburn in 1846.

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<sup>145</sup> *SMH*, Fri 12 Aug 1842, p3

## Quinbean

According to the 1836 census, about 77 000 people were living in Australia by then, 20 000 in central Sydney. Of the total population less than 2 000 were women. By this time, there were just under two thousand (1728) people living in County Murray, of whom only 262 were women. Exactly half (865 people) of the total population were convicts, of whom all but 12 were men. Of the 169 children under twelve, 82 were boys and 87 were girls.<sup>146</sup>

By 1834, Joe Beard had set up station on the banks of the Murrumbidgee, fourteen miles from Limestone, but his presence remained manifest in the first semblance of a village at a place called “Quinbean, on the Limestone Plains”, near the location of his former estate, which began to take shape in the form of a few slab huts, a blacksmith’s shop and a building at what was to become “Irishtown”, recorded in 1831. Goods could be obtained at a store at the village reserve, at Joseph Levy and Samuel Marks’ stores in “Bungadore”, which was a small village to the east, and at Abraham Meyer’s store at Reid’s Flat, on the Maneroo.

On March 14, 1836, the establishment of a Post Office at “Queanbeyan, on Limestone Plains” was approved<sup>147</sup> with mails leaving from Sydney “every other Thursday” and later in the year a twice weekly mail service was tendered “from and to Bungonia and Queanbeyan via Lake Bathurst and Bungadore” with connecting services to Braidwood, Goulburn and Yass.<sup>148</sup> There was no mail further south, however, and Queanbeyan remained the furthest post station in New South Wales.

Situated 290 kilometres from Sydney, Queanbeyan became a logical focal point of the district. Canberra was about 9 miles (14½ kilometres) west, Carwoola about 12 miles (19 kilometres) to the east. Gundaroo was 25 miles (40 kilometres) directly north of Queanbeyan, six miles west of the upper end of Lake George. At 27 miles, Micalago was the same distance south of Queanbeyan as Gundaroo was north. The distance from Queanbeyan to the nearest village, Bungendore, was about 22 miles (35 kilometres). The major town of Goulburn, on the way to Sydney, was 70 miles (113 kilometres) to the northeast and Yass lay 80 miles (129 kilometres) to the northwest.

Further south, store-keeper, Abraham Moses, was bringing comforts to settlers in the cold outreaches of the Maneroo and the Snowy. In September, 1836, Moses sold up his York Street store in Sydney to leave for the Maneroo Plains.<sup>149</sup> By November he was “on his road”<sup>150</sup> and he ran a store about 30 miles south of Michelago at Dr Reid’s Flat, (Bunyan), just north of Cooma.

In 1837, George Miller, clerk in the Commissariat in charge of the Military chest in 1823, and then merchant and Secretary and Clerk of the Bank of New South Wales, and one of the original auditors of the Sydney School of Arts/Mechanics Institute and of the Australian Subscription Library, received a grant in County Murray promised by Governor Brisbane on his retirement. Thomas Shadforth, one of the Trustees of the Bank of New South Wales, gained land as did, to the south, James Wright at Lanyon and Thomas Macquoid, junior, the son of the Sheriff of Sydney. In 1837 also, a grant was made to Henry Hall, Sydney solicitor and cousin of E. S. Hall, the liberal reformist editor of the *Monitor*. Henry had been overseer of his cousin’s property at Lake Bathurst before taking up his own land north of Queanbeyan, which he called “Charnwood”. Hall’s friend, Nathan Stephen Powell, was a J. P., Magistrate and Commissioner for Crown Lands, residing at “Turalla”, Bungendore, related by marriage to Captain Henry Zouch. Henry Hall’s politics, however, were vastly different from that of his liberally progressive cousin.

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<sup>146</sup> NSWSA: NRS1286; *Syd Gaz*, Thurs 2 Feb 1837, p4

<sup>147</sup> *Syd Gaz*, Tues 22 Mar 1836, p4

<sup>148</sup> *Syd Gaz*, Sat 1 Oct 1836, p1

<sup>149</sup> *Syd Mon*, Sat 3 Sep 1836, p3

<sup>150</sup> *Syd Mon*, Mon 7 Nov 1836, p3

For all the best intentions progress toward egalitarianism at this time was still somewhat relative and a dichotomy of class was still made distinctive by an employer/employee line. At this time labour was supplied by a mixture of convicts, free immigrants and free settlers born in the colony. Even free employment was bound by law under the *Masters and Servants Act* and severe penalties could be inflicted on both convicts or free servants who fled their employment or broke their contracts. Many endured the notorious cat and triangle inflicted by troopers and their scourgers after notices were posted in the papers alerting all that workers had absconded. While not all “masters” were tyrannical and inconsistency, even by individuals, was the norm, during a time that one’s fate was to a large extent a matter of luck, when those with good assignments had a chance at good prospects on gaining their ticket-of-leave, for the less fortunate life could still be cruel and torturous. Caroline Jackson of the *Harrow* later recounted that she

had seen prisoners flogged at the stockade on the Wingello-road. Many acts of insubordination occurred, but they were caused chiefly by the harsh treatment and insufficient food meted out to the unfortunate convicts by unprincipled and cruel overseers. Amongst the first degradations female convicts were subjected to was the loss of their hair, and frequently the single girls cut off their own hair and gave it to her [Mrs Jackson] to keep till the term of their sentence expired, when they would work it up into shape, and wear it whilst their hair was growing again.

- *Australian Town and Country Journal*, Saturday 27 December 1890, p32

During the time of the cat and triangle and of employers who ill-treated prisoners and trumped-up trivial accusations against those due their freedom in order to keep good labourers, brutalisation was invariably cited as the motive for abscondment and desperation for robbery. Two of the best known bushrangers of the district were both convicts who had taken to the bush, John Tennant, transported to Norfolk Island in 1829, and William Westwood, hanged for murder in 1837.

John Tennant, nearly thirty when transported for life in 1824, was assigned to J. J. Moore. However, by 1826, Tennant had absconded<sup>151</sup> and during armed raids, he and his gang plundered several properties throughout the district, including those of Peter Stuckey and Thomas Rose, Moore’s “Canberry” and Campbell’s “Pialligo”, putting Stuckey’s wife and Campbell and Ainsley’s hut-keeper, Charles Bowman, “in bodily fear” and in what was believed to be an act of revenge, brutally tearing the back off one of Rose’s men, Farrell, with fifty lashes of a belt buckle.<sup>152</sup> In early 1828, Tennant was captured by a party led by Aboriginal trackers, Campbell’s overseer, Ainsley, Moore’s superintendent at Canbury, James Cowan, G. T. Palmer’s superintendent, Duncan McFarlane, and assigned men, John Murray, Dennis Hayes, George Clinch, John Casey and John Splachan, who earned tickets-of-leave for their efforts, in company with mounted police constables and Daniel Geary, the District Constable for the Goulburn Plains.<sup>153</sup> Over several court appearances, with determined indifference Tennant pled guilty to the many offences with which he was charged, but persuaded by Judge Dowling to submit to justice and take trial instead, he evaded capital convictions and instead of hanging, Tennant served jail sentences and was ultimately transported to Norfolk Island.

For some, however, life for the average man or woman, whether convict or free, in the new land of plenty was well beyond anything they had left or been forced from in the mother country and with careful planning and economy, a hard-working man or woman could acquire and build up property of their own or manage their own business. Marriage and a family brought stability and a new generation of free residents born in the colony, called “cornstalks”, intermingled with the new immigrants across racial and religious divides with a freedom never experienced in the old country. This had been the principle on which the colony had been founded, with the expectation that many of those transported would emerge from their sentences to establish the new society alongside and with

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<sup>151</sup> *Syd Mon*, Mon 3 Sep 1827, p2

<sup>152</sup> *Syd Gaz*, Mon 31 Dec 1827, p1; Fri 29 Feb 1828, p3; Mon 2 Jun 1828, p2; Fri 6 Jun 1828, p2; Thurs 10 Sep 1829, p3; *Aust*, Fri 11 Sep 1829, p4; *Syd Gaz*, Tues 22 Sep 1829, p3

<sup>153</sup> *Syd Gaz*, 30 Jan 1838, p1

their fellow free settler colonists. Convicts married into free families, some of whom became wealthy, and from the establishment of the colony, some became foremost members of Sydney society.

With the recognition that many of those transported were not criminals ‘by nature’, but merely victims of draconian laws or the British social structure, there emerged a dichotomy of socially progressive emancipists alongside a violent hardened criminal society of convicts entrenched in their antecedents by lack of education and opportunity and brutalisation. Attempts at recreation of class structure by a few stalwarts also presented on occasion, usually however to, overt, at least, disapproval. William Charles Wentworth, himself the son of a convict, was, along with Dr Robert Wardell, one of the leaders of the emancipist principle. In this, the emancipists and their proponents came up against the “Botany Bay Aristocracy”, led by the Campbells. The Campbells’ vision of Australia was that of a free nation in which there was no room for convicts at all and this brought them again to be sitting on the other side of the table from Johnston and Antill. In the style of the British country manor estate, the Campbells had started settling their estates with free settlers, many from Scotland, and their attitude to convict society was unequivocal. On Monday, April 4, 1831, when the case of *Coombes v Sandilands* was heard in the Supreme Court, Robert Campbell, son of Campbell of “Pialligo”, objected to having to sit on a jury with Samuel Terry. So incensed was Campbell when the jury elected Terry as their foreman, he queried the judge “if twice-convicted felons are called to act as jurors, whether I can not object to sit with them?” Justice Dowling roundly responded “You cannot, Sir”, and, “sorry to hear such an observation fall from any gentleman in this Court”, ordered Campbell sworn in with all his fellow jurors. Aghast at Campbell’s “outrage on decorum” and the affront to gentlemen who had “long maintained the character of upright and opulent citizens” with “children whose feelings ought never to have been put to so cruel a torture”, the press denounced the “Botany Bay aristocracy”, pleading that Campbell’s outburst was the imprudence of hot-headed youthfulness that should not be taken as a reflection of the Australian ethos in general.<sup>154</sup>

Sitting between these two camps was Terence Aubrey Murray. One of the more progressive philosophers in New South Wales parliament, Murray wanted to reduce property restrictions on eligibility for membership of the Legislative Council. He was a supporter of the emancipists and one of the pastoralists who included local Aboriginals among his friends. He advocated the new non-denominational school system along Irish lines and opposed capital punishment. Murray was a proponent of free trade within the Empire. He advocated the importation of labour from India and chaired a committee encouraging the settlement of doctors, clergymen, tradesmen and labourers in the colony, believing that grazing alone could not support the colony or develop its resources. He and Charles Campbell shared a close personal and political relationship that, for purposes of necessity on occasion, was able to survive their differences and with the Campbells and the Palmers now neighbours with the Johnstons, Samuel Terry, John Hosking and Antill, along came a matter that necessitated some form of unity between them.

With the rise in the European population in the district, so too was the inevitable rise in crime that came with it. By the 1830s, there was sufficient number of estates with their stores, settlers’ huts, travellers, cattle and sheep dotted throughout the plains to attract bushrangers, highway robbers, chancers, runaways and drunken rovers taking advantage of the isolation. Sly-grog shops were a personally and socially destructive presence from which family disintegration, abuse, violence, murder and robbery emanated and as the isolation from education and legal accountability impacted on daily life, it was apparent that a judicial eye closer than Sydney or Goulburn was necessary.

In early 1831, Johnson’s stores and Hosking’s stores at “Foxlow” were robbed and soon after, Robert Johnston prosecuted for capital larceny from his stores on his run on the Limestone Plains. A letter to the *Sydney Monitor* in 1833 begged the appointment of a resident magistrate, one with “nothing to do

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<sup>154</sup> *Syd Mon*, Wed 13 Apr 1831, p2; *Aust*, Fri 8 Apr 1831, pp 2,3; *Syd Gaz*, Thurs 7 Apr 1831, p2

with *farming*”,<sup>155</sup> and therefore able to attend to his magisterial duties full-time, to end the common experience such as that of Robert Johnston, having to travel over seventy miles to bring offenders to court in Goulburn, only to find magistrates absent. Recalled by his father for presentation to Governor Richard Bourke, in 1833, at the tender age of twenty-two, Terence Aubrey Murray was gazetted as a magistrate for the Southern Districts, with enforcement basically entrusted to the Mounted Police.

In January, 1834, MacAlister went to Bathurst, changing places with Lt. John Darley, who took charge of the Mounted Police for the Southern Counties after a much-appreciated term in his former post at Bathurst. Later in the year, Henry Zouch succeeded MacAlister at Bathurst. A paragraph in the *Monitor* that the Mounted Police under Darley had not been as active as under MacAlister when bushrangers who murdered a corporal during a confrontation at Mrs Brooks’ station at Bungendore had not yet been caught,<sup>156</sup> provoked an indignant response from one resident<sup>157</sup> and another correspondent to detail how Darley had chased and apprehended the killers at Queanbeyan River some fifty miles away within a week of the murder.<sup>158</sup> An article in the *Gazette* defended Darley’s service in Bathurst<sup>159</sup> and a notice in his defence posted in the Sydney papers carried many signatures, among them that of the Police Magistrate, T. A. Murray, Henry O’Brien and Hamilton Hume.<sup>160</sup>

When the wife of James Wright’s brother, William, overseer to McLaren’s property, “Janevale”, at Waniassa or Isabella Plains, seven miles southwest of Queanbeyan, sent word to Dr Reid in September, 1834, that her home and the men’s huts had been plundered while her husband was in Sydney,<sup>161</sup> a correspondent to the *Sydney Herald* protested at the lack of attention by Sydney to crime in the outer districts and queried

...why has not a party of Mounted Police been stationed long ago at Yass, or Gundaroo, or Limestone Plains, when experience has shown on more occasions than one, the impracticability of apprehending these marauders, after the lapse of so many days as must pass away before the sufferer can give information either at Inverary or at Goulburn, and obtain the requisite aid from the Officer in command of the Mounted Police there?...Why did His Excellency remove from the southern districts that active and gallant officer, Lieut. Mc’Alister, who by his intrepidity and zeal had gained the confidence of the respectable settlers - and whose accurate and extensive local knowledge, the fruit of a long residence in Argyle, peculiarly qualified him for the command he held?...Is it prudent in the Government to leave districts, from which a large portion of our Colonial wealth is drawn, and which consequently furnish no inconsiderable quota of the Revenue, without Roads, without a body of Mounted Police, without Schools, or a single Church?

- *Sydney Herald*, Monday 29 September 1834, p1

A resident from Gundaroo who failed to appreciate Darley’s efforts, claiming one was more likely to find the police at the races than in attendance at a robbery,<sup>162</sup> was informed in reply that it was the duty of the police to attend race meets under general orders.<sup>163</sup>

Policing was only part of the difficulty. Even when offenders were caught or people brought in on suspicion, victims had to neglect work and family to take cases to court and justice for either prosecutor or accused, many of whom were innocent, was a long, rough trek of fifty to over a hundred miles to the find the nearest magistrate. A petition was put to the Governor for the appointment of a paid Magistrate and in response, in early 1836, a young ensign, George Cobban, was appointed to the Mounted Police as the first Visiting Stipendiary Magistrate to Argyle and the Southern Counties, with his own detachment and scourger.<sup>164</sup> At the same time, Richard Waddy replaced Darley as commander of the Mounted Patrol.

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<sup>155</sup> *Syd Mon*, Wed 30 Oct 1833, p4

<sup>156</sup> Wed 6 Aug 1834, p3

<sup>157</sup> *Syd Mon*, Wed 20 Aug 1834, p2

<sup>158</sup> *Syd Gaz*, Thurs 4 Sep 1834, p2

<sup>159</sup> Sat 27 Sep 1834, p2

<sup>160</sup> *Syd Gaz*, Tues 9 Sep 1834, p2

<sup>161</sup> *Syd Hld*, Mon 29 Sep 1834, p1 & Thurs 2 Oct 1834, p2

<sup>162</sup> *Syd Hld*, Mon 19 Oct 1835, p2

<sup>163</sup> *Syd Hld*, Thurs 29 Oct 1835, p2

<sup>164</sup> *Aust*, Fri 22 Jan 1836, p2; *Syd Mon*, Wed 27 Jan 1836, p3; NSWSA: NRS1286



With Lt. MacAlister's co-operation, in March, 1836, the landowners formed their own Southern Association for the Suppression of Cattle-Stealing,<sup>165</sup> an association that was probably the first to bring the major pastoralists of the district together in a common cause. Heading the Committee for Limestone Plains, which included the Monaro, was Thomas Macquoid, Sheriff of Sydney, working with many of the major landowners of the district. Francis Mowatt of Yarralumla mostly resided at Narellan but he was sufficiently protective of his interests to act on the Committee along with Robert Johnstone, Major Antill, John Hosking, William Cordeaux, John McPherson, McCleod and Guise of Gundaroo, the Doctors Imlay, Throsby, Captain Charles Sturt, James Wright, Charles Campbell, William Balcombe and others. While the Association was mostly a big landowners' club protecting their financial interests, its efforts made a small contribution to bringing the general lawlessness under control and that Cobban's visits had some effect was made apparent when, acknowledging the benefit that had been derived, one correspondent to the *Herald* put it to the new Governor, Richard Bourke, that the itinerating system should be extended in the colony.<sup>166</sup> A few years later, when criticising the magisterial system in the colony, the *Sydney Herald* singled out McAlister and Cobban as exceptions.

There have also been some excellent officers of Mounted Police. The first in activity and success was Mr. M'Allister, the next perhaps, (in the southern districts at least) was Mr. Cobban. If such persons as those gentlemen were appointed Police Magistrates and Officers of Police, with even double the present pay and allowances, the Colonists would feel satisfied, that though the Land Fund was misapplied, they had had the benefit of valuable services in return.  
- *Sydney Herald*, Wednesday 19 August 1840, p2

In April, there was some apprehension over Cobban's choice of location for his residence, a farm at Canberry, not the preference of the inhabitants, defined as "the Queanbeyan village reserve, being the most central for the residents and establishments in and about Maneroo Country, Molonglo Plains, and up the Queanbeyan River - Bongandore and Lake George - Gundaroo, Limestone Plains, and the Banks of the Murrumbidgee" for which petition had been made to the Governor by "every respectable land and stock owner in the district, except one".<sup>167</sup>

The Mounted Police for the Southern Districts consisted of a stable patrol of about twenty men and despite the best efforts of a few conscientious officers, they continued to attract their critics as the growth in population exceeded the ability to patrol such large districts. When Hosking's then superintendent, Thomas Luscombe, appeared to give evidence in a cattle-stealing case in 1836, the prosecuting Attorney-General, opened his case with the statement that

...this was a case from that part of the country, from whence they unfortunately held during the present session, so many cases of a similar nature, as almost to lead to the belief that persons in that neighbourhood did not consider it any crime whatever to take the property of another. But from the number which have now been convicted, it is to be hoped they will now be convinced that the law is too strong for them. That it has through the active exertions of a gentleman, Mr. O'Brien broken up a large and daring gang of cattle stealers [sic].

- *Sydney Gazette*, Thursday 13 May 1836, p3

Within a few months of Cobban's appointment, a correspondent to the *Sydney Herald* wrote

A few months ago, we were congratulating ourselves on the appointment of a Police Magistrate for the Districts of Limestone Plains, Queanbeyan, and Molonglo Plains, and already in our imaginations did we picture to ourselves the beneficial results of such an appointment, - farms orderly, and well regulated men, civil and subordinate; sly grog shops abolished, cattle stealers suppressed, and the numerous haunts and receptacles of bushrangers and runaways effectually broken up and destroyed. But, alas! our visions are fled, and the sad reality stares us in the face. Our Police Magistrate has been appointed now nearly four months, but instead of the above-mentioned evils being removed or even mitigated, they are daily increasing to a most alarming extent, and we are worse off than ever, because we cannot now complain of having no Magistrate. His Excellency has kindly acceded to our wishes in appointing one, but we are further than ever from obtaining our object; we have never yet had a Court held - we have never yet had our Districts visited - nor have we derived any advantage from the arrival of our paid J. P. He is a mere cypher among us.

- *Sydney Herald*, Thursday 26 May 1836, p3

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<sup>165</sup> *Syd Hld*, Thurs 10 Mar 1836, p3

<sup>166</sup> *Syd Hld*, Mon 23 Jan 1837, p1S

<sup>167</sup> *Syd Hld*, Mon 11 April 1836, p2

Complaint was made a year later, in May, 1837, that Cobban's visits were too infrequent to be effective. In July, 1837, George Denis Pack replaced Cobban as Visiting Magistrate and police patrol was enacted by the Mounted Police under Waddy. When a gang of convicts, including a blacksmith assigned to Charles Campbell and a man assigned as a servant to someone in Maneroo, took part in varying forms in a series of armed highway robberies in 1837, including on Major Antill and Joseph Levy, apprehension was made by a mounted patrol under Corporal Turner.<sup>168</sup>

In May 1837, Terence Aubrey Murray sold his Lake George estates to Francis Mowatt and in October, Mowatt sold his 2560 acres at Jerrabomberra to T. A. Murray's brother, Dr James Fitzgerald Murray, for £2000, on which Murray established the station "Woden", at Jerrabomberra. In December, 1837, Mowatt sold his "Yarralumla" estate to T. A. Murray and Thomas Walker. Following the birth of his son, Francis, in late 1837, Mowatt began calling in claims to his agent, William Dawes, at his Bligh Street office in Sydney, and in January, 1838, he and his family sailed for England in the sumptuous accommodations of the *North Briton*. Mowatt settled in London and in 1841, he gave Power of Attorney to his Sydney agents, Allowade Haslington and John Betts, to manage his affairs in New South Wales.

James Wright's brother, William, originally overseer to McLaren's estate, "Janevale", bought property nearby and when William died in a shooting accident on the river on January 1, 1837, James claimed his land as his heir.

Along with the residents a transient population of shepherds and cattle-hands led flocks of sheep and herds of cattle down to the Murray and the Maneroo, where for a £10 fee pastoralists could depasture their stock. In 1837, while a few drove their stock to the Macleay River in the north, the western plains at Bathurst and west of the Murrumbidgee, the majority of the depasturing licenses issued in New South Wales were for Murray and the Maneroo in the south, with a few extending to the Snowy. The movement of stock provided an added attraction for sheep and cattle thieves and as was typical for the districts outside Sydney, within an inundation of illegal alcohol from sly grog shops, travelling salesmen bearing illicit rum along with their legitimate goods and thefts and murders becoming almost common, the Yass, Murrumbidgee and Murray districts were threatening to disintegrate into the badlands of the colony.

In October, 1837, Queen Victoria succeeded her uncle, William IV, to the throne and in December, Captain Alured Tasker Faunce assumed the position of resident Police Magistrate in Queanbeyan, while still embattling the reaction to his incarceration of magistrates, John Moore, Henry Donnison and Willoughby Bean, in Brisbane Water, where he had occupied the Bench for a year.

As a magistrate under thirty, in less than a year Faunce had invoked the resentment of the "exclusives" for the leniency extended toward him by Governor Bourke, led by George Cavenagh, newly appointed editor of the *Sydney Gazette* from September, 1836, whose single-minded persecution of Faunce was relentless for what he called his "military", "man-of-iron" justice and insult to the "majesty of British freedom".

The magistrates in question had been arrested on a charge of cattle-stealing and according to Faunce, although he had been prepared to allow one of them to visit his family, the Chief Constable at Brisbane Water had considered the inmates to be a flight risk and after Faunce left the men in his charge he placed them in irons, an indignity for which the magistrates brought a suit against Faunce in the Supreme Court. The magistrates won their case, but in a plea supported by Governor Richard Bourke and Attorney-General Plunkett, Faunce appealed to the Government to pay the £900 damages awarded against him, claiming indemnity for actions that were not his. Plunkett was of the opinion that a biased jury and a hostile anti-government press had contributed to the case against Faunce and

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<sup>168</sup> *Syd Hld*, Thurs 17 Aug 1837, p2

the monetary hardship endured by him in terms of the amount of damages sought.<sup>169</sup> Testimony to Faunce's well-intentioned character from "all the inhabitants" of Brisbane Water excepting only "Ten or Twelve" also gave substance to his petition. A Despatch by Governor George Gipps to Lord John Russell, however, advised that it would set a precedent for the government as a defendant and that payment from the public revenue may encourage the awarding of excessive damages.<sup>170</sup> Considering the government unable to interfere where a Court had made a decision and Faunce not having availed himself of other means of relief, Russell rejected the appeal. Only John Moore abandoned his suit against Faunce, who printed a public apology for his action and paid Moore's legal costs.<sup>171</sup> Faunce was forced to sell his commission to meet the £1400 cost accrued from the other suits.

Regardless of the *Gazette's* onslaught against him, for which Faunce sued Cavenagh for libel, Faunce was welcomed to Queanbeyan with optimism, where, after the law suits against him were finalised, in April, 1838, he took up residence on J. J. Moore's estate at "Canberry".<sup>172</sup> Faunce soon bought his own 810-acre property alongside the Queanbeyan River, south of the Queanbeyan village reserve.

In January, 1838, a police office was established "at the Junction of the Queanbeyan and Molonglo rivers", with a "beat of the Counties of Murray and St Vincent".<sup>173</sup> The first Chief Constable, Patrick Kinsela, was appointed under Faunce, along with Constables Peter Connell and James Crossley and lock-up keeper, James Pegg.

An 1840 land application by Kinsela noted that he was a free man and arrived in New South Wales on the same ship as "the late Governor", assumedly meaning Governor Bourke, and therefore placing his arrival on the ship, *Margaret*, in November, 1831.<sup>174</sup> In 1838, Kinsela married Joanna (Jane) Wigmore at St Mary's Catholic Church in Sydney. Joanna Wigmore, nee Mehegan, had arrived in Sydney on October 3, 1836, as a thirty-year-old woman on the *Duchess of Northumberland*, a ship carrying 282 free women and girls from Cork, Ireland, imported as part of a programme designed to address the disparity in the sexes in the colony.<sup>175</sup> On July 10, 1840, Kinsela applied for an allotment in Queanbeyan identified as "Section No2 adjoining Booth Street".<sup>176</sup>

In February, 1838, emancipist champion, Samuel Terry, died in Sydney at the age of sixty-two. The wealthiest man in the colony, Terry was treated to the largest burial ever held in Sydney to that time, an expensive conducted with all the solemnity of a state funeral. A procession of more than twenty or thirty carriages filed down Pitt Street, three of them carrying Terry's son, Edward, his son-in-law, John Hosking, and his nephew, John Terry Hughes, while the band of the 50<sup>th</sup> regiment, who the day before had formed a guard of honour at the new Governor's arrival, played Handel's "Dead March from Saul".<sup>177</sup> Terry's daughter, Martha, inherited a fortune from her father's half-million-pound estate, even if the bulk of it went to her mother and brother, Edward. Box Hill went to her other brother, John Terry, married to Eleanour of the prestigious Rouse family. However, Edward died only

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<sup>169</sup> *HRA*, Series 1, Vol 21, 1840

<sup>170</sup> *ibid.*

<sup>171</sup> *Syd Gaz*, Tues 20 Mar 1838, p1

<sup>172</sup> *Aust*, Sat 28 Mar 1840, p2

<sup>173</sup> *Syd Hld*, Wed 13 Nov 1839, p2.

<sup>174</sup> NSWSA: NRS907

<sup>175</sup> A son, James, was born to Patrick and Joanna in December, 1838, and a daughter, Mary, in 1840. James married Jane Ann Dudley in Queanbeyan in 1863 and Mary married Peter White, C. P. S., in Bathurst in 1864.

<sup>176</sup> NSWSA: NRS 907

<sup>177</sup> As not all his property was in his own name, estimation of Terry's fortune is speculative, but his Will, published by the government, specified a personal estate worth at least a quarter of a million pounds, ten thousand pounds a year from Sydney rents alone and an estimate of a total fortune of half a million pounds. Other estimates place his fortune at more like a million pounds. His widow, who owned central Sydney, later sold what is now Martin Place and the location of the GPO to the government and a strict stipulation in Terry's Will was that his charitable subscriptions were to be continued for ten years after his death. A London writer chronicled the life of Terry within months of his death in a volume advertised in the London papers called "The Botany Bay Rothschild". However, the *Colonist* was somewhat sceptical of its veracity stating that "the biographer must have drawn upon his inventive faculties for no inconsiderable portion of his narrative" (*Colonist*, Sat 19 Jan 1839, p3).

months after his father and Martha inherited his estate. Terry Meadows, inherited by Hughes, became Albion Park, and Hosking and Hughes built on Terry's fortune, expanding their own extensive wealth.

As Samuel Terry's funeral procession filed down Pitt Street on Sunday, the new Governor, Sir George Gipps, was preparing to take command of the colony, having sailed to the steps of the Domain two days before. On Saturday, the new Legislative Council was sworn in at Government House, while overlooking the harbour at Dawes' Point, the cannons fired a nineteen-gun salute. Among those presented to the Governor at the Levee that afternoon were Lieutenant-Colonel Gibbes, Daniel Egan, Andrew Cunningham, Thomas Walker, Rev Dr Lang and John Hosking's brother, Dr Peter Hosking.

In the wake of Governor Richard Bourke's departure, the case of *Faunce v Cavanagh*, the editor of the *Sydney Gazette*, for alleged libel, was set down to be heard in the Supreme Court in March, of which the *Australian* considered it "advisable, that with a new Governor, old grievances should be buried in oblivion and we hope, for the sake of peace and quietness, we shall never hear again of a "Man of Iron" in New South Wales."<sup>178</sup>

At Queanbeyan, Faunce and Kinsela were joined by police constable Michael Goff, with the police presence settling into the standard three man contingent. However, it soon became apparent that this was insufficient for such a large jurisdiction<sup>179</sup> and as individual events gained attention, factors other than law enforcement were recognised as major issues. In March, "three horrid murders" took place in Yass, prompting the *Australian* to highlight the ongoing issue of sly-grog.

In consequence of so many sly grog shops being in the vicinity of Yass and the Murrumbidgee, and the many drunken scenes that are continually taking place in spite of the vigilance of the magistracy and the industry of the police, require some prompt measures to root out these nests of infamy and vice. We understand that a person named Russell has been murdered in a drunken broil, and many other brutal acts have been committed.

- *Australian*, Tuesday 13 March 1838, p3

At this same time, five "tribes" of Aborigines in the districts were marching across the plains preparing to do battle with each other and a new crime was added to the jurisdictions of the police.

Our Yass Correspondent informs us that Aboriginal tribes of the Murray, Murrumbidgee, and the adjoining country, have assembled to the number of five hundred, for the purpose of proceeding to Bowua to fight with the Billabula tribe, whom they threaten to exterminate. Some persons have supplied these wretched outcasts with muskets and ammunition to facilitate their operations. As a caution to persons acting in this manner, we beg to inform them that this conduct is highly illegal, and that any persons supplying the natives with fire-arms for the purpose of assisting them in their fights, will, if death ensue by such means, be liable to be tried as an accessory [sic.] to the murder.

- *Australian*, Tuesday 13 March 1838, p3

Courts were held on Murray's "Yarralumla" estate, with William Hanna appointed Clerk of the Court in March, at the same time that police constable Michael Goff was replaced by Constable Thomas Lynskey on April 1.<sup>180</sup> The tours of the Visiting Magistrate continued with Pack remaining in that position until replaced by Frederick B. Russell in May, 1838. This was still considered insufficient and as public protest at the state of disorder intensified, in September, the Legislative Council voted funds for the appointment of a Police Magistrate to Queanbeyan and the erection of a courthouse.

While the district was striving to come to grips with social and legal disorder, another factor was to have major impact, even if the effects were not manifest until years later. The years from 1837 to 1839 were that of a crippling drought that would trigger the great depression of the 1840's and plunge the district into upheaval. Following a dry summer, in early 1838, stock was being moved down from Yass to the pastures in the south, with the pastoralists having little idea of what was to come.

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<sup>178</sup> *Aust*, Tues 27 Feb 1838, p2

<sup>179</sup> *Aust*, Thurs 8 Nov 1838, p2

<sup>180</sup> *Aust*, Tues 24 Apr 1838, p2

Great quantities of stock are moving from that district towards Port Phillip and the River Murray. Only one lot of scabby sheep have passed the whole season, and those the shepherds deny being so; however, as the month has expired in which they are permitted to travel, little danger is now to be apprehended from them. The rivers are now very low — the crossing place on the Murrumbidgee near Mr Peter Stuckey's station is the best place to cross. We have had two days heavy rain in the neighbourhood, which has made the feed for stock good along the line of road to the post.

- *Australian*, Tuesday 13 March 1838, p3

The few dry days became weeks and within a few months, the district was feeling the effects of the worst drought in its history. However, while the drought destroyed great numbers of sheep, as a secondary factor, a singular disease, “catarrh”, that struck at that critical time, proved even more catastrophic. Also referred to as influenza and black disease, “catarrh” is a still unidentified disease that decimated sheep flocks throughout the Yass, Goulburn and Queanbeyan districts and on the Monaro and at places of similar geographical features in New South Wales and Victoria from the early 1830s. In 1838, the *Control of Diseases in Sheep Act* was introduced to restrict its spread by regulating movement of flocks and allowing on-the-spot disposal of infected sheep by incineration or deep burial and that, along with advances in scientific knowledge and animal husbandry and fencing of flocks due to labour shortages and dingo attacks, may have helped bring the disease under control, either incidentally or due to previously bad practice having been the cause. It was considered to have been eradicated in New South Wales by 1870.<sup>181</sup> To make best of the losses to catarrh, the practice of boiling sheep down for tallow was introduced, it was said by Henry O'Brien at first, soon followed by other graziers. However, with two key factors of drought and disease striking simultaneously within credit-based economic conditions, the antecedents were put in place to trigger the single most significant event in Australia's financial history, even if the effects were not yet foreseen.

At this time, optimism still prevailed and 1838 was a time of expansion and arrival of significant newcomers, who helped establish a commercial centre. York Street merchant, John Gray, owned stores at Queanbeyan and Maneroo in partnership with Campbell's nephew, Robert Campbell junior, and Co. of Sydney, with the stores mostly managed by Gray in Queanbeyan. In June, 1838, John Dwight was granted a license by magistrates Murray, Faunce and Wright, for “The Harp” inn at Bungendore and in July, William Hunt and Joseph Kaye were granted a licence for the “Elmsall” in Queanbeyan, an inn and store housed originally in the solid brick building built by Campbell, dubbed “The Oaks”. William Hunt was a native of Doncaster and the brother-in-law of Sydney draper, George Rowley, married to Hunt's sister, Emma. Grocer, George Rowley, native of Elmsall, Yorkshire, had arrived in Sydney on the *Royal George* in December 1828, transported for 14 years for receiving. When he was granted his ticket-of-leave in 1832, he was joined by his wife, Emma, who brought out with her a stock of goods for their store in Sydney. At the same time, Rowley and his other brother-in-law, John Hunt, went into business together as the owners of the “Elmsall Stores” in Queanbeyan. With Rowley constrained to remain in Sydney, Hunt managed the store in Queanbeyan and also held the license for the “Doncaster” inn. In 1848, John Hunt married Elena Wilson, daughter of James Wilson. The Hunt brothers were joined in Queanbeyan by another brother, George, and their sister, Eliza, who later married Joseph Kaye on November 14, 1844.

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<sup>181</sup> More recent research indicates that catarrh may have been due to liver fluke, with local climatic conditions of intermittent periods of drought and flood corresponding to a specific stage of the *Fasciola hepatica* life cycle (Parsonson, I., 2000; Auty, J.; Mylrea, P. J., 1992).

## Queanbeyan

As the more determined settlers persevered, total descent into decay was allayed as the constructs of social organisation that emerged from permanent occupation provided a framework for social order. Unofficially, the village reserve of Queanbeyan had formed the centre of the locale from the early 1830s. Officially, the site for the village of Queanbeyan was fixed on the 28<sup>th</sup> of September, 1838.<sup>182</sup>

Not that the announcement had much immediate effect. In October, 1838, two well-dressed and heavily armed bushrangers plundered Hosking's home for two hours before moving on to that of a small settler two miles away to do the same, depriving him of £28.<sup>183</sup> However, the village was now able to evolve as the constructs that brought both control and controversy were put in place.

In December, 1838, the Church of St John the Baptist was established at Canberry, with the announcement that "the Rev. E. Smith, B. A., of Magdalene Hall, Oxford, has been appointed Minister of Queanbeyan with the south-eastern division of the County of Murray, including Gundaroo".<sup>184</sup> Joining his Anglican counterpart, it is thought that by this time, the Presbyterian Minister at Goulburn, Rev. W. Hamilton, was braving the rough tracks through the plains to bring services to the proponents of the Scots Kirk around Gundaroo, Canberry and Queanbeyan, conducting the first "official" service at Limestone in June, 1839.<sup>185</sup>

The better presence of licensing courts and policing helped to bring the alcohol abuse under some control and toward the end of 1838, the efficiency of Faunce and Kinsela in rounding up the sly grog-sellers was such that it was said that "the police office at Canberry resembled a whiskey store-house".<sup>186</sup>

It was at this time that the smouldering embers of Faunce's conduct at Brisbane Water were ignited into a blazing trial by media fire, spurred on by complaints through the Sydney papers that culminated in an official inquiry. Cavenagh, originally savaging Faunce for supposed excess in his administration of the law, now redressed him for supposedly being too lenient. Complaints about Faunce, said to originate from an unpaid magistrate in the district, revolved around his supposed entire unfitness for the position of a magistrate and a general laxness and inconsistency in enactment of the law in Queanbeyan, largely due to police subordinates, about which Cavenagh wrote

### The Queanbeyan Justice.

*Captain Alured Tasker Faunce is altogether unfit to be entrusted with the guidance or protection of any being whose life or liberty is of more value than that of an old stock horse.*

Such, gentle reader, was the finding on oath, ten months ago, of twelve special Jurors, individually and collectively as respectable men as ever entered the Jury-box; yet, in the face of this verdict - in the face of the declared opinion of more than one Judge of the Supreme Court, Sir Richard Bourke, who then Administered the Government of New South Wales, invested this very Capt. Alured Tasker Faunce with the power and authority of a Magistrate of Police, in a remote, but nevertheless important district of the territory. We shall not take the trouble of enquiring into the motives that induced Sir Richard Bourke to take this step, which must have been as repugnant to his own sense of justice as it was opposed to the feelings and the wishes of the community over which he was appointed to preside, for such of our readers as were resident in the Colony at the time can divine them without our assistance, and we consider it unnecessary to enter into an explanation, for the benefit of such as were not, because Sir Richard Bourke's motives for acting so strangely can bear but very distantly on the subject under consideration. With such a verdict before us, however, even if we had been in perfect ignorance of Capt. Faunce's previous magisterial career, we should have thought ourselves grievously wanting in our duty as the editor of a public journal, had we failed to keep a sharp look-out as to the manner in which human beings were treated by a man declared to be "unfit to be entrusted with the guidance and protection of any being whose life or liberty is of more value than that of an old stock-horse..."

- *Sydney Gazette*, Tuesday 22 January 1839, p2

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<sup>182</sup> *Syd Clnst*, Sat 6 Oct 1838, p3

<sup>183</sup> *Syd Hld*, Wed 24 Oct 1838, p2

<sup>184</sup> *Syd Hld*, Fri 28 Dec 1838, p1

<sup>185</sup> White, 1851

<sup>186</sup> *Syd Mon*, Mon 31 Dec 1838, p1

At the time it was government policy for ex-convicts and ticket-of-leave holders to be appointed as constables and many discharged their duties responsibly, even gaining respectability as they did so, some to the point of achieving unblemished bearing. However, not all ex-convict ordinaries and irregularly appointed officers were well-inclined and over several months accusations of neglect and drunkenness abounded, when it was contended that only the lowest men would take positions of such lowly pay.

True or not, many criticisms were laid against Faunce and Kinsela, the more substantiated being that sentences were remitted at will by the police and in certain cases increased. One case was confirmed whereby a sentence of twenty-five lashes was doubled, purportedly by mistake. Unfit persons were appointed to the position of lock-up keeper and escapes were so frequent that over a certain amount of time more than fifty per cent of prisoners were “liberated” in questionable circumstances. It was also contended that Faunce neglected to conduct inquiries or inquests in cases of suspected murder or suspicious deaths. However, Faunce was defended by some heavy names in the district, including one obviously well-educated correspondent to the *Australian* who staunchly refuted Cavenagh’s malediction.<sup>187</sup> At this point the *Monitor* entered the affray, accusing that Faunce’s defence had been written by the Chief Constable or Faunce himself.<sup>188</sup> This prompted a decisive reply from the letter writer, who, in deference to his friend, the cousin of the *Monitor*, deigned to answer to what he otherwise dismissed as “puerile ignorance”.<sup>189</sup> In reply to a pointed insinuation, Henry Hall of Charnwood strongly denied that information about Faunce to his cousin at the *Monitor* had emanated from his pen.<sup>190</sup>

The Clerk of Petty Sessions, Hanna, was replaced by Charles Daniel O’Connell in April, 1839. Courts were still held at “Yarralumla” at this time.<sup>191</sup> O’Connell was the nephew of Sir Maurice Charles O’Connell, William Bligh’s son-in-law, married to former Governor Bligh’s widowed daughter, Mary Putland, and currently the Commander of the Forces in New South Wales. O’Connell was replaced in September, 1839, with Kinsela as Acting Clerk in his place.

In December, 1839, before a Committee inquiring into the feasibility of strengthening the police in New South Wales, T. A. Murray submitted that as for Queanbeyan

we have no means of punishing free persons in the district, as there is neither House of Correction, Jail, nor Lock-up. We have occasionally sent such persons to Goulburn, where, however, they cannot at all times be received; and consequently we have latterly sent them to Sydney. The distance to Goulburn is 70, and to Sydney 200 miles. They are sent under an escort of constables, and the journey is, I am inclined to think, in many instances a greater punishment than the sentence itself; and thus, from want of proper means of carrying sentences into effect upon the spot, injustice is done to offenders, and the chances of escape are multiplied...the police force, insufficient under circumstances, is almost constantly employed either in escort duty or in serving subpoenas, which are so frequently issued within a few days of the time appointed for trial, that constables must be sent with them in different directions, to the great interruption of any other duties in which they may be engaged. The latter inconvenience would be remedied if the Law Officers of the Crown were directed to issue subpoenas one month at least, before the days appointed for the attendance of witnesses.

- *Sydney Gazette*, Tues 3 Dec 1839, p4

By 1840, Faunce was residing in Queanbeyan, but in March that year J. J. Moore brought a trover action against him due to an incident from when Faunce was residing on Moore’s property at Canberry soon after his arrival in the district in April, 1838.<sup>192</sup> The basis of the case was that at that time Faunce had bought some cattle from Moore’s overseer, Richardson, which Faunce claimed had later strayed and were being worked on Moore’s property. Faunce sent a man to retrieve them, but

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<sup>187</sup> *Aust*, Thurs 7 Feb 1839, p2

<sup>188</sup> *Mon*, Wed 27 Feb 1839, p2

<sup>189</sup> *Aust*, Sat 2 Mar 1839, p2

<sup>190</sup> *Aust*, Thurs 7 Mar 1839, p3

<sup>191</sup> Mowle, (1899 - 1955). Within the correspondent’s demolition of Cavenagh’s leader against Faunce, emerged the material information also that the Clerk of the Court did not reside at the village reserve of Queanbeyan.

<sup>192</sup> *Australasian*, Sat 28 Mar 1840, p2

Richardson claimed they were not the same cattle and subsequently Moore brought a claim against Faunce for the cattle. The local Queanbeyan magistrates, James Wright and J. F. Murray, dismissed the case, at which point Moore referred it to the Supreme Court in Sydney. The jury found for Faunce and the *Australian* commented on the pettiness of two relatively well-off people tying up the Supreme Court in a matter that could have been arbitrated on the spot by a mutual friend.<sup>193</sup>

An official enquiry led by Justices Windeyer and North, which closed its sittings on June 2, 1840, decided that, while certain accusations were admitted, Faunce and the Chief Constable, Patrick Kinsela, were generally doing their best in difficult circumstances, essentially attempting to quell an almost general state of bushranging, lawlessness and alcohol-fuelled violence with insufficient quantity and quality of staff and inadequate facilities.<sup>194</sup> It was noted that the re-capture of prisoners was effected by Faunce and Kinsela themselves and that on learning of police misconduct, Faunce had acted appropriately, although questions remained over allegations that Kinsela was taking kick-backs.

The inquiry, if anything, highlighted the difficulties experienced in bringing order to remote, lonely locations, far from the main centres of “civilisation”, where the only police personnel to be obtained were often ex-convicts, the rum flowed as freely as the rivers in winter and the nearest reminders of social decorum lay out of sight, beyond several days’ rough ride over wild terrain.

A testimonial to Faunce from “almost every individual” in “Queanbeyan, Molonglo, Gundaroo and Monaro” was printed in Sydney papers, at which point the harassment of Faunce was delegated to that of an offensive of “private pique”.<sup>195</sup> Notable among Faunces’ referees were Captain Henry Zouch, Nathan Powell, Dr. Hayley and Rev. Smith of Canberra. Surviving the charge against him, Faunce went on to enjoy a good reputation in Queanbeyan. He was embraced as a major figure in the district and in January, 1841, he chaired a meeting at which Rev. Edward Smith, T. B. Besnard, Alexander Balcombe,<sup>196</sup> Nathan Powell, James Wright, Thomas Macquoid, Dr. Hayley, John Gray, J. Weston, A. Lang, H. Hill and D. Kennedy made arrangements for what was to be the first school in the district at St John’s, Canberra. However, a report of 1839 had recommended that the establishment of more police stations would make Visiting Magistrates obsolete and in 1842, although the police station remained open, despite a public petition from the residents of the district, the position of resident Police Magistrate was abolished and Faunce went into business as a flour miller at the “Watermills”, initially in partnership with Captain Henry Moon, but this partnership was dissolved in 1843.<sup>197</sup>

Fall-out took on material substance, however, in the form of T. A. Murray’s resignation as a magistrate in protest over the conduct of the Faunce enquiry, which the *Sydney Herald* viewed as a “great loss to the public”.<sup>198</sup> As the enquiry into Faunce wound up, Stewart Mowle arrived at “Yarralumla” to take charge of Murray’s “fifty or sixty men and 25000 sheep”.<sup>199</sup> Stewart Mowle had arrived in New South Wales in May, 1836, with his uncle, Edward Mowle, the partner of Captain George Bunn, Terence Aubrey’s brother-in-law. In Sydney, the fourteen-year-old Mowle went to school with the celebrated aboriginal student, John Bungaree, at the Normal School in Elizabeth Street, at which Michael Fitzpatrick, later MP for Yass, was a teacher. Mowle befriended Edmund Gibbes, the son of Colonel John Gibbes, who had replaced Captain John Piper as customs officer in Sydney, and through which friendship he attended the Sydney College (Grammar School). Mowle regularly stayed with the Gibbes’ at the Point Piper mansion which they had assumed from the former

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<sup>193</sup> *ibid.*

<sup>194</sup> *Aust*, Sat 22 Aug 1840, p2

<sup>195</sup> *Australasian Chronicle*, Sat 22 Aug 1840, p1 & p2; *Aust*, Sat 22 Aug 1840, p3

<sup>196</sup> Alexander Balcombe was William Balcombe’s son and the husband of Dr Reid’s daughter, Emma Juana Reid.

<sup>197</sup> *Aust*, Wed 14 June 1843, p1

<sup>198</sup> Mon 10 Aug 1840, p2

<sup>199</sup> Mowle, (1899 - 1955)



customs officer and where in 1838 Mowle met T. A. Murray, the man who was to become his “best loved friend in the world” at the start of what Mowle was to describe a “modern Damon and Pythias” relationship.<sup>200</sup> Captain Bunn drowned in Sydney Harbour in 1834 and after the death of her husband, Anna Bunn lived with her brothers, Terence at Yarralumla and James at Woden. Mowle’s uncle was living on Anna Bunn’s property, “St Omer”, at Braidwood and in 1837, Murray invited Mowle on a visit to his uncle and then his estate at Yarralumla. While staying at St Omer, Mowle met the “laird” of Braidwood, Dr Thomas Braidwood Wilson, R. N., formerly a surgeon on convict ships before settling in the district named for him.<sup>201</sup> After settling in Braidwood, Stewart Mowle began a secret love affair with Wilson’s daughter, Mary, said by former Governor William Bligh’s daughter to be “the nicest girl in Sydney”,<sup>202</sup> but in a match disapproved of by Mary’s father. Following his uncle’s death and the sale of the St Omer estate in Braidwood, in August, 1840, Stewart Mowle took up permanent residence at “Yarralumla” and Murray returned to Sydney, leaving Mowle with aboriginal hand, Tommy Murray, in charge. Stewart Mowle was a friend of Charles O’Connell and Trustee for O’Connell’s wife, the former Mary Putland.

Two qualified medical practitioners were listed for County Murray in 1839. At Tallagandra, near Bungonia, was Henry Cowper, M.D., son of Archdeacon William Cowper, brother of Archdeacon Rev. William MacQuarie Cowper and brother of future Premier, Charles Cowper. Born in Yorkshire in 1800, after arriving in Australia in 1809 as somewhat of a prodigy, Henry Cowper was apprenticed to Colonial Surgeon, William Redfern, at the age of fourteen and became Assistant Colonial Surgeon at twenty. In 1821, he went to London where he studied at St Georges, Tooting, and returned to Australia in 1823 as a fully qualified Member of the London Royal College of Surgeons, bearing the prestigious title of “Mister.” He became Queensland’s first doctor at Moreton Bay in 1825. However, a drunk with a volatile temper, he was also an embarrassment to his family, saved from dismissal only through sympathy for his well-regarded father. Stationed at Moreton Bay Hospital in 1830 at the same time as Cowper was Dr John Fitzgerald Murray, who bore a major dislike of the man. Cowper was dismissed

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<sup>200</sup> *ibid.*

<sup>201</sup> Wilson had been at Raffles Bay (Fort Wellington) in the Northern Territory and in 1829, he had sailed with Captain Collet Barker from Kupang to the fledgling Swan River colony in Western Australia, when St George’s Terrace consisted of “lofty trees, and a variety of lovely flowers” (Wilson, 1835) and of which his political observations were that most of the good land along the Swan River had perhaps imprudently already been given away and the colony was yet too small for a discursive press, writing “In my perambulations, I fell in with the *written* newspaper of the place, appended to a stately eucalyptus tree, where, among other public notices, I observed the Governor’s permission for one individual to practise as a notary, another as a surgeon, and a third as an auctioneer. There did not appear to be an opposition tree, and so much the better; as, although a free press may do good to a community arrived at a certain state of perfection, yet I think it may be doubted how far it can be serviceable in an incipient colony, where private affairs are narrowly noticed, and animadverted on: hence spring jealousies, ill feeling, and their numerous train of disagreeable attendants” (*ibid.*). In 1829, Wilson explored the Denmark River in Western Australia, where Wilson’s Inlet is named for him. Wilson delivered specimens of Western Australian flora to Allan Cunningham at the Sydney Botanic Gardens, one species of which, *Grevillea Wilsonia*, was named for him. He is also credited with introducing honey bees to Australia. Wilson claimed that conditions on board the ships for the convicts he was responsible for were better than those for free settlers, which may or may not be true, but as with Capt Barker, although there are occasional expressions reflective of the colonial perspectives of the time, unlike more dismissive colonial dispositions, Wilson’s friendly relationships with indigenous peoples, “treated so cavalierly, in the first instance, by the civilized intruders on their native land”, is recognisable in the detailed written accounts of his journeys, in which he describes indigenous people of northern Australia as “intelligent” and that “far from being such untameable savages as originally represented, are, in reality, a mild and merciful race of people. They appeared to be fond of their wives and children; at least, they talked of them with much apparent affection. They have frequently interposed their good offices in preventing the soldiers’ children from being chastised: I have seen them run between the mother and child, and beg the former to desist from her (as it appeared to them) unnatural conduct, in punishing her own offspring” (*ibid.*). In another instance Wilson’s use of the term “civilized” was more qualified. In acknowledging that at Raffles Bay some locals had stolen a whale boat, Wilson added “This may appear very culpable. It is far more excusable, however, in these untutored beings, than the same crime when committed by those calling themselves *civilized*. Several instances of *civilized* delinquency are within my knowledge, one of which I may cite: - The master of a government colonial brig, picked up a canoe belonging to the natives, and without hesitation took it on board, and rigged it for his own use; thereby robbing a whole family of the principal means of gaining their subsistence. Yet this action was never imagined to be in the slightest degree dishonest; and the mate, from whom I heard the anecdote, seemed surprised that any one should consider the captain’s conduct reprehensible...” It also has to be noted that this was during a time that British people were hanged for theft of goods beyond the value of 20 shillings or were transported for petty theft.

<sup>202</sup> *ibid.*

in 1832 following a scandal involving drunken seductions of convicts in the Female Factory, but by March, 1839, he was listed as a licensed medical practitioner for County Murray. In 1837, Cowper had married Eliza Prince and when he died on June 5, 1849, at Boorowra near Gundaroo, she inherited his estates at Tallagandra and Braidwood, along with his insolvency, of which Cowper's brother, Thomas, was Trustee.

However, in 1839 also, Dr William Foxton Hayley of Gundaroo was registered with the New South Wales Medical Board and of his *bona fides* there was no question. As a young man of twenty-one, Hayley had attained his medical qualifications from the London Royal College of Surgeons in January, 1835, and attesting to his dedication, Stewart Mowle was later to write that "Hayley was a wonderful man – even on horseback for he had a large district to visit. Distance was nothing to him, and he never seemed to tire, and he rode the roughest of horses..."<sup>203</sup> In January, 1843, Hayley married Elizabeth Davis, William Davis of Ginninderra's sister, in a ceremony at James Wright's estate at Lanyon. The Hayleys lived at "The Oaks", formerly the old "Elmsall" inn at the upper end of Queanbeyan.

In his *Reminiscences*,<sup>204</sup> Stewart Mowle identifies the gay social set of the district at the time as "Captain Faunce of the 4<sup>th</sup> Regiment and family", Dr Murray and the Murrays' sister, Anna Maria Bunn, Charles Campbell of Duntroon, G.T. Palmer of Ginninderra, Henry Hall of Charnwood, McQuoid, the Sheriff's son of Tuggranong, James Wright of Lanyon, The Kings of Gidleigh (grandsons of the former Governor), Powell and Zouchs' family, Captain and Frank Rossi and the Lowebyes, Rev Edward Smith, Dr William Foxton Hayley, J. M. Antill of Molonglo, now at Picton, and the Rutledges".

However, Queanbeyan was no longer merely the domain of the big pastoralists and the entire culture-scape was transformed as more people moved in, towns were formed, buildings went up and services were introduced throughout Queanbeyan to the Maneroo.

In 1839, Moses led a petition to build a respectable inn at the Maneroo.

Dr Reid's Flat. — Respectable persons travelling through the above part of the country, have for some time past experienced great inconvenience and hardship, in consequence of there not being a respectable house of accommodation for many miles around. We have seen a petition to His Excellency the Governor, from Mr A. Moses, for permission to erect a house of accommodation at Dr Reid's Flat. This petition has already been signed by many of the most respectable and influential gentlemen in the Colony to whom Mr Moses has been known for years past, and who speak of him in the highest terms of commendation. We should imagine that with such signatures as the petition bears, His Excellency will not consider long about granting Mr Moses' request.

- *Australian*, Tuesday 12 March 1839, p2

By 1839, Gray announced he was holding monthly auction sales at his store at Dr. Reid's Flat at "Manaroo" and at his "Goulburn Store" at Queanbeyan. On a Tuesday in early February, 1838, the first run of a weekly subscription mail service had been initiated by Abraham Moses from the Maneroo to Queanbeyan. However, his attempts having lapsed, the want of a mail service beyond Queanbeyan to Maneroo was put to the government by the inhabitants and John Gray offered to run a private mail service for £200. The government did not comply and on public solicitation, from March, 1839, Gray began a weekly subscription service.<sup>205</sup> It left Queanbeyan on Sunday for arrival at Reid's Flat on Monday afternoon, returning Tuesday to arrive in Queanbeyan on Wednesday. In 1840, Queanbeyan was still the furthest post office.

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<sup>203</sup> Mowle (1899 – 1955)

<sup>204</sup> *ibid.*

<sup>205</sup> *Australasian Chronicle*, Fri 10 Apr 1840, p3

On July 13, 1839, the first sale of town allotments in Queanbeyan village was advertised to take place on August 15 in the Market Building in George Street, Sydney.<sup>206</sup> The major beneficiaries of the sales were store-keeper, John Gray, John Hosking and John Terry Hughes in partnership and John Hunt's sister, Emma Rowley, although others who bought allotments were Francis Cooper of Lake George, Sydney Territorial magistrate, Lawrence Myles, store-keepers, Benjamin and Moses and T. A. Murray. [See App. 1]. Over the next few years, William Hunt and Joseph Kaye bought up many town allotments and alongside John Hunt's "Doncaster", their "Elmsall" inn became a focal residential hotel, watering hole and function centre in Queanbeyan.

With the fortunes of the pastoralists dependent on their livestock, cattle-stealing was a capital offence. However, at a time when land was generally unfenced and subject to relatively random occupation and pasturing, the straying of stock and horses was common. The convention at the time was that the 'owners' of land on which animals strayed would care for the animals until claimed, when costs would be paid by the owners. All livestock had to be branded according to a government assigned mark to allow identification. Pounds were introduced to which stock could be delivered and redeemed on the payment of keeping fees. The pounds were run by the police until civilian pound-keepers were appointed, the first in Queanbeyan being Alexander Anderson in 1839, whose notices for stray stock from Gundaroo in the north to James Wrights' property at the south began appearing in the newspapers from November. In 1840, John Gray became pound-keeper, replacing Alexander Anderson who resigned.

In 1840, the MacPhersons of "Springbank" moved to Victoria, where the MacPherson's son, John Alexander MacPherson, entered parliament in 1864 and became Premier in 1869.<sup>207</sup>

The drought that had crippled the colony was finally broken at the end of 1839, when it was reported that "About Gundaroo and Queanbeyan, the crops are luxuriant, and the pasture lands covered with a fine sward of grass"<sup>208</sup> and as the rain was celebrated at Monaroo, so too was the building of Abraham Moses' "Squatters' Inn" on the Monaroo, now to become the furthest inn, previously that at Micalago.

We have been informed that the late rains have reached the country about Monaroo, and that food for sheep and cattle is springing up in great abundance in consequence. The respectable graziers and flockmasters of that widely spreading, and extensively located district, will experience much convenience from the public inn, which the Governor has lately authorised to be built at Binjura, better known by the name of Dr. Reid's Flat. The enterprising proprietor, Mr. Abraham Moses, has, we understand, been at great expense in building and fitting up a spacious house of entertainment in that neighbourhood the want of which has long been felt. The last licensed inn on the Monaroo line of road, is at present at Micalago, upwards of thirty miles from Dr. Reid's Flat, and eighty or one hundred miles from the farthest stations on Monaroo, and beyond the Snowy River.  
- *Sydney Monitor*, Monday 10 September 1839, p2

In April 1840, James Kirwan took out the license for "The Grazier" at Cooma. He held the license at the hotel, which became the "Grazier's Arms", for many years.

Jane Wilson, nee Getty, held the license to the *Traveller's Home*, "on the line of road from Gundaroo to Queanbeyan", in May, 1840, following from her husband, James Wilson, who had died the previous year.<sup>209</sup> James was a bricklayer and he died on September 28, 1839, while working on the St Saviour's church in Goulburn, the fore-runner to the cathedral. In August, 1840, Jane became Mrs George Frederick Woodman, but her husband of barely two weeks was shot dead at the inn on September 7 by a guest in a drunken altercation, with Woodman crying out what was to become of his children, assumedly Jane's five children by her former husband and his daughter with Jane born in

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<sup>206</sup> *Syd Gaz*, Sat 20 Jul 1839, p4

<sup>207</sup> John McPherson's sister, Lorn Jane, married Henry Rotton of Bathurst, but died from a miscarriage in 1843 (*SMH*, Fri 15 Sep 1843, p3). Rotton was MP for the Western Borough from 1857 and then for Bathurst (Hartley), as a supporter of Sir John Robertson and Sir Henry Parkes (*Bathurst Times*, Sat 31 Jan 1914, p2).

<sup>208</sup> *Syd Mon*, Mon 16 Sep 1839, p2

<sup>209</sup> Jane Getty married James Wilson on 12 Nov 1827

April the next year. A month after the murder, Enoch Bradley stood before Justice Stephen in the Supreme Court in Sydney, when after a jury returned a verdict of guilty, swearing his innocence, Bradley was sentenced to hang.<sup>210</sup> Jane held the license of the hotel in 1843 and 1844, after which it was managed by David Thompson, Martin Byrnes and then John Donnelly in 1853. In 1856, Charles William Reade of Gundaroo held the license under Joseph Edgar's proprietorship.

On May 18, 1840, Daniel Geary was granted a license for the "Currency Lad" at Gundaroo. The following year, the lease was held by John Nicol, granted by Faunce and Powell of Queanbeyan.

John Schumack, the first of seven brothers to emigrate to Australia, arrived as a free settler on board the *Resource* in 1840. Employed by Klensendorffe on his property at Canberra, Schumack and his family made their way to the location that was to be home to many members of the Schumack family well into the next century. John Schumack rented one of the farms on the Campbells' Duntroon estate and four miles north of Duntroon station, on the road to Yass, John's son, Joseph Schumack, ran the *Canberra Inn* from 1876 until he sold it in 1887, when it closed down.

From June, 1841, John Daffarn owned the "Dog and Stile", on Macquoid Street in Queanbeyan and a letter to the editor of the *Sydney Herald* a few months later by a visitor reflects the substantial meal provided by Daffarn and the "real tack to wash it down with", following a horse race on the Molonglo, with Daffarn's "Young Scratch" taking a fifty-pound purse "in gallant style", once the sun had melted the snow on the plain by late morning. The same visitor records his disappointment with the local thoroughbreds, at the time, not living up to their reputation and seemingly woefully underfed and although the provision of equipment did not result in further sport that day of Tuesday, September 14, it seems that horse-racing, cricket and quoits were the already the sports of choice for the district.<sup>211</sup> Daffarn held the license of the "Dog and Stile" until 1843, when Thomas Booth took over at a rental of £100 per year.<sup>212</sup> When the premises was put up for sale in 1844, its description was of an unencumbered ten-room building on three-quarters of an acre, consisting of "a Tap, a Bar-Room, two Parlours, six Bedrooms, detached kitchen and store, eight-stall stable, coach-house, garden, large yard, and extensive stock-yard", commanding a trade "Situated at the entrance of the township, at the junction of the roads from and to Sydney, Molonglo, Gundaroo to Maneroo, Twofold Bay, Boyd town and all the populous Southern Districts, and having the Queanbeyan River, abounding in cod and perch, only about 300 yards off."<sup>213</sup>

Although Chief Constable Patrick Kinsela survived the 1840 enquiry with his reputation relatively intact, on the night of Tuesday, February 23 in 1841, he was killed when his dray overturned while crossing a creek bed.<sup>214</sup> Kinsela was buried in "The Oaks Burial Ground", Queanbeyan's cemetery from 1838 to 1846, prior to the establishment of Riverside Cemetery. A rumour that he was drunk was refuted by a correspondent to the *Gazette* who claimed that Kinsela was teetotal.<sup>215</sup> Kinsela was replaced as Chief Constable a few weeks later on March 7, 1841, by Alfred Witts, a free settler from Kent who had arrived in Australia with his family in 1838. In 1842, Patrick Kinsela's widow, Jane, married its proprietor, William Hunt.

Kinsela's was not the only death to impact on the district in 1841. In October, although one of the most highly regarded men in the colony, heavily in debt and his affairs in disarray, Thomas Macquoid's father, the High Sheriff of Sydney, shot himself at his home at Woolloomoolloo.<sup>216</sup> With a

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<sup>210</sup> *Australasian Chronicle*, Sat 7 Nov 1840, pp 2,3

<sup>211</sup> *Syd Hld*, Tues 21 Sep 1841, p3

<sup>212</sup> Daffarn moved to Braidwood, where he managed a new "Dog and Stile" (Stewart's in 1859) and was pound keeper. He died in Braidwood in 1871.

<sup>213</sup> *SMH*, Mon 2 Sep 1844, p4

<sup>214</sup> *Syd Hld*, Tues 9 Mar 1841, p2

<sup>215</sup> *Syd Gaz*, Thurs 11 Mar 1841, p3

<sup>216</sup> *Syd Mon*, Wed 13 Oct 1841, p3

level of attention and co-operation that earned him general praise, his son, Macquoid of Tuggranong, took over his father's affairs and within a few years paid off his debts, both private and those contracted in his capacity of Sheriff. Lauded by a Select Committee of the Legislative Council headed by Charles Cowper for the manner in which he had "for some years past devoted himself to the management of the estate, under very trying and discouraging circumstances", in 1846, a petition was granted to Macquoid junior, for arrangement and liquidation of the remainder "in order to show that the praiseworthy exertions of Mr. T. H. Macquoid to redeem the memory of his father, and to obtain for all the claimants the payment of their debts, has been appreciated as it deserves".<sup>217</sup> Residing on the estate at Waniassa, Thomas Macquoid junior, played a central part in the politics of the district.

In December, 1842, Gray and Campbell dissolved their partnership by mutual consent, with Gray buying out Campbell to become sole owner of the stores at Queanbeyan and Maneroo. At the same time Gray resigned as pound-keeper and was replaced by newcomer, John James Wright, with the pound transferring from Gray's property to Hunt's.<sup>218</sup>

The precise origins of J. J. Wright are somewhat mysterious. One source states his arrival in Sydney in 1842, a native of Coote Hill, County Cavan,<sup>219</sup> while others cite an arrival in the colony of New South Wales at about the same time, but from Ballina in County Mayo in Ireland, (another account is that he was born in Ballina, NSW, in 1821). It is uncertain if he landed at Victoria or New South Wales, but there is agreement that he was around eighteen or twenty when he arrived in the colony and that he was in Queanbeyan by December, 1842. What is certain, however, is that emerging from the misty cloud of his mythical origins was a man who was to be a leading force in the district for over forty years, handmaiden to its birth, patron of its growth and the man who was to become the town's first Mayor forty-four years later in 1886.

Brutalisation was the plea of the second of the well-known bushrangers of the district, who became infamous from the 1840s. William Westwood, who in his career on the run as a teenage bushranger had gained the epithets of "the gentleman bushranger" and the ubiquitous "Jacky Jacky", wrote of how brutal and hypocritical treatment to which he had been subjected had led to his exploits, including in company with the notorious Curran. Transported in 1837, still a boy at only sixteen for stealing a coat, Westwood had been assigned to Philip Parker King at Penrith and was then, purportedly, at King's Gidleigh estate at Lake George. By 1841, he had a reward on his head and after a series of escapes from several jails, he ended up on Norfolk Island where he brutally killed four people during a mass riot in 1846, for which was hanged. While Tennant had been somewhat older when transported for life, from the condemned cells on Norfolk Island, noting how he was "torn from his family" for a "trifling offence", the boy Westwood wrote of how he was "treated more like beast than a man, until nature could bear no more...driven to despair by the oppressive and tyrannical conduct of those whose duty it was to prevent me from being treated this way".<sup>220</sup> Somewhat educated, Westwood could both read and write at the time of his transportation, Westwood's articulate letter epitomised the context of the movement toward more progressive treatment of convicts. Undoubtedly, these experiences shaped the romanticised perceptions of bushranging. However, whatever the cause of their disintegration, by the time of their capture, Westwood and his gang could not be considered innocent victims of circumstance. One notorious bushranger and associate of Westwood's raped a Bungendore police constable's wife and the gang brutalised a man in T. A. Murray's service who subsequently died.<sup>221</sup>

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<sup>217</sup> *Aust*, Wed 30 Aug 1843, p4; *SMH*, Mon 21 Sep 1846, p2; Fri 16 Oct 1846, p2

<sup>218</sup> *SMH*, Wed 21 Dec 1842, p2

<sup>219</sup> *ATCJ*, Sat 26 Mar 1887, pp14, 31. There is some support for this in an immigration record of a John Wright, 18, from Coote Hill, Cavan, arriving in Sydney in 1840, brought out by A. G. Smith & Co. This record states his parents as James and Sarah, both alive, and referees, James Cornelius and John Campbell of Coote Hill.

<sup>220</sup> *Bell's*, Sat 28 Nov 1846, p1

<sup>221</sup> *Australasian Chronicle*, Sat 29 May 1841, p3

## **The First Election - 1843**

At this time, the colony was still run by the Governor and the members of the Legislative Council appointed by him. However, New South Wales was a burgeoning society as much of free settlers as ex-convicts. In 1840, transportation ceased and the stringent, military-style administration of the colony was inappropriate. For its small, but fast-growing population, the colony of New South Wales was well-served by several newspapers in Sydney, fiercely commenting on the progress of the colony and leading the call for the transition to independent governance.

In January, 1843, Governor Sir George Gipps proclaimed the first elections to be held in New South Wales, whereby men of a certain class could be elected to the “Legislative Council”. Recognised residents over twenty-one, including emancipists, could stand for the Council or vote, however, property criteria restricted eligibility for both. Candidates or electors had to possess property worth £200 unencumbered or be living in houses worth £20 per year, which essentially narrowed eligibility to the relatively wealthy and the method by which eligibility was determined, although simple in comparison with Britain, was still complicated enough to be impractical.

1. The Chief Constable in every District is, between the 10th of March and 10th of April, to form a list of all persons entitled to vote in virtue of any property situate within the Police District of which he is Chief Constable. In making this List, he must act according to the best of his judgment, and the best information which he can obtain. Two classes of persons only are to be put on the Electoral Lists. The first class consists of persons who are proprietors within the Police District of lands or buildings of the value of £200. The second class consists of householders living in houses worth at least £20 per annum.
  2. In respect to the first class, that of Proprietors, it is to be observed, that the property must be worth £200 clear of all incumbrances - consequently, that it must be worth £200 over and above any mortgage, or any other incumbrance that may be upon it. A property therefore, worth £300, but mortgaged for £150, would not entitle the owner of it to be put on the Electoral Lists; though a property worth £350, mortgaged for £150 only, would.
  3. In no case can a person *who is a Mortgagee* be entitled to vote in virtue of such mortgage, unless he be in actual possession of the property mortgaged, or in receipt of the rents and profits of the same estate. With respect to a Mortgagor, whose interest in the mortgaged property amounts to a sufficient qualification, if he be himself in possession, or in constructive possession, through the medium of his tenant, he is entitled to vote as “one in his own right seized of or entitled to an estate of freehold in possession” of sufficient value to confer a qualification to vote.
  4. If a property worth £200, clear of incumbrance, be situated partly in one Police District and partly in another of the same Electoral District, it should be included in the Electoral List of that Police District in which the larger portion of it is situated.
  5. In estimating the annual value of dwelling houses, out-buildings required for the use of the family may be included, as well as the garden, if there be one; but farm buildings must not be included, nor must the garden, if larger than what is required for the domestic purposes of the family occupying the house. A market garden or nursery ground must therefore be excluded equally with land used for agricultural or grazing purposes.
  6. No person can be put on the Electoral Lists who is not of the full age of twenty-one years, nor any foreigner, unless he shall have been naturalised, or shall hold Letters of Denization from the Governor of New South Wales.
  7. No Leasehold interest however large, confers a right on a party to be put on the Electoral Lists, unless he occupy a house of the yearly value of £20, and then he derives his right to vote only from his household, in no respect from his leasehold qualification.
  8. Holders of Tickets of Leave are in no case entitled to be on the, Electoral Lists, but persons whose sentences have expired, and persons holding pardons, may be put on the Lists, if duly qualified, whether the pardons they hold be absolute or conditional.
  9. No person can be put on the Electoral Lists in virtue of any property which he may have acquired since the 10th of October last, nor of any house of which he was not in the occupation on the 10th of October last...
  20. Persons in possession of property in right only of their wives, and not in their own right, are not qualified as freehold proprietors; though if a man live in a house belonging to his wife, worth £20 a year, he may of course be qualified as a householder...
  22. Having considered the question of value, the next material point to consider is the *requisite occupation*. A general rule, usually acted upon in determining the question “who is a householder?” is, that no person can be deemed a householder who does not possess an exclusive right to the outward door of the building, although, by taking inmates, he may have relinquished for a time the exclusive exercise of that right. - Thus, the original right to an exclusive use is the point of discrimination between the householder, on the one hand, and the inmate, on the other...
- Circular Letter to magistrates re the 1843 Legislative Council election (*NSW Gov. Gaz.*, Iss. No. 21, Tues 7 Mar 1843)

When a correspondent queried the *Australian* newspaper as to whether a man who owned a £15000 property whose yearly mortgage, working and living expenses exceeded his rental income was

eligible, the paper replied that they were not entitled, adding a note that nor should they be as they were obviously deliberately living beyond their means!<sup>222</sup>

Complicated rules aside, it was an exciting step forward for the near 170000 people of New South Wales, which although New Zealand had become independent of New South Wales in 1841, still included Moreton Bay (Queensland) and Port Phillip (Victoria), even if only a small fraction of their number were eligible to actively cast their choice. Electioneering began as soon as the writs were issued, with candidates coming forward like seasoned professionals.

In keeping with his burgeoning fortunes and the emerging egalitarianism of the new colony, Samuel Terry's son-in-law, John Hosking, had become a magistrate and Sydney's first Mayor. On May 29, 1843, as Mayor and Returning Officer in Sydney, John Hosking issued the writ of election for the city to take place in June, with Rickards advertising "Silk for Banners and Ribbons" from his store near the Sydney Post Office. As much to fly in the face of Sydney society as his father-in-law, Hosking once glided into a dinner at the Royal Hotel bedecked in the purple robes of state, but by the next year, he and Hughes had lost most of Terry's fortune. Hosking had intended to stand for Sydney in the 1843 election, but now bankrupt, with the collapse of his fortunes and with it, the Bank of Australia, he had to withdraw. He sold much of his property, although his wife, Martha, Samuel Terry's daughter, was still very wealthy in her own right and he retained his land at Molonglo.

For the 1843 election, due to their spartan population, the Counties of Murray, King and Georgiana were united, for which the obvious and only candidate was Terence Aubrey Murray. A month ahead of the election, in May, Murray married Mary "Minnie" Gibbes, the second daughter of Lieutenant-Colonel Gibbes, the new head of Customs in Sydney who had replaced Captain Piper, becoming the new resident of the former naval officer's Point Piper mansion.<sup>223</sup> Minnie was the sister of the Mowle's childhood friend, Edmund. On their marriage, Murray settled his new bride in at "Yarralumla" and as a financial hedge against the effects of the 1837 to 1939 drought, he signed some of his property to her, including "Yarralumla" and part of "Winderadeen", with her father, Colonel Gibbes, her brother, Augustus Gibbes, Stewart Mowle and Alleyn among the trustees.

Leading Murray's canvas for the election was Stewart Mowle, assisted by Donald McLeod of "Bairnsdale", Gundaroo.<sup>224</sup> At the nominations held in Yass in June, proposed by Cornelius O'Brien and Captain Faunce, without opposition, Terence Aubrey Murray became the first elected representative for the United Counties of Murray, King and Georgiana,<sup>225</sup> whereupon Mowle ordered a hogshead of beer to be opened in the streets of Yass in appreciation.<sup>226</sup>

In 1843, Charles Alphonse Massey arrived at "Yarralumla" from New Zealand to learn the pastoral trade as T. A. Murray's superintendent and he soon became a major landowner at "Stoneville" and later "Fairfield" at Gundaroo, where he bred Leicester sheep and became a magistrate.

Rev. Edward Gifford Pryce, who had arrived in Australia in 1840, passed through Queanbeyan while conducting a missionary tour to the Maneroo in 1843 under instructions from Bishop Broughton, after which he became resident at the Maneroo. In Queanbeyan in 1843, Captain Faunce, Nathan Powell and John Weston were granted land at Trinculo Place in trust for a church. At this time Rev. Edward Smith was attached to both Christ Church in Queanbeyan and St John's at Canbury, ministering to nearly two hundred Anglicans. It may be that Catholic Rev. Martin Hastings was briefly in the district in 1843, but in 1844, Rev. John Kenny was stationed in Queanbeyan, bringing Catholic services to

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<sup>222</sup> *Aust*, Mon 23 Jan 1843, p3

<sup>223</sup> *Australasian Chronicle*, Tues 30 May 1843, p3

<sup>224</sup> Mowle (1899 – 1955)

<sup>225</sup> *SMH*, Thurs 22 Jun 1843, p2

<sup>226</sup> Mowle (1899 - 1955)

about forty or fifty recognised Catholics in the town and on stations throughout the district. At this time, Father Michael Kavanagh, formerly of a parish in the Blue Mountains, was briefly at Cooma for the Maneroo, but he then moved permanently to Queanbeyan, where from January, 1844, he and Rev. Kenny shared the large stone residence of the parish in which there were now about seventy Catholics registered.<sup>227</sup> From 1844, Queanbeyan was specified for Presbyterian services held by visiting ministers Revs W. Ross and S. F. MacKenzie of Goulburn, William Ritchie of Yass and A. S. Pennycook of Braidwood.<sup>228</sup>

When Christ Church school opened in 1843, recently qualified medical doctor, Andrew Morton, was teaching eighteen girls and twelve boys,<sup>229</sup> with that number rising to almost ten more students in each of the succeeding two years, until dropping to fifteen in 1847 for reasons that are probably explained by the economic circumstances experienced in the district from the mid-1840s. His successor in 1848, William E. Perry, was graced with 33 students in an equal mix of boys and girls, with the complement rising to 55 under John W. Considine the following year, of whom 31 were boys and 24, girls.

James Baillie was the teacher at St John's, Canbury, in 1846, teaching twice as many boys as girls of a total of 22 children, while at the Church of England school at Gininnderra in 1846, 1847 and 1848, Hugh McPhee taught 19, 22 and 34 pupils, respectively, with a fairly even number of boys to girls.

From 1847, Andrew Wothersoon led the school at Canbury, a position he held until in 1851, he and Mrs Wotherspoon conducted the National School in Yass before Wotherspoon returned to Canbury in 1853.

Provision for adults too was taking shape. As the Australian Subscription Library, based in Sydney, opened its doors to the general public, Andrew Morton was Secretary for the local Queanbeyan branch and Klensendorlffe, its Treasurer.<sup>230</sup>

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<sup>227</sup> *SMH*, Wed 21 Aug 1844, p4

<sup>228</sup> White, 1951

<sup>229</sup> NSWSA: NRS 1286. All the figures for schooling as cited on this page have been obtained from this source.

<sup>230</sup> *SMH*, Thurs 4 Feb 1844, p1



## **The 1840s Crash**

In the early 1840s, there had been an influx of British capital into the Australian colonies, of which in Britain, Francis Mowatt was an agent. In 1840, Mowatt became a director of the Australian Trust Company,<sup>231</sup> which, along with the Scottish Australian Investment Company and the earlier British Colonial Bank and Loan Company, hedged landholders against the depression with loans, but when declaimed for usury and reckless speculation, re-directed funds into industrial investment.<sup>232</sup> Mowatt was becoming a substantial figure in Britain. In London in 1841, he was part of the meeting with Dr. W Aug. Guy of King's College Hospital to establish a Hospital for Consumption and Diseases of the Chest.<sup>233</sup> Mowatt was the Deputy Chairman of the London and York Railway Company, of which his brother, James Ryder Mowatt, was Secretary.

Mowatt's political and economic influence was also of substance as he was a major proponent of British capital investment into Australia. However, the foreign capital issue stimulated a response from the pivotal figures in Australia, whose perspectives were increasingly focussed on local political and economic independence. A desire for financial self-reliance of the colony maintained by the political leadership ensured that resistance to foreign funds spurred preservation of the railways as government and locally funded projects. In 1843, to raise funds locally, District Councils were introduced in New South Wales with their boundaries roughly being those of the police districts. Gazetted in September, 1843, the first Queanbeyan District Council had as its Warden, Dr James Fitzgerald Murray, with Charles Campbell, Henry Hall, Henry Zouch, Nathan Powell, Dr. William Foxton Hayley and John King, its first councillors,<sup>234</sup> and William John Packer of Gundaroo joining them the following year. However, unpopular from the start as a British municipal import unsuitable for specific colonial conditions and the more spartan, low density population, the expense of District Councils was considered to outweigh any benefit to be derived from them, and in July, 1844, a petition to that effect from the Queanbeyan District Council and inhabitants of the district was presented to parliament by T. A. Murray. Despite the protests, the NSW government persisted with the experiment until 1852.

In December, 1844, the Queanbeyan Council's first assessment of the district was that there were fifty rateable houses in the town of Queanbeyan and three in Bungendore. There were about 11 000 head of sheep, approximately 122 000 head of cattle and just over 1000 horses, with about 191 000 acres of locatable land, of which under 3000 acres was under cultivation.<sup>235</sup> However, in the same year, at the height of the 1840s depression, much of the town of Queanbeyan went up for sale. Years of crippling drought from 1837 to 1839, lack of labour following the cessation of transportation and "reckless speculation" took its toll on New South Wales and changed the face of Queanbeyan. The drought had broken in 1839, but its effects were felt in the great credit crunch of the early 1840s, when the Australian economy plunged into one of the greatest depressions it was ever to experience.

The timing of the 1837 to 1839 drought was critical due to the conditions under which the Australian economy operated at the time. Britain's reliance on Australia to supply it with best quality wool for its textile industry as part of the industrial revolution had made Australia a hub of the world market and subsequently stimulated an influx of great amounts of capital into the colony to support pastoralism.<sup>236</sup> The economy was heavily dependent on pastoralism and the pastoral economy operated almost entirely on credit. With restrictions on direct bank loans to pastoralists, merchant companies borrowed money from banks which was used to finance pastoralists in the form of

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<sup>231</sup> London *Standard*, Wed 4 Nov 1840, p1

<sup>232</sup> McMichael, 1984

<sup>233</sup> London *Morning Post*, Mon 7 Jun 1841, p1

<sup>234</sup> *SMH*, Mon 4 Sep 1843, p4

<sup>235</sup> *SMH*, Mon 9 Dec 1844, p4

<sup>236</sup> McMichael, 1984

extended credit underwritten by a lien on the wool at market. The period from growing to shearing to sale in Britain to deposit of funds in Australia could be as much as a year and a half, during which time pastoralists could draw on their credit up to a discrete sum on guaranteed drafts until the money from the sale of the wool was in the hands of the merchant financier. With a return on the wool at market being the only security for credit and pastoralists, financiers and others who extended credit, such as store-keepers, dependent on a good return, vulnerabilities of the late 1830s, including lack of labour to shepherd flocks, disease and then critically the major 1837 to 1839 drought, triggered a complete collapse of the economy within a matter of a few short years with bankruptcies taking hold from the early 1840s. Middle-class tradesmen and store-keepers, who also operated on credit, were as affected as the pastoralists as the flow-on effects were felt. While usually those at the lower end of the income scale tended to be the most vulnerable in times of economic hardship, in Australia at this time, the wealthy were not immune. Wealthy settlers whose income depended on the land were vulnerable to the effects of drought, flood, disease, lack of labour or any factor that affected their ability to bring in a crop or feed their flocks and herds and the flow-on effects in an undiversified economy ruined many of the wealthy and middle-class tradesmen and merchants. Depression and suicide were common in an economy that generally ran on credit and inability to pay debts meant public shame or a term in debtor's prison.

Among the casualties in the Queanbeyan district were Joshua John Moore, John Weston and Emma Rowley, all of whom went insolvent in 1843, followed in the next two years by Rowley's husband, George, and her brother, John Hunt, individually and in partnership as "Rowley and Hunt".

In 1843, Hunt and Kaye announced they were moving the "Elmsall Inn" from Monaro Street to a new building on the Molonglo side of the river and Eliza Hunt married Joseph Kaye on November 14, 1844. A month after the marriage, Kaye and Hunt's partnership was dissolved and Kaye went into farming at Canberra, renting McPherson's former "Springbank". The family later rented "Klensendorf" for 65 years. Kaye died while living with his family in Crawford Street in 1895. William Hunt continued as sole proprietor of the "Elmsall" inn which was to become one of the longest surviving hotel businesses in the district and which he managed with his new bride, Jane, former Chief Constable Patrick Kinsela's widow, until her death in April, 1862. Hunt then continued the management of the "Elmsall" in almost unbroken succession until his death on Tuesday, August 12, in 1879.

With John Gray's bankruptcy in 1844, his "Goulburn Store" went to Benjamin and Moses, of which Abraham Meyer became manager, and Stephen Nutter, formerly of David Jones and Co. in Sydney, opened a store in Gray's former "Railway Stores".

In 1846, Klensendorff went bankrupt and vacated his large stone residence next door to T. A. Murray's "Yarralumla" for the Murrumbidgee. Murray then rented the house, which soon became home to his friend, Stewart Mowle. By 1843, Dr Thomas Braidwood Wilson of Braidwood had been ruined by the depression, both financially and mentally.<sup>237</sup> Bankrupted by October, losing his entire estate, he fell into a state of total derangement. Following original disapproval, Dr Wilson had since consented to his daughter, Mary's, marriage to Stewart Mowle, but on his death in November, 1843, Mary went to reside with an uncle in Tasmania, to where the heartsick Stewart Mowle later followed her and the couple were married in 1845. Returning to New South Wales, the Mowles briefly lived at "Mannus", one of Murray's properties near Gundagai. In April, 1846, on a journey during which Stewart and the heavily pregnant, Mary, stayed at the homes of with Dr Charles Nicholson, Henry O'Brien in Yass and the Halls of Charnwood, the couple then re-emigrated to Queanbeyan, where they lived at Hunt's inn where their first child, Florence, was born in June. Mowle was sworn in as a magistrate in February, 1847 and he later wrote of his regret at the tyranny of himself and fellow magistrates. He relates how in one case Captain Faunce had to intervene to free a servant Mowle had

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<sup>237</sup> Mowle (1899 - 1955)

jailed for lodging a complaint against him that he had not provided sufficient rations and who was fined and charged costs.<sup>238</sup> Mowle also wrote of a man he and Antill sentenced “to two months confinement in Goulburn jail for absconding and losing sheep” when “common sense would now say that he should have been sued for damages.”<sup>239</sup> Mowle moved his own stock south to Micalago on land rented by Murray from Campbell called the “Waterholes”, while Stewart and Mary Mowle resided with the Campbells for two months. After a stay at Murray’s properties at Lake George, in October, 1847, the Mowles then moved across the river from the Campbells into the forbidding stone warehouse that was Klensendorlffe’s former residence. In her diary, Mary Mowle wrote of the bitterly cold nights she spent at home with her children in the drafty stone house that was the former Klensendorlffe homestead, starving in the dark, steeling against the biting Queanbeyan winters without a candle or pane of glass on the windows.<sup>240</sup> In the midst of their poverty the Mowles appealed to Mary’s uncle in Tasmania for money and to Colonel Gibbes for a position for Stewart in the customs office, at the time without success. Murray, himself on the brink of financial collapse, helped the Mowles as much as he could by giving them some sheep and paying Stewart Mowle £50 to manage “Yarralumla” and Abraham Meyer extended their account of £60 at his store, refusing to take surety, and but for which the Mowles starved.<sup>241</sup>

The Campbells survived the 1840s crash, even if they were somewhat stretched, with Robert Campbell forced to call in loans made to settlers along the Hawkesbury from the 1820s.<sup>242</sup> In 1846, Robert Campbell died and his third son, Charles, became manager of his estates, including “Duntroon”, which he made his residence. Charles was married to G. T. C. Palmer’s daughter and as well as managing “Duntroon” he managed the Palmers’ estate at “Palmerville”. Charles settled the estate with a large number of free, mainly Scottish, immigrants and with a sincere and determined sense of “noblesse oblige”, housed and educated his employees. While Charles Campbell took over his father’s estate at “Duntroon”, his brother, Robert, and his nephew, Robert Campbell junior, resided in Sydney. Charles Campbell was an accomplished classics scholar, a point of commonality with his friend, Terence Aubrey Murray. Murray was of the democratic, public government school and Campbell, a progressive version of the British manorial style, but the two remained co-operative in their development of the district for many years.

Much of the difficulty was blamed on the labour shortage since the end of transportation. The convict and emancipist classes had played a substantial role in the stability, prosperity and development of the Queanbeyan district. Much labour had been supplied by convicts and as several successful people in the district were ex-convicts who had either bought land of their own or were granted land in recognition of services, a strict delineation of the rural class system into ‘free settlers’ and their ‘convict servants’ was not definitively applicable as several so-called “squatters” and employers were themselves emancipists who had received their land grants and worked the land with government men and women assigned to them as any other employer. That a convict past was not necessarily a barrier to accumulation of wealth was starkly evident in that the wealthiest man in Australia was an emancipist. At one time, a small set of the richest people in Australia were emancipists, whose inter-marriage established the wealthiest financial dynasty in the country. Social distinction did still exist in certain quarters but, there no longer being a ready supply of government-assigned servants, attitudes changed as an emerging new working class of people became a valuable commodity. In January, 1845, the efforts of Mrs Caroline Chisholm did not go unappreciated when a tour of the southern

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<sup>238</sup> Mowle (1899 - 1955)

<sup>239</sup> *ibid.* This may have been Stephen Temple, who married Nancy Broadhead in 1845 and died in Queanbeyan in 1878, leaving many descendants in the district.

<sup>240</sup> *ibid.* For their poverty, the Mowles’ were regulars at the rounds of house parties and balls held at Queanbeyan, Braidwood, Goulburn and Yass, with Stewart Mowle at one point finding £12 to pay for a vehicle to a “Rossville” ball and a stay at Woodward’s Hotel in Yass in the summer of 1849.

<sup>241</sup> Clarke, 1986

<sup>242</sup> Halcomb, 2013

districts secured employment for nearly all her party at £12 to £15 per year, and another 20 families were scheduled to leave her residence for Queanbeyan the next week.<sup>243</sup>

Progress toward the dissolution of class barriers became manifest in recognition of the rights of the working class in parliament. In May, 1845, at a meeting held at the “Doncaster” hotel, local Member, T. A. Murray, along with Henry Hall, James Wright, Thomas MacQuoid, Captain Zouch, Nathan Powell and Thomas Rutledge expressed their objections to the *Preferable Lien Bill*, District Councils and the raising of the price of land to £1 an acre, believing this would restrict land ownership to the wealthy.<sup>244</sup> In September, Murray presented a petition from the district opposing a tax on tea and sugar, being injurious to all, but more especially to those of the labouring class.<sup>245</sup>

Crime still plagued a few locales in the district, with “the Burra” in the far south and Gundaroo and Lake George in the far north remaining notorious. When the Queanbeyan mail was robbed in February, 1845, a £25 reward or conditional pardon was offered for the capture of the perpetrators and the same was offered for the capture of those responsible for a brazen hijacking of Kirwan of Cooma’s entire wool drays near Lake George.

However, in 1846, at Gundaroo, at least, a major turnaround began when John Joseph Wiseman Wishart settled in the village. Wishart was an educated Scottish merchant, transported in 1839 for “forgery”. Wishart came from a long established Fifeshire merchant family who ran the village grocers in Kingsbarns. His mother, Elizabeth Laing Skinner, had married Kingsbarns store-keeper, John Wishart, in 1809, with whom she had her son, John, before Wishart died in 1812, probably in the Napoleonic Wars. Elizabeth then married James Skinner, with whom she had several more children, including a daughter, Ann, who married Arthur Affleck, a book seller from Pennycuik, near Edinburgh. At the time of his conviction for forgery, Wishart was living in Glasgow, styling himself a “surgeon”, probably a veterinary surgeon formerly practicing in Leslie. The case against him was that he had run up hundreds of pounds of credit in the name of a business it was claimed did not or no longer existed.<sup>246</sup> Sentenced to fourteen years by the Edinburgh Court of Justiciary, Wishart sailed to Australia on the *Maitland* in 1840 and was assigned to Captain Rossi. Wishart was granted his ticket-of-leave in June, 1846, by the Braidwood bench with permission to reside in the Queanbeyan district. Initially leasing Caroline Jackson’s 320 acres at Gundaroo, by 1848, he had been gazetted as pound-keeper, a position he was to hold until 1857. He bought the infamous “Old Harrow” and remodelled it into a store, essentially establishing what was to become the village of Gundaroo, transforming the locale from the scene of “many a harrowing tale” into a respectable centre and stop-over point to Queanbeyan and the Maneroo.

In 1846, George Gipps was replaced as Governor of New South Wales by Charles FitzRoy,<sup>247</sup> under whom the pastoralists had little to fear. As the *Waste Lands* Bill of 1846 was being debated in the House of Commons, the haphazard manner of land tenure, from grants to purchase with the price of land rising from 5 to 12 to 20 shillings (£1) per acre, was criticised by Scott, Member for Roxburghshire, who pled for Britain not to make impotent those now given the means to exercise local control by ignoring their position. He quantified the great value of the colony, which, with its population of 170000 people, one year imported goods to the value of £3 million, exported £1.4 million worth of goods and sent 14 million pounds weight of wool to Britain, where imported wool accounted for half the employment within the wool industry.<sup>248</sup> The price of land had been increased,

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<sup>243</sup> *SMH*, Fri 10 Jan 1845, p2

<sup>244</sup> *SMH*, Fri 2 May 1845, p1

<sup>245</sup> *SMH*, Wed 24 Sep 1845, p2

<sup>246</sup> National Records of Scotland. JC26/1839/374

<sup>247</sup> FitzRoy was half-brother to Robert FitzRoy, Governor of New Zealand from 1843 to 1845 and captain of the *Beagle* in its revolutionary voyage around the world with Charles Darwin as part of the hydrographic survey commanded by Philip Parker King.

<sup>248</sup> *SMH*, Fri 18 Dec 1846, p2

essentially against the wishes of the people of New South Wales and the result was a reduction in immigration to the colony, against even the interests of an over-populated Britain, subsequently causing shortages in labour and capital. Nevertheless, passed into law, the 1846 *Waste Lands Occupation Act* essentially favoured pastoralists, more realistically, wealthier pastoralists, who at an upset price of £1 per acre, could afford to purchase land under pre-emptive rights that was otherwise subject to a fixed tenure of fourteen years.

Some assistance for progress toward independence was to come from England, when New South Wales “ex-pat”, Frances Mowatt, found himself in a position to represent Australia’s interests in British parliament. In October, 1847, Mowatt issued a foreign writ to Ward Stephens of the *Sydney Herald* for recovery of a debt of £15 back at home in New South Wales, but in December, Mowatt became the Member for Penryn and Falmouth in the new English parliament, one of the two Members elected for the division, with 243 votes<sup>249</sup> and his presence in British parliament provided an essential voice for the burgeoning Australian colonies.

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<sup>249</sup> *Aust*, Tues 21 Dec 1847, p2; *Bell’s*, Sat 22 Jan 1848, p1

## The 1848 Election

The next election in New South Wales was held in 1848, the “Year of Revolutions” in Europe, when the rise of political liberalism spurred the tide of revolution across the continent and the nations of Europe rose up to overthrow their absolute monarchies in the great political boiler explosion predicted by British Prime Minister, Lord John Russell. Britain was becoming a free trade nation, all the more so after John Stuart Mill published his *Principles of Political Economy* in the same year in which Chartism, the movement that was later to fuel the Eureka Stockade riots in Victoria, was exploding in Britain. Against the rise of economic liberalism, pastoralists in Australia were able to take advantage of the role of the colonies as Britain’s farmland abroad.

As the second election for the Legislative Council approached in early 1848, during a tour of the colony, Governor FitzRoy stayed at both T. A. Murray’s “Winderadeen” and Robert Campbell’s “Duntroon”, where between both house parties he received most of the “gentry” of the district.<sup>250</sup>

To make up the population, for the 1848 election, the Counties of Murray, King and Georgiana were all united as a single electorate. On July 9, T. A. Murray was requisitioned by almost every significant landowner and businessman in the district and now increasingly importantly, the township of Queanbeyan, among them Faunce, Macquoid, William Foxton Hayley, Meyer, Levy, Andrew Morton, G. T. Palmer, Nathan Powell, William Hunt, Michael Duff, William Davis, Hamilton Hume, J. J. Wright, Stephen Nutter and, of course, his devoted aide, Mowle.<sup>251</sup> Nominated by Charles O’Brien and Henry Hall, on Wednesday, August 26 in Yass, Terence Aubrey Murray was again elected unopposed as the representative for the United Counties of Murray, King and Georgiana on the Legislative Council.<sup>252</sup>

In his election speech, Murray iterated his plea for low prices for land to allow the poor as well as the rich to be able to enter ownership and the need for expenditure on railways and bridges across the country rivers, preferably without dependency on income from Britain. He was in favour of law reform to allow individuals to choose either a barrister or attorney for legal representation and he proposed the replacement of Quarter Sessions with Circuit Courts. The County was in high spirits, reflected in the celebratory dinner held for Murray at John Hunt’s “Doncaster Arms”.

In 1848 also, John Hosking again stood for the Sydney City Council elections, this time unsuccessfully, announcing from “Foxlow” in November that an unexpectedly long stay at his estate in the country had prevented him from thanking his supporters earlier.<sup>253</sup>

At the urgency of Dr J. F. Murray, in April 1845, school teacher Andrew Morton’s medical qualifications had been admitted<sup>254</sup> and on the retirement of Dr Hayley in 1848, the new doctor was appointed coroner for the district, a position he was to hold for over thirty years.

In 1848, Abraham Levy took over the management of Benjamin and Moses’ “Railway Stores” in Queanbeyan, while their “Goulburn Stores” were being managed by Abraham Meyer. Levy had been born in Kent, probably in 1824, the son of Nathan Levy and Sarah Palmer and in Queanbeyan he managed his stores in a manner considered “most honourably and creditably conducted.”<sup>255</sup>

Police Chief Constable Patrick Kinsela’s replacement from 1841, Alfred Witts, generally led an

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<sup>250</sup> Mowle (1899 - 1955)

<sup>251</sup> *SMH*, 15 Jul 1848, p1

<sup>252</sup> *SMH*, Tues 1 Aug 1848, p2

<sup>253</sup> *SMH*, Tues 21 Nov 1848, p1

<sup>254</sup> *SMH*, Wed 16 Apr 1845, p2

<sup>255</sup> *Gln Hld*, Sat 13 Apr 1850, p6

efficient career in Queanbeyan, but the Queanbeyan police did not enjoy a good reputation, lamented by its inhabitants as a “luckless district” in relation to law enforcement.<sup>256</sup> In 1843, the local magistrates felt slighted by the government when a complaint about a perjuring constable was not given sufficient attention.<sup>257</sup> In August, 1848, a report in the *Goulburn Herald* described Queanbeyan as an “insipid” township, the local court-house, said to resemble a “fowl-house”, filled by trumpetry cases, usually involving the hired servants Act, brought by masters bringing “unholy crusades” against their employees, even if the local magistrates examined each case diligently.<sup>258</sup> Although transportation had ceased in 1840, under the *Masters and Servants Act*, free labour was legally binding and enforceable and one of the duties of the police at the time was the apprehension of absconding employees as well as convicts still on tickets-of-leave from former times. The *Act* was not all to the employer’s advantage. Masters could also be arrested and imprisoned for non-payment of wages and with masters or servants’ cases monopolising the attention of the courts and the police, it was felt that other matters were left neglected by an already undermanned force.

Cattle stealing is still carried on in this district, particularly in a romantic glen called the “Burra,” which is distant about nine miles from the township of Queanbeyan. Here for years past a reputed nest of cattle-stealers have banded together to rob their neighbors of their cattle, and set the laws at defiance; many of these fellows live in gunyahs, and some of them are possessed of two and three hundred head of cattle; stock-keepers are obliged when coming from Maneroo to Queanbeyan with herds of fat cattle to pass through this Golgotha for Alibaba and his forty thieves, where they are sure to drop a few head and never to find them again...

...There is a party of mounted police stationed at Bungadore, within eighteen miles of Queanbeyan, a neighbourhood where they are not required, in the proximity of two public houses, squandering their time in smoking [*sic.*] and drinking rum, instead of being quartered by government in this locality where their presence is required, and no doubt, by their exertions a most notorious nest of thieves would be broken up, and property protected. Sly-grog selling is carried on to an awful extent on Maneroo.

- *Goulburn Herald*, Saturday 19 August 1848, p3

In 1849, the first of the topics that was to invoke much heightened and passionate debate over many decades was introduced. Issues with schooling had been pending since the time of European settlement in 1788, when the governing bodies set land aside for a school but forgot to bring the teacher. From that time until the 1840s the colonial governments largely ignored education as a priority and schooling for the most part lay in the hands of private individuals, such as Rev. J. D. Lang, who founded the Australia College, or the churches, which took the initiative, both for purposes of intellectual improvement and, “morally”, to help lift the colony out of its convict origins. With the optimism of a new colony in a new world, Anglicans, Catholics, Scots, Wesleyans, Congregationalists, Jews and others co-operated with each other in establishing churches, schools and mutual improvement societies, the subscription lists of which were generously filled by people of all backgrounds. Governor Macquarie himself laid the foundation for stone for Therry’s St Mary’s Cathedral, declaring that while he might not be a Catholic, he was a mason from way back.

As the colony progressed, a greater role by the government in schooling was inevitable and essential, prompting debates as to the form that should take and opposition from the Churches, resistant to any attempt to wrest control from them. Terence Aubrey Murray was in favour of a new secular school system based on the Irish National School system and that in place in Victoria and in 1849, National Schools were introduced in New South Wales. From 1849 to 1851, a National School was conducted at “Yarrowlumlá” with teachers, Richard Bedford and his wife, catering to a student body of about thirty pupils.<sup>259</sup>

In the 1840s, at a barely livable salary of £40 a year, National School teachers fared better than their denominational counterparts, who earned exactly half that.<sup>260</sup>

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<sup>256</sup> *SMH*, Wed 14 May 1845, p3

<sup>257</sup> *ibid.*

<sup>258</sup> Sat 19 Aug 1848, p3

<sup>259</sup> NSWSA: NRS1286

<sup>260</sup> *ibid.*

At this early time, the debate between secular and denominational schooling was mild and public and church schools existed alongside each other relatively peacefully, both to some extent funded by the state, but each still governed by separate Boards. In Queanbeyan, education was still the over-riding aim, with assurances that schools would serve the needs of all people. While Murray advocated the National School system, Charles Campbell inclined toward denominational, believing that any school, National or of any denomination, could provide a good “English education”, free from sectarian biases and at the opening of the C of E school in Gundaroo on May 9, 1850, it was noted that, while Rev. Gregory of Canberry would hold regular C of E services at the school, the room would double as a venue for Catholic masses. Joseph Edgar was the master of the school and Charles Campbell, Secretary of the local Board, said that this

...was neither the time nor the place for a description of the comparative merits of the so called National and the Denominational systems - but he would call their attention to one point. The present school would afford to the children of the settlers at Gundaroo all the advantages which the so-called National System promised. There was nothing to prevent the members of any denomination from sending their children thither, as without reference to creed they would receive a sound English education. Religious instruction was not forced upon the children of those who dissented from the Church of England. Thus they would all derive from that school every advantage which the National system promised; while, in addition, a religious feeling would pervade the whole - and the children of the members of the Church would, in addition to that learning which would qualify them to act well their part in this transitory world, as loyal subjects and useful citizens receive that instruction which would prepare them for something better, would, qualify them for their high calling as heirs of the kingdom of heaven. Moreover, the settlers and their servants would have a neat chapel in which on Sundays they could assemble for the purpose of joining in public worship.  
- *Goulburn Herald*, Saturday 18 May 1850, p6

Thomas Rutledge was gazetted as a magistrate in 1848 and the following year, in 1849, he married Gregory Blaxland’s grand-daughter, Martha Forster, whose brother, William Forster, was a solicitor at the Blaxland’s celebrated “Brush Farm” at Ryde, near Sydney, the estate on which Martha and William’s grandfather had established the first and award-winning vineyard in New South Wales prior to his legendary crossing of the Blue Mountains with Wentworth and Lawson. Through his sister’s marriage to Rutledge, William Forster was to become a significant figure in New South Wales history.

On the third of January, 1849, Governor Sir Charles FitzRoy and the Colonial Secretary, Deas Thompson, stayed at Murray’s “Winderadeen” with several guests, including Rossi and Mowle. Noticeably absent from dinner was the hostess, Murray’s wife, Minnie, who had begun to succumb to the illnesses that were eventually to take her life.<sup>261</sup> Three days later, an address was presented to the Governor in Queanbeyan by Captain Faunce, followed by lunch at Dr Hayley’s, before the Governor’s party left for Campbell’s “Duntroon”.

Times, however, were still hard. On Monday, February 19, 1849, before magistrates Hall, Hayley, Mowle and Rutledge, sixty-nine small debts cases reflected the extent of poverty in the district, from which the seemingly well-off were not immune. On March 24, a draft of Thompson and Mowle’s to store-keeper, J. J. Wright, was dishonoured, making plain the harsh reality being experienced behind the glittering façade of the Queanbeyan social set.

Part-blame for the financial difficulty was placed on the labour shortage caused by the cessation of transportation in 1840, a solution to which was its revival, ironically proposed by one man who had helped to end it. To the surprise of many and the horror of Robert Campbell in Sydney and all those who had worked to free New South Wales from her convict shackles, from 1846 William Charles Wentworth had led a movement to re-instate transportation, a movement which was re-animated in 1850. If petitions represent some sort of referendum it would have to be said that New South Wales voted overwhelmingly against the revival of transportation, including by the people of Queanbeyan, who, through their representative, T. A. Murray, presented a petition to parliament carrying the signatures of 325 freeholders.

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<sup>261</sup> Mowle (1899 – 1955)



The matter was partly resolved when the Great Irish potato famine drove thousands to the colonies. However, under the new *Treason-Felony Act* in Britain, certain capital offences were reduced to felonies with punishment of transportation. In late 1850, at the same time that the Legislative Council was expressing its indignation at the number of “improper” girls who had entered the country under the female orphans scheme and refused to take any more orphan girls, petitions were also received to resume transportation to fill the shortage of labourers and shepherds in the interior and Wentworth presented a motion to the Legislative Council in its favour. The resulting objection led to the final debate on the issue after a June 30 despatch in 1849 from Governor FitzRoy to Lord Earl Grey claiming the colony was in favour of the revival of transportation, sparked outrage.

The attempt to revive transportation saw an alignment of Wentworth with Samuel Marsden and Macarthur, this time in direct opposition to the Campbells. While Marsden and Macarthur wanted to import a servant under-class to fill a labour shortage, the Campbells were opposed to convict society in entirety and they led the opposition to the re-introduction of what they called the “filth of the United Kingdom”. In this, although for entirely different reasons, the Campbells were now joined by many of the new and up-coming driving figures in New South Wales politics and industry - among them, Henry Parkes, Rev. J. D. Lang, Charles Cowper, Thomas Mort and Wentworth’s relative, Daniel Cooper junior.

At a meeting chaired by Charles Cowper in Sydney on Monday, September 16, at the end of several rousing speeches, to great cheers, Henry Parkes delivered the most rousing of them all, following which the resolution against transportation was unanimously carried.<sup>262</sup>

The principle of association for the achievement of great objects was now universally acted upon by the British people; union of public effort was one of the most remarkable effects produced by the progress of enlightenment. It was a new and noble feature ingrained in the national character of modern Englishmen. At the close of the last disastrous war, the English people, as they settled down into rational feeling again, began to consider for what good they had been contending and overburdening their country with taxes. They looked into the political condition of the country, and a spirit for Parliamentary reform was at once rekindled. Year by year this spirit grew stronger and stronger, till at last it embodied itself in the form of popular associations. The Political Unions were organized, and the great Reform Bill became the law of the land as a consequence. Thus a revolution was brought about, greater and more glorious in its benefits than was ever effected before by the people of any state in their internal policy, without the desolation of any man’s home, or the shedding of a single drop of blood. From the passing of the Reform Bill to the present time, every great public movement had been prosecuted, by the English people by the means of such peaceful and lawful associations as was contemplated in the present resolution...he must allude further to one signal triumph of this unity of purpose in the people, the abolition of slavery in our West Indian possessions. It was by the union of the people that that great glory had been added to the diadem of England, - the emancipation of her slaves. The struggle they were now engaged in was of the first importance, and demanded the most vigorous co-operation. The men they had to contend against were equally as unprincipled and unscrupulous as the former slaveholders of the West Indies. As far as they could ascertain men’s motives by the exercise of reason, the motive of the great employers now clamouring for convict labour, was precisely the motive of the slave-holder. It was said that they were anxious to assist the paternal Government in a wise solution of that great problem, the proper disposal of England’s criminals so as to protect society, and at the same time to correct its offender. But he did not believe that such considerations entered into the philosophy of the squatters of New South Wales. It mattered not to them how men fell into their hands, so that they were completely subservient to the master’s will, so that they were in reality his slaves. The people of the colony must therefore unite to ward off the threatened infamy and degradation.

- *Sydney Morning Herald*, Wednesday 18 September, 1850, p6

The anti-transportationists essentially argued that the only people in favour of a revival of transportation were a select few squatters merely seeking a cheap, basically, slave, labour force, but the matter became as much one of democracy, due to Governor FitzRoy’s audacity in claiming to be speaking for the colony and dismissing the anti-transportationists as the lower order of “the Sydney mob” in his now infamous despatch to Lord Grey. At a meeting in Sydney, chaired by Robert Campbell junior, Parkes moved that FitzRoy “grossly misrepresented a series of facts of public notoriety, traduced the character of a large majority of the colonists of all classes, and in all parts of the territory, and betrayed the interests of the colony into the hands of its enemies”.<sup>263</sup>

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<sup>262</sup> *SMH*, Wed 18 Sep 1851, p2

<sup>263</sup> *SMH*, Tues 13 Aug 1850, p2.

At a meeting held in Queanbeyan on September 19, 1850, to debate the issue, Charles Campbell was joined by Thomas Macquoid and G. T. Palmer, among many others.

T. A. Murray's position was somewhat ambivalent, but as the elected Member of the district he represented fairly the intentions of his constituents. At a meeting in Yass, noting that herds, flocks and crops were failing due to a labour shortage, he argued that allowing the importation of an acceptable class of emigrants was essential. While opposing the establishment of a penal settlement as in the past, Murray proposed that those who were only criminals because the "draconian" laws of England said they were, such as political prisoners, those convicted under out-dated laws or those convicted of minor offences, such as a man convicted of poaching a goose to feed his starving family, could be "exiled" as free men, rather than transported as convicts. However, his motion was not supported and that meeting committed itself to the renewal of transportation. Due to the opposing feeling in Queanbeyan, however, as representative for the County, Murray duly presented the anti-transportation resolution.

The movement overwhelmingly opposed by the people of New South Wales, all talk of transportation ceased.

While both the establishment of a penal colony at Port Phillip and the separation of Moreton Bay were rejected, under the *Australian Colonies Government Bill* under debate in the House of Commons, Port Phillip became the colony of Victoria in 1851. With Victoria now an independent colony, FitzRoy was appointed Governor-General of all the Australian colonies except Western Australia, namely New South Wales, South Australia, Port Phillip (Victoria) and Van Diemen's Land.

As the same *Australian Colonies Government Bill* was before the House of Commons, with personal ties still strong enough for him to sue for debt, ex-pat, Francis Mowatt, attempted a plea for Australian independence. When T. A. Murray's partner, Thomas Walker, went insolvent in 1849, with Francis Mowatt now living in England, Mowatt's agents claimed against him for over £11000.<sup>264</sup> Mowatt's objection to Walker being issued his certificate of release from bankruptcy was rejected by the Chief Commissioner, who found no indication of improper conduct by Walker.<sup>265</sup> When the *Australian Colonies Government Bill* was under discussion in 1850, as MP for Penryn and Falmouth, Francis Mowatt championed local control, moving that New South Wales be governed by one chamber, entirely elected, the Clause which allowed a third of the Legislative Council's members to be appointed by the Crown to be omitted.

Mr Mowatt, speaking as a colonist, could say with confidence that the people in the colonies did not care whether they had one or two chambers provided they had the power of electing all the members...the colonists were the best judges of what suited them the best in all local matters.

- *Sydney Morning Herald*, Wednesday 31 July 1850, 1S

On disapproval by Prime Minister, Jack Russell, Mowatt compromised down to a motion that nomination by the Crown of a third of the chamber be reduced to no more than a quarter. The amendment was lost on division in August after further debate during which Mowatt observed the Bill's otherwise impotence.

Mr. Mowatt, admiring the animus of the government in preparing the bill, objected to it that the liberty it accorded to the colonists to remodel their constitution hereafter was more theoretical than practical. The nominee element in the colonial legislatures would effectually bar their free agency as the representatives of local opinion.

- *Sydney Morning Herald*, Saturday 17 August 1850, p6

Mowatt again entered British parliament when elected Member for Cambridge from 1854 to 1857. He was a friend of Richard Cobden and embraced liberal policies including an elective House, public

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<sup>264</sup> *SMH*, Sat 11 Aug 1849, p2

<sup>265</sup> *SMH*, 26 Dec 1849, p2

education and removal of state aid for religion. He died at Portland Place in London in February, 1891. Mowatt's son, Sir Francis Mowatt, born in Sydney in 1837, was permanent Secretary of the Treasury from 1894 until his retirement in 1903. He was appointed to King Edward VII's Privy Council in 1906. He was on the Senate of the University of London, one of the founders of Imperial College of Applied Science and an Alderman of London County Council. An avid Free Trade supporter and advisor to Disraeli and Gladstone, Sir Francis was Chairman of the Cobden Club and a friend and associate of Lord Randolph Churchill. He played an important role in shaping the ideas of Lord Randolph's son, Winston Churchill, teaching him in the principles of Free Trade at the Board of Trade, one of three leading mentors helping to "prepare him for combating Chamberlain's Protectionism".<sup>266</sup>

Closer to home, from 1850, the Maneroo and its main settlement, Cooma, were no longer classified as being beyond the settled districts and subsequently, administrative ties with Queanbeyan were less significant as Cooma and the Snowy's became more independent.

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<sup>266</sup> Sheldon, 2013; Pearson, 2013

## **The 1851 Election**

As 1851 opened, Court was held in Queanbeyan on Thursday, January 30, 1851, an eclipse that Saturday gained much attention and in the same year, a new Electoral bill was introduced in time for the next general elections, which were to take place in September. Under the new Act, the Counties of Murray and St Vincent were joined, while King and Georgiana formed their own united electorate. The electorate of Murray and St Vincent therefore also included the land to the coast at Wollongong, Bateman's Bay and Jervis Bay.

In 1851, also, a new electoral district of the Southern Boroughs was created, consisting of the towns of Yass, Queanbeyan, Goulburn and Braidwood. Therefore, two elections would be held that related to Queanbeyan – that for the County and that for the Southern Boroughs

Sworn in as census taker on February 12, 1851, Mary Mowle's brother, James Wilson, initially had the task of taking the census for the election, which, according to Mary Mowle's diary, he began on Saturday, March 1, a task he was forced to abandon by mid-April due to a sprained ankle.<sup>267</sup> The roll was completed by the police.

By this time, 193000 people were living in New South Wales, of those just over 44000 were in Sydney. There were 2955 people living in County Murray in 1851, an increase of 700 from 1846 and in St Vincent, there were 2303 residents. In 1846 there were 245 houses in County Murray. Over four thousand acres were under cultivation in County Murray with over four hundred thousand head of livestock, while in neighbouring St Vincent, where although the same amount of land was under cultivation, there was exactly half the livestock.

In the electoral division of the Southern Boroughs, the population comprised 2956 people (1525 in Goulburn, 192 in Berrima, 372 in Queanbeyan, 214 in Braidwood and 653 in Yass).

The religious mix was proportionately similar to the norm for the district – mostly Anglicans, then Wesleyans, followed by Catholics and Presbyterians. Father Kavanagh, ministering to around one hundred and fifty Catholics, had overseen the start of the building of St Gregory's Church in Queanbeyan, which, when completed by March, 1850, was able to hold four hundred people. In 1851, he and R. Walsh of Goulburn, formerly of Norfolk Island and Geelong, exchanged places. Wesleyan ministers, Revs. W. Schofield and W. Byrnes, covering the territory within Goulburn, Queanbeyan, Gunning and Binda, were serving just over two hundred Methodists. For the Church of England, Rev. Smith was still incumbent at Christ Church, while from 1850, Rev. George E. Gregory led the services at St John's, Canberra, and the school house in Gundaroo. Rev. Gregory was a popular and assiduous Minister and, engaged to Rev Wilkinson's daughter, Penelope, his prospects in the Church were assured. However, Gregory's residence at St John's was to be tragically short and a month before the polls, an event took place that, while having no direct bearing on the election specifically, was a reminder that even for the well-connected and seemingly well-off, life in the bush was not all glittering balls but equally dangerous and the notorious Queanbeyan River, particularly, was to be a driver for the inclusion of public works platforms within local political campaigns.

Like Minnie Murray, Mary Mowle never adjusted to life in the wilds of Queanbeyan. But for her piano, "her only solace", she wrote, her daily life was one of routine drudgery and poverty, made worse by her husband's frequent absences spent in Murray's company at "Yarralumla" or away campaigning with him. Homesick for Braidwood, missing both her late father and her childhood friend, Edward Gibbes, who had died at sea the previous year, in early 1851, in her diary, Mary Mowle wrote disparagingly of the 'lower classes' of Queanbeyan, who she described as "yahoos and

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<sup>267</sup> Clarke, 1986

boobies” as opposed to the “dear *loveable*” Yassites.<sup>268</sup> Although Mary was good friends with Elizabeth Faunce’s sister, Charlotte McKenzie, and Charles Campbell’s wife, Catherine, due to a disagreement between Charles Campbell and her husband, she was denied the ability to be “on good terms” with “the only family she cared about in the district”.<sup>269</sup> Snubbed also by Rev. Smith’s wife and Rev. Gregory’s fiancé, Mary’s social isolation was almost complete but for Rev. Gregory, who often waded across the usually shallow creek bed from St. John’s to the Mowles’ home on the opposite bank, possibly at Stewart Mowle’s insistence in an effort to provide some kind of consolation for his unhappy wife. However, on August 20, 1851, the river in flood was to claim one of its many victims when Rev. Gregory tried to swim across from the Mowle residence to his home on the other side of the river. One night on his way home after one of his visits to his parishioners across the Murrumbidgee, on his way back, after passing through James Wright’s station at Waniassa, he arrived at the Mowles’ on the south side to find an uncrossable torrent. He spent the night with the Mowles but by morning, the river still having not subsided, against all pleas not to, he attempted the crossing, anxious to get home, it was said, to prepare for a theological exam.<sup>270</sup> Unfortunately, the current being too strong, those on the bank could only watch helplessly as he was pulled away, with a gloom cast over the entire district as his body was recovered a few days later.<sup>271</sup>

Rev Wilkinson replaced Father Gregory and in 1852, the Mowles’ fortune changed when they left the district for Twofold Bay, where Stewart Mowle was appointed Customs Officer on August 21. After a happy time in Twofold Bay, the Mowles then moved to Sydney, where still at the young age of thirty, Mary Mowle died in childbirth in 1857. Stewart Mowle married Sophia Simpson in Wollongong in 1865. He was Usher of the Black Rod from 1885 until 1905 and died in Sydney in 1908.

As the election approached, Murray declined the requisition to stand for the combined Counties of Murray and St. Vincent, stating an intention to retire and Charles Campbell came forward to offer his services in his place. Murray did, however, accept the requisition to stand for the Boroughs. The call to Murray contained most of the usual names as well as that of a few newcomers and his election on September 16 was again a formality.

The election for the Counties a week later was a different matter. When the Writs for the election were issued on August 9, the main contenders for the seat were Charles Campbell and retired navy surgeon and now pastoralist from Dapto, Dr Alick Osborne, brother of fellow Illawarra residents, the pioneering Wollongong settler, Dr John Osborne, and Henry Osborne of Marshall Mount, the representative for East Camden on the Legislative Council. There was general distrust of Osborne, who, the *Sydney Morning Herald* observed, had taken no part in the public service of his country<sup>272</sup>, and while Campbell was considered the more substantial and honest man, pleas were made, including by several newspapers, for Murray’s brother, John Fitzgerald Murray, still Warden of the Queanbeyan District Council, to come forward as a better candidate than either. However, at the time of the nominations, with the support of most of the press, Campbell was proposed by Terence Aubrey Murray and Andrew Badgery of Araluen, against Osborne, nominated by Dr. Thomas Bell of Braidwood and Flannigan, jnr. of Broulee.

While the electoral contests between the Queanbeyanites had always consisted of purely political differences among friends and gentlemen, the honour of whom was never in question, the political battle against the contender from St. Vincent was much more personal and the hostility within Braidwood, palpable. Neighbours, Badgery and Bell, were violent enemies, whose standing as wealthy settlers was over-shadowed by an animosity between them that had once seen Bell in court

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<sup>268</sup> Clarke, 1986

<sup>269</sup> *ibid.*

<sup>270</sup> Mowle (1822 – 1955)

<sup>271</sup> *ibid.*

<sup>272</sup> Thurs 11 Sep 1851, p2

for mutilating Badgery's eye with a jug thrown in anger<sup>273</sup> and Badgery successfully taking legal action also against the Clerk of the Braidwood court, reportedly Bell's lackey, for defamatory accusations involving the burning down of Bell's house.<sup>274</sup> As one of the Trustees of his uncle's estate, Dr Bell was also the man Stewart Mowle claimed had deprived him of his inheritance.<sup>275</sup>

Friends, Campbell and Murray, differed only on certain political issues. Campbell was a leader of the anti-transportation movement, while Murray's approach was more moderate, Campbell favoured denominational schooling while Murray was trying to introduce the National School system. However, both were reformers in their own way, in agreement on the need for a reduction in the price of land, and both were actively committed to the development of the colony, even if Campbell's approach was more through private funding and Murray's through public institutions.

The unity of Campbell and Murray against the contender from the coastal county they had been forced into a geographically, culturally and economically illogical association with, was easily understood. The uniting of Murray and St Vincent was generally resented. Separated by mountains and distance, except for the road south of the ranges from the Monaro to the coast, the land east of Braidwood held no interest for Queanbeyan and compared with the conservative Osborne, Campbell was practically a radical. Importantly also, issues surrounded the conduct of Osborne and his family as magistrates in Wollongong, which, familiar with matters before the Legislative Council, Murray and Campbell were well appraised of.

In some ways, the election for the Counties was less urgent. Murray was already Member for the Southern Boroughs and therefore representation for Queanbeyan was already to some extent, assured. Nevertheless, Campbell had been campaigning since July and on September 11, he and Murray stood together to meet Osborne in Braidwood, the nearest point of commonality between the two otherwise estranged counties, in a well-considered, unified attack on his vulnerabilities. Gold having been found on Badgery's property at Araluen, the gathering at Braidwood Courthouse to hear the nominations was paltry.<sup>276</sup> Neither Bell nor Flannigan spoke on behalf of their nominee, which the *Illawarra Mercury*, owned by Thomas Garrett, considered "wise". Murray led his proposal of Campbell by slurring Osborne, outrightly accusing Osborne of being a transportationist and by raising the matter of the unanswered allegations that had been made against Osborne and his brothers relating to their conduct on the Wollongong bench and separately in relation to alleged interference with the electoral list. While Murray noted that the accusations were not proven, that they were still unsettled raised questions of fitness, he said. Murray opposed Osborne on his position as to maintaining high prices for land. To the "disappointment and surprise" of the *Illawarra Mercury*, Osborne left the allegations surrounding him unanswered, but stated he was in favour of the National system of education and explained that he was opposed to reducing the price of land to prevent a repeat of the "miserable" effects of the speculations of the 1830s. In August, Osborne had opened his electoral campaign with ambiguous references to transportation by lampooning the anti-transportation Australasian League and dismissing the convict and exile as a "lesser evil" that "no man in his sober senses" would prefer to "a decent free labourer", but had had to "endure" during a period that 'necessity had compelled men to sleep with a strange bed-fellow',<sup>277</sup> an address it was earlier believed destroyed any chance he may have had for the election.<sup>278</sup> He now denied accusations of torture, claiming to have never had an assigned convict flogged and pledged to oppose transportation should the matter be revived, an eleventh hour conversion that fooled no-one.

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<sup>273</sup> *SMH*, Fri 12 Feb 1847, p2

<sup>274</sup> *SMH*, Wed 12 Feb 1851, p2; *Bell's*, Sat 13 Feb 1847, p2

<sup>275</sup> Mowle, op.cit. Mowle also wrote of the Badgery assault case in his diary.

<sup>276</sup> *SMH*, Sat 20 Sep 1851, pp3,4

<sup>277</sup> *SMH*, Sat 2 Aug 1851, p1

<sup>278</sup> *Emp*, Wed 13 Aug 1851, p3

Campbell alluded to the “miserable” image of the aged Osborne displaying his war medals on his breast and the pain it caused him to stand against such a feeble figure, but Osborne, he claimed, was in favour of transportation, had ridiculed the Australasian League, had not helped develop the colony as he had, such as by funding emigrant families or a road to Jervis Bay, and how by depriving settlers of holding freehold titles with prohibitive land prices he was also depriving them of the vote. The main thrust of Campbell’s attack was a detailed précis of the allegations made against Osborne of magisterial and nepotistic bias against political opponents, interference with the electoral roll and threats to tax political enemies, which, Campbell highlighted, Osborne’s support for District Councils would give him the power to enact. Campbell stated how the resented annexing of the Counties of Murray and St Vincent would not be remedied under Osborne, who opposed changes to the existing electoral Act.

Campbell’s incisive and aggressive speech gave him the show of hands at the nomination, and he was well-supported by the press, but Osborne was confident of success and on Tuesday, the 23<sup>rd</sup> of September, despite Campbell’s strength in the western, nearer-to-Queanbeyan polling booths, the conservative was elected as the Member for the United Counties of Murray and St. Vincent, due solely to overwhelming figures from the coastal booths at Shoalhaven and Broulee out of the total seven.<sup>279</sup>

In parliament, Osborne was of “strongly conservative cast”<sup>280</sup>. He resigned in January, 1855, and went to Omagh, Ireland, where he died in March, 1856, at the age of 63. Dr Thomas Bell died at Bengoura, near Braidwood on 13 November 1854, aged 58.

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<sup>279</sup> *SMH*, Fri 3 Oct 1851, p2

<sup>280</sup> *Emp*, Sat 5 July 1856, p4

## **The Fifties Boom**

If the Australian economy collapsed spectacularly due to the wool crash of the '40s, the discovery of gold in the early 1850s equally propelled Australia from the depths of economic desolation to unprecedented wealth, again in a matter of a few years and prompting another transition, this time from a pastoralist to a mining economy. The discovery of gold at Sofala near Bathurst by Edward Hargraves in 1851 spurred the mining boom that pulled Australia out of the depression, ended the issue of transportation, solved Britain's balance of payments issue and helped finance the emerging global free-trade economy, injecting income that supported the creation of a whole new range of industries.<sup>281</sup>

The gold rush also changed the face of labour. The flock to the bush had major impact on working conditions and forms of employment. Labour in the cities and towns became precious as all deserted their jobs for the goldfields of Sofala, soon to be followed a few months later by the flood of flesh into the goldfields of Ballarat. With the colonies in the grip of a scarcity of labour that threatened to paralyse all life and industry, those who stayed with their employers in the towns and on the farms were now in a position to make demands. Enforcement of labour with the cat and triangle had given way to improved conditions as a means of securing loyalty. The diggings at Araluen and Major's Creek depleted Queanbeyan of its able-bodied men. With shearing and wool washing labour scarce, wages rose to 3/6d per score while the price of flour rose to 36 shillings, or nearly £2, per pound.<sup>282</sup>

Sheep and cattle were not the only mainstays of the district. The soils had been noted as being suitable for growing wheat and flour mills therefore also provided income for local farmers and millers alike. Charles Campbell had been running a grist flour mill at Duntroon for some time and Faunce established a flour mill in the 1840s, initially in partnership with Captain Henry Moon. In 1843, Faunce and Moon dissolved their partnership in the "Watermills" with Moon taking over. Faunce built a steam-powered mill at Dodsworth, which was washed away in the floods of 1853,<sup>283</sup> but soon replaced. Stephen Nutter initially ran a horse-powered mill, the "Queanbeyan Store Flour Mill", but up-graded it with an up-dated version, when he established the "Queanbeyan Steam Mill" in Trinculo Place in February, 1852.<sup>284</sup> Now prosperous store-owner, Wishart, transported Nutter's old horse flour mill from Queanbeyan to Gundaroo to establish the first flour mill in the village, considered a great boon to the district.<sup>285</sup> In December, Nutter advertised his mill in Queanbeyan was for sale. In 1853, he left for Sydney and in 1854, Edward Barnabas Westly Hutchison and his wife, Emily, formerly governess to Nutter's children, moved into his old mill buildings at Trinculo Place.

From 1852, John Jobbins ran a flour mill at Hardwicke, near Yass. In 1853, he advertised small farms on his estate near the Gundaroo school house to let and that £10 000 was available for loans starting from £500.<sup>286</sup> When Jobbins died in January, 1855, he left a legal labyrinth for his beneficiaries to inherit that had Justice Therry remarking on "the eccentric Will of a manifestly very eccentric person",<sup>287</sup> and a plea for testators to avoid obscurity in their Wills. Joseph Styles of Gundaroo was the Executor of Jobbins' Estate, along with William Crane of Pymont and John Williams of Sydney. Jobbins' brother and heir-at-law, Edward, was defended by Jobbins' sister, Sarah, who wrote to the *Sydney Morning Herald* protesting at remarks by Justice Therry that implied neglect of his sisters by their brother.<sup>288</sup> Edward Jobbins' daughter and son went on to be long-term residents of Gundaroo.

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<sup>281</sup> McMichael, 2004

<sup>282</sup> *SMH*, Sat 8 Nov 1851, p6

<sup>283</sup> *SMH*, Wed 27 Jul 1853, p3. The Sat 10 Jul *Gln Hld* (p2) refers to Nutter's mill, "demolished" by the flood of 23 June, 1852, as being formerly Faunce's mill.

<sup>284</sup> *Gln Hld*, Sat 3 Apr 1852, p7

<sup>285</sup> *SMH*, Wed 10 Oct 1855, p5

<sup>286</sup> *Gln Hld*, Sat 29 Oct 1853, p2

<sup>287</sup> *SMH*, Wed 5 Aug 1857, p3

<sup>288</sup> *SMH*, Fri 7 Aug 1857, p5



Medical services had still consisted solely of the local doctor, who on a salary of £20 per year, acted as coroner, while also treating the sick and injured across a vast expanse of territory, sometimes riding from one end of the district to the other in a day, labouring under primitive conditions on road-sides, in slab huts or in a room in one of the inns, which acted as a makeshift hospital ward should the sick or injured be able to be carted into town. Fortunately, a major improvement was slated to take place, when in November, 1851, the Legislative Council approved funds for a hospital.<sup>289</sup> At the same time money was provided for a Glebe for the minister of the Scots Church, for which George Campbell donated the land.

In 1851, also, the license of the “Shamrock, Rose and Thistle” was transferred to John Breen, who ran the hotel with his wife, Catherine, who he had married in the district in 1844. Native of Galway, Ireland, Catherine Mulhare had arrived in the colony in 1841 as an eighteen-year-old bounty immigrant with her sister and brothers.

In the new year of 1852, the Catholic St Gregory’s school opened but at a meeting of the Parochial Association, it was noticed that only seventy-three children were attending the Church schools in the Queanbeyan district and twenty or thirty, the National School at Yarralumla, with many parents begrudging the Master’s weekly fee of six pence.

True to earlier reservations, the District Councils had generally proven to be ineffective. Most appropriate candidates were reluctant to come forward as Councillors. Members of the Council had resigned without completing their three-year terms and failing to fill vacancies by election, frequently Councillors had to be appointed by the Government. Among those who had stepped up or been put in place during the Queanbeyan Council’s less than ten-year history, were G. T. Palmer, T. A. Murray, Thomas Macquoid, A. T. Faunce and Andrew Cunningham. In January, 1851, as Warden of the District Council, J. F. Murray had been accused of jobbery in relation to badly performed road works,<sup>290</sup> but any further criticism of the Queanbeyan Council was forestalled by the abolishment of District Councils in 1852. It was more than thirty years before Queanbeyan was to again have any official local governance and in the mean-time attention to any necessary public works was dependent on appeals and petitions to the government through the efforts of the usual few individuals who had the energy and drive to take an interest. Fortunately, within the next few years, the Queanbeyan district was to gain some of the most driven, energetic and publicly-minded people in New South Wales, starting with J. J. Wright, Abraham Levy and William Gregg O’Neill, appointed Chief Constable in 1853.

In March, 1853, Levy became Abraham Meyer’s brother-in-law when he married Meyer’s wife’s sister, Sarah Hart, at the Synagogue in Sydney. In May, he took over the Railway Stores on his own account from Benjamin and Moses. For some time, Levy and fellow store-keeper, J. J. Wright, dominated most of the commercial life of the district, but more than just businessmen, they were good friends, who shared a deep interest in the social and cultural development of the district, Levy’s generosity and passion balancing Wright’s severity. However, at this time, the main force for cohesion and the initial stimulus of progressive drive was William Gregg O’Neill, the man who was to be the epicentre of Queanbeyan life for more than thirty years.

Following Patrick Kinsela’s death in 1841, issues had continued to plague the Queanbeyan police. Along with a Clerk and Chief Constable, the police stations in New South Wales retained a number of ordinary constables commensurate with the size of the population. Goulburn had ten ordinaries, Queanbeyan, five, and the smaller stations at Braidwood and Broulee had two. Beyond the settled districts, the three stations of the Maneroo Police District at Eden, Cooma and Bombala, along with their three Clerks and Chief Constables, had ten ordinaries between them. The estimates for 1852

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<sup>289</sup> *ibid.*

<sup>290</sup> *Gln Hld*, Sat 18 Jan 1851, p3

allowed salaries of £100 for Clerks and £70 for Chief Constables, while the pay for an ordinary constable was 3s 3d per day. Under Commandant Frederick Walker, a Native Police contingent encompassing the north from the Clarence and McLeay Districts in New South Wales far into what is now central Queensland, was divided into five stations, each of which had a Lieutenant and a Sergeant, with ninety-six troopers between them each earning 3d per day.

With transportation having ceased, there was no ready supply of labour to fill the positions of constables and a pay of three shillings and three pence per day was no inducement for young men to spend cold, wet nights in the bush, living on the meagre rations a local squatter was prepared to give them when they were called in to hunt down cattle-thieves or pursuits led the police onto other squatters' properties. Under-equipped, under-manned and underpaid, police officers throughout New South Wales were a patchwork of dedicated public servants and scoundrels no better than the petty thieves and pitiful drunks they chained up in lock-ups no bigger than outhouses or the more serious pillagers, rapists and murderers they sent to the six major and notorious penal institutions in the colony, at Goulburn, Darlinghurst (Sydney),<sup>291</sup> Parramatta, Bathurst, Maitland (Newcastle), Brisbane and Cockatoo Island in Sydney Harbour. The lunatic asylums at Tarban Creek and Parramatta were each equipped to house one hundred and twenty of the destitute and insane, at the time it being the initial responsibility of the police to place such unfortunate souls in lock-ups and bring before the courts.

Kinsela's replacement in Queanbeyan, Witts, who had stayed on even after the death of his wife, Rebecca, in 1848, generally did efficient service, but in 1850, when a habitually drunken constable, who terrorised a Goulburn family in a night of excess and then tried to have the report suppressed from the newspaper, was finally dismissed, frustration with the station was heightened.<sup>292</sup> In late 1851, Witts himself fell foul of the local magistrates and referred for misconduct, more likely to do with personality disputes than material wrongdoing, he resigned from the police service, reportedly lured to the diggings near Cooma.<sup>293</sup>

Witts' successor, Thomas Webber, was promoted to Chief Constable of Queanbeyan on November 13, 1851.<sup>294</sup> However, although described as being "of good character" in his police service register, Webber was as much a drunk as the constable who had been dismissed and he was a violent wife-beater. Webber was a reaper from Exeter, sentenced to transportation for life at the Devon Assizes in 1822, when he was about twenty-two. Webber was assigned to John Drummond of Liverpool, the former quarter-master on the *Sirius* and harbour master of Norfolk Island. Five years later, although initially refused, Webber married twenty-year-old convict and fellow servant to Drummond, Mary Oxley, in December, 1827. When John Drummond died in 1827, his farms were let out and the Webbers moved to Parramatta with Drummond's widow, Ann. Webber had special exemption from labour to be appointed a police constable at Liverpool in 1828. He was granted his ticket-of-leave on November 19, 1831, "on the recommendation of the Liverpool bench for having apprehended several runaways".<sup>295</sup> However, whatever Webber's career advancements, his cruelty at home was a matter of court record. His wife, Mary, absconded from her marriage<sup>296</sup> and when brought before the bench in April, 1833, she testified that Webber was a habitual wife-beater to the extent that he "could not sleep of a night if he had retired to rest without giving her a drubbing".<sup>297</sup>

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<sup>291</sup> Unusually, these were some positions in which married women were preferred, when the norm was that women were required to quit employment when they married, even if the police female searcher earned less than half that of the male ordinary police constables and the female turnkeys at the jails earned less than a quarter of that of their male counterparts.

<sup>292</sup> *Gln Hld*, Sat 16 Nov 1850, p5

<sup>293</sup> NSWSA: NRS10940; *SMH*, Sat 8 Nov 1851, p6

<sup>294</sup> NSWSA: NRS10940. The Register records Webber's age as "45" and that he had "Served 24 years with the Colonial Police 6 of which as District Constable."

<sup>295</sup> *Syd Gaz*, Tues 22 Nov 1831, p1; NSWSA: NRS10940.

<sup>296</sup> *Syd Gaz*, Thurs 10 May 1832, p2

<sup>297</sup> *Syd Gaz*, Tues 9 Apr 1833, p2

The case illustrated just one of the difficulties experienced by women in colonial Australia. If the treatment to which convict men were subjected could be brutal, that endured by women was often considerably worse. Caroline Jackson, who ran the “Harrow Inn” at Gundaroo, later recounted how marriage was contracted for convict women at the Female Factory in Parramatta.<sup>298</sup>

In those times very little attention was given to courtship, as it was customary for a man who wanted a wife to go to what was known as the ‘factory’ and make application to the authorities. All the eligible girls were then drilled in a row, and the man made his inspection, and took his choice and the girl, whether she was willing or not, had to accompany her lord and master to his home.

- *Australian Town and Country Journal*, Saturday 27 December 1890, p82

While this resulted in women sometimes finding themselves in better situations than at the Factory, for women who were abused, there was almost no recourse for complaint. Not only a wife during a time that women in general had almost no rights, an assigned convict woman was legally also essentially prisoner to her husband, who therefore had all authority over her person. While the law did allow some protection of convicts from abuse, at a time that punishment by the lash was standard and the word of a master or gentleman carried legal weight, in practice, with onus of proof on the complainant, rarely was it enforced. The attitude to women, of whom marital function was expected as well as government service, was such that unless like Ann Rumsby or Jane New, for whatever reason a person of substance was prepared to defend her, assumption of obedience rather than innocence was practiced as the norm. That as a convict, Webber was assigned to his wife<sup>299</sup> as she was to him, should have afforded Oxley some legal weight, but in reality it was of little value to her as, despite Oxley pleading her case before the court when hunted down after absconding from her husband, the bench sentenced her to six weeks in the Factory and then returned her to “her” master with a sanction that the solution to her condition was not that Webber should stop beating her, but that she should “behave” in order to avoid the beatings!<sup>300</sup>

It was a decision that was to have dire consequences. A year and a half later, one Saturday night in December, 1834, in the course of a drunken quarrel with Webber, Mary plunged to her death in the George River.<sup>301</sup> The next year, while still on his ticket-of-leave, Webber was given permission to marry convict, Elizabeth Smith, in Liverpool and it seems that her experience was similar to that of Mary’s. Webber was promoted to District Constable in 1836<sup>302</sup> and appointed to Banks Town. Webber and his new family then lived at Bungonia near Goulburn. Webber was granted a conditional pardon in February, 1838, and full pardon in January, 1839, but later that year, like her predecessor, Elizabeth also tried unsuccessfully to leave her husband.<sup>303</sup> By early 1850, Webber was in Queanbeyan as a constable and on Witts’ resignation in 1851, he was appointed Chief Constable in his place.

Webber’s time in the position, however, was short, for on June 10, 1853, barely a year and a half into his appointment, Thomas Webber was interred in Queanbeyan Riverside Cemetery,<sup>304</sup> his widow, Elizabeth, surviving him with her many children to be granted the yearly pension on his death by natural causes.<sup>305</sup>

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<sup>298</sup> Thomas Webber had been a constable at Liverpool acting on a robbery at William Jackson’s public house on the Liverpool Road in 1830, prior to William and Caroline Jackson opening the *Harrow* in Gundaroo a few years later (*Syd Gaz*, Thurs 10 Jun 1830, p3).

<sup>299</sup> NSWSA: NRS 12197; [4/4061].

<sup>300</sup> *Syd Gaz*, Tues 9 Apr 1833, p2

<sup>301</sup> *Syd Gaz*, Sat 20 Dec 1834, p2

<sup>302</sup> *Syd Mon*, Sat 19 Mar 1836, S1

<sup>303</sup> *Syd Mon*, Wed 20 Nov 1839, p3

<sup>304</sup> *SMH*, Sat 10 Sep 1853, p3

<sup>305</sup> NSWSA: NRS343; 2921, [4/6613]. On the 9th of October, 1852, the popular Cooma inn-keeper, James Kirwan, was murdered. It was believed that his alleged killer, John McSpadden, had fled to Queanbeyan (*Bell’s*, Sat 6 Nov 1852, p2) and when later captured, along with Queanbeyan constable Donald, Webber had escorted McSpadden to court in Goulburn. When the Kirwan murder case was heard in September, 1853, Webber’s testimony had to be presented by deposition, Webber having died in the intervening time (*SMH*, Sat 10 Sep 1853, p3). With the only evidence of Webber’s death at the trial being the word

The post of Chief Constable of Queanbeyan lay vacant until on the 23<sup>rd</sup> of July, William Gregg O'Neill was appointed, transferring directly from the Sydney Mounted Patrol on Superintendent John McLerie's recommendation.<sup>306</sup> Straightforward, unpretentious and direct, although only twenty-seven years old, O'Neill was already a seasoned police officer, formerly of the Irish, New Zealand and Sydney police, and on his arrival, life in Queanbeyan would never be the same again.

Born in Tubbercurry, County Sligo, Ireland, in 1826, O'Neill had grown up in the service of the Irish constabulary, following his father, John O'Neill, originally of Manorhamilton in County Leitrim. O'Neill was the grand-son of John O'Neill and Mary Gregg, "the only child and heiress of William Gregg *Esq.*, Cashelveel, Co. Leitrim, and Rose Ireland, Co. Fermanagh." O'Neill was raised in the police service until he was fourteen and when his father died young in 1842, he became the patriarch of a family of four brothers and a sister. In 1849, O'Neill had sailed to New Zealand with his uncle, Allan O'Neill, the first surveyor and auditor of the city of Auckland. O'Neill's other uncle in New Zealand, James, a licensed apothecary, was a Member of the 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Parliaments in New Zealand, a director of the Bank of New Zealand, and later, a Member of the Legislative Council. O'Neill's uncle, Lewis, was a Methodist minister in New Jersey, USA, and another uncle, Dr William O'Neill, was an Edinburgh-educated surgeon and renowned amateur archaeologist practising in Lincolnshire as the head of the Lincoln Dispensary and physician to the Lincoln Lunatic Asylum.

After serving with the Auckland Police, O'Neill had joined the Sydney Mounted Patrol in 1851 in which service he had gained distinction. He began a long-lasting friendship with Daniel Egan, magistrate, Mayor of Sydney, and soon-to-be Member for Maneroo on the Legislative Council. O'Neill was a few times commended and rewarded for his conduct, including for his part in a pursuit in December, 1852, during which he and two others captured a gang of five heavily armed men after a marathon horse-back pursuit from Sydney to Windsor.<sup>307</sup> The man whose horse had been stolen on that occasion was George Hill, also a Mayor of Sydney and formerly Member for St. Vincent and Auckland, and it was partly due to a testimonial from him that O'Neill was appointed to his position in Queanbeyan.<sup>308</sup>

Importantly, more than a formally trained police officer, to which service he devoted his life, O'Neill was a man of the community. Coming from a family of parliamentarians, distinguished medical men, council officials and ministers of religion, walking into a state of lawlessness with little social organisation, O'Neill immediately set to putting the structures of law and order into place in Queanbeyan, actively encouraging and establishing the organisations that provided a sense of community and culture. Although a devout Anglican, O'Neill supported all the churches, C of E, Presbyterian and Roman Catholic and housed the visiting Wesleyans in their travelling ministrations, as well as founding the Oddfellows Lodge, organising social and sporting events and actively encouraging mental and cultural improvement. Politically, O'Neill believed in separation of Church from State and, believing education to be the fore-runner to good policing, O'Neill was the active driver of all and any schools, several of which were housed in his own buildings, including the National and Public Schools, and of public works, including immediately making a stone footbridge himself in town, allowing safer, if makeshift, passage across the notorious Queanbeyan River.

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of a constable who had not seen Webber's body or attended his funeral, the prosecution chose not to submit Webber's evidence, but police constable Donald testified how he had tried without success to recover Webber's body when the floods of 1853 washed away the graveyard. Lack of Webber's testimony notwithstanding, McSpadden was found guilty, assumedly precluding the need for further evidence of Webber's death in the form of a Death Certificate, should the trial have proceeded. In April, 1852, Witts was appointed pound-keeper at Micalago, but in July, he became pound-keeper at Cooma. In November, Witts, now in Cooma, led an impassioned subscription plea for funds for John McSpadden's wife and children left destitute by his actions. At the same time, Thomas Wilson, a constable in the Queanbeyan police, followed Witts to Cooma, where he was appointed Chief Constable at that station (*Bell's*, Sat 6 Nov 1852, p2). Witts later returned to the police and became Chief Constable at Bombala in 1854, although continuing to lead a career marked by conflict with local magistrates.

<sup>306</sup> NSWSA: NRS1286; Davis, 2019b.

<sup>307</sup> *SMH*, Fri 10 Dec 1852, p3

<sup>308</sup> Davis, 2019b.

Compassionate and determined, O'Neill supported any institutions in Queanbeyan, regardless of denomination, his aim being as a man and as Chief Constable of Police, to bring organised social, moral and legal structure to what was at the time, a small collection of a few shops, shanties and selections, surrounded by a few very large pastoral estates, with legitimate settlers antagonised by bushrangers, cattle thieves and general, often drunken, rabble rousers.

One of O'Neill's necessary and unique qualities was that he was accepted by people of all classes alike. Performing his role as a police officer with uncompromising impartiality, serving all equally, regardless of race, religion, class or creed, in return, O'Neill was supported equally in his duties by the townspeople, selectors and big land-owners alike, including Charles Campbell and the Rutledges. As a commoner, O'Neill was a no-nonsense man and it was predicted that his forthright tongue and temperament would bring him up against enemies, but at this nascent time in Queanbeyan, despite occasional grumblings at his introductions, even those who disagreed with him recognised and welcomed as a necessity the honesty and efficiency of a dedicated class-crossing police officer and man of substance, as the outer districts were emerging as societies in their own right and law and order was finding its place in the "wilds" of the interior.

In 1854, O'Neill married English-born, Charlotte Blewitt, the daughter of Joseph Blewitt, one-time gardener at Campbell's "Duntroon", upon which he moved from the police barracks into his own house. Charlotte's brother, Joseph, was married to former Chief Constable Thomas Webber's daughter, Louise. In December, 1854, O'Neill's brothers, twenty-six-year-old James, and fourteen-year-old John Allan, joined their police chief brother in Queanbeyan from Ireland. James went into business as a saddler, operating from Trinculo Place from early 1855 with John Allan apprenticed to him and William Gregg as John Allan's guardian. James was the first of the O'Neills to become a Royal Mail contractor, starting with a run to Kiandra in the Snowy Mountains in 1856. In 1859, William Gregg sponsored the immigration of the O'Neills' sister, Isabella, and her husband, Joseph Conlon Tighe, with O'Neill putting his brother-in-law, although a baker by trade, into police service in Gundaroo.

In early January, 1854, Charles Campbell and his wife, Catherine, sailed for England, where Catherine's mother, the now-widowed Catherine Irena Palmer, was living in Bath. Campbell left Duntroon in the hands of his brother, George Campbell. On the night of 27 December, Dr Murray, Dr Hayley, Thomas Macquoid, Captain Armstrong, formerly of the 99<sup>th</sup> Regiment, Anglican Rev. Smith and Catholic Father Walsh all led a dinner at the "Harp", of which John Breen was now the licensee, to farewell the demanding but well-respected patriarch of the district.<sup>309</sup>

However, several other major figures soon contributed to the stability and snowballing progress of the district. For some time, William Davis, second son of William Davis, senior, of Booroomba, had been superintendent of Robert Campbell's property at "Duntroon", after which he had then moved north to manage G. T. C. Palmer's estate at Ginninderra. In 1850, Davis had married Palmer's daughter, Susan Adriana, and when Palmer died in Bath, England, in 1854 and Susan inherited her father's estate, he became her trustee. Davis bought out his brothers-in-law and, respectfully dubbed the "Squire of Ginninderra", he made the estate into a centre of education, religion, culture and sport in Ginninderra.

Coming from a more grounded background, Davis had none of the snobbery of his Campbell in-laws and his manorial oversight took on a decidedly egalitarian character, more avuncular, than patriarchal, and genuinely progressive. His cricket eleven, playing matches on the Ginninderra estate, included star aboriginal players, Bobby and Jemmy Hamilton, whose reputation as some of the best cricketers in the region gave Ginninderra, and by association, Queanbeyan, an air of progress. Presented as gentlemen to the elite, respect for the aboriginal players was such that when it was reported that a

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<sup>309</sup> *SMH*, Thurs 12 Jan 1854, p3

member of the Duntroon team had walked off the pitch in protest at them being on the opposing team, he was met with derision for his snobbery and a scandal ensued. It was later denied that the protest had been because the players were black but due to a breach of rules pertaining to substitute players.<sup>310</sup>

In 1854, also, Hayward Lever was appointed Post-Master, a position he was to retain for six years until he resigned in 1860.

Rev. Wilkinson was still rector at St John's and Gundaroo in 1852, while Rev. Edward Smith was at Christ Church. and B. Hurst was the official Wesleyan Minister for Goulburn and Queanbeyan. By 1853, Rev. J. Crawford, was ministering to a flock of about 265 Wesleyans in Goulburn and Queanbeyan. In 1854, Presbyterian Minister, Pennycook, was at Braidwood and a Catholic church at Bungendore was begun under Father Walsh. In Queanbeyan, Father Walsh again changed places with Father Michael Kavanagh.

In 1854, Rev. Edward Smith posted an advertisement in the *Sydney Morning Herald* for a C of E school master in Queanbeyan<sup>311</sup> and John Ford led the school from 1855 until he resigned in 1860. In 1853, Joseph Jones left for the "Royal Hotel" in Goulburn, John Breen of the "Shamrock, Rose and Thistle" moved into the "Harp Inn" and Martin Byrne became licensee of the "Queanbeyan Inn".

By the early 1850s, a new practice brought the potential for the monopoly of land ownership to be reversed. While some of the larger estates continued to grow, land was opened up for the small farmer by subdivision, for example, by Macquoid at Waniassa, for whom J. J. Wright auctioned off twenty-two 40 acre lots in May, 1854.<sup>312</sup> Currie had described a natural limestone feature that formed a bridge in his journey of 1823.<sup>313</sup> By 1850, the term "London Bridge" had come into use for the location about 11 kilometres south of Queanbeyan on the Queanbeyan River next to William Hutchinson's "Burra" in an advertisement for a Crown land sale of 50 acres which was bought by Cornelius (Connor) Fineran.<sup>314</sup> Fineran was a pioneer of the district having been at "Yarralumla" since the 1840s, when his daughter, Bridget, attended Murray's National School. By the 1850s, Peter Naylor was residing at Burra and John McNamara bought a property he called "London Bridge", expanding the estate into the 1860s, joined by Patrick and Michael McNamara who also bought land nearby. Other landowners at Burra were the Blewitts and toward Michelago, the McTiernans at Mt. Allen.

Throughout this time, New South Wales was evolving toward independence, with passionate discussions theorising the form and direction that independence would take, and in 1854, two years before the first elections under responsible government were to be held, far away, on the other side of the world, events took place that were to cement Australia's allegiance to the British Empire. When in February, 1854, Arthur Jeffreys, of the Electoral District of Maneroo, resigned his seat on the Legislative Council, two months later, on the fourth of April in Cooma, Daniel Egan was elected uncontested in his place. Simultaneously, Henry Parkes was elected to the Legislative Council as the representative for the City of Sydney, replacing William Charles Wentworth, who resigned in April. Both were sworn in on May 9, Parkes attesting to his qualifications on the basis of property in Crown Street, Alexandria, in Sydney and Egan due to property in Campbell Street. Council was prorogued but recalled almost immediately to an emergency session due to the fact that for the first time, on behalf of the British Empire, the colonies of Australia were at war.

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<sup>310</sup> *Gldn Age*, Thurs 24 Oct 1861, p3

<sup>311</sup> *SMH*, Tues 8 Aug 1854, p1

<sup>312</sup> *Gldn Hld*, Sat 13 May 1854, p3

<sup>313</sup> Currie (1825)

<sup>314</sup> Fineron sold his property at the Googongs in 1869, but he is still listed in Greville's in 1872.

When Russia ignored Britain and France's ultimatum to withdraw from Turkey, in response to which Britain declared war, amid fervent declarations of duty and "the purest philanthropy" in providing "succour to the wrongs and the oppressed",<sup>315</sup> the Crimean War cemented the Australian colonies' allegiance to Britain and loyalty to Queen Victoria in her 'righteous stand against the autocratic potentate', Tsar Nicholas the First of Russia. In New South Wales, under threat of invasion by the Russian navy, the strength of British, French and Australian vessels against Russian ships in the Pacific was assessed by the Legislative Council and preparations were made to fortify the defences of Sydney Harbour. If in the 1820's and 1830s, Campbell's overseer, Ainslie, was reliving his exploits against the French at Waterloo and William Balcombe laboured under the shadow of suspicion due to his relationship with Napoleon on St Helena, twenty years later, with Britain now allied with France on the Crimean battlefield, attitudes were changing.

Moreover, the entry of Henry Parkes into politics was to have profound effect. At the start of his career toward becoming the first of Australia's great statesman, Parkes was fiercely devoted to Australia and throughout his career devoted also to the Empire, an important factor in determining Australia's foreign allegiances and local policies. Also, this early in his career, with immigration recognised as a necessity for the prosperity of Australia, Parkes raised the matter of regulation, from which two integral and enduring policies emerged that would have long-lived effect on the Australian culturescape – land ownership as a basic right and the exclusion of "undesirables". Parkes urged the opening up of Crown land as an enticement for emigrants to move to Australia and to stay, ensured of a happy home in their new country. However, he also proposed that immigration be encouraged from Britain, Ireland, Continental Europe and India and that the influx of the Chinese be restricted, the first but not the only mistake in Parkes' very lengthy and otherwise revolutionary career. Many years later, Parkes was to encourage migration from the Russias, but at this time, with Britain at war in the Crimea, all efforts by the Council were made toward supporting the effort and fortifying Australia against a potential invasion.

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<sup>315</sup> *Emp*, Tues 23 May 1854, p2

## **Prelude to Self-Governance**

Following the arrival of William Gregg O'Neill in 1853 and the inheritance of "Gunghaline" by William Davis in 1854, further major changes took place in 1855, all in time for the next election in 1856, the first election held in New South Wales under responsible government.

In 1855, the Afflecks arrived from Scotland and the De Salis' bought "Cuppacumbalong" from James Wright at Tharwa. Both families immediately became integrally involved in the politics of New South Wales and were to produce Members of Parliament.

Arthur Affleck, born in Pennycuik near Edinburgh, was a book-seller by trade, working for London book firms and carrying a fully-fledged printer's union ticket, before setting up as a grocer in West Wemyss, Fifeshire. His son, William, was a pastry cook and baker and then a rope-spinner on the Dunedin docks before the Afflecks sailed out together as a family of four to Sydney in 1854. The Afflecks settled in Gundaroo, where they became prosperous as the owners of the "Caledonia Store," which Arthur Affleck bought from his wife, Ann's half-brother, John Wishart, in 1857. The Afflecks had begun taking an active part in the life of the colony before they landed, with Arthur posting a notice in the *Empire* with shipmate, James Barrie, describing the Mutual Improvement Society they had formed on board, which had filled the time with scientific lectures and dramatic and musical performances, with the aim of encouraging other travellers to Australia to do the same.<sup>316</sup> Wishart and Arthur Affleck bought stock for the store in Gundaroo and made the long trip by dray to the village Arthur would call home for the rest of his life. From the time of their arrival the Afflecks became central to the progress of the village of Gundaroo and the politics of New South Wales. Many of the Affleck family emigrated to Australia, among them, Arthur's nephew and William's cousin, Thomas Affleck, who ran newspapers and hotels at Beechworth in the Ovens district in Victoria, before moving to Albury in 1864 and becoming proprietor of the Albury *Border Post*, which he ran from 1869, at first in partnership with Gray and then as sole owner until he closed the paper in 1902.

The Afflecks became the patriarchs of Gundaroo, Arthur, a solid, staunch and uncompromising grandfather figure and William labelled its "man of destiny", an epithet that slightly embarrassed Affleck, who in his later *Reminiscences*, diffidently noted how he "had the title of 'King Billy' daubed on [him]". But, however Affleck shied away from the title bestowed on him, there was nothing shy about the Afflecks' presence in Gundaroo or New South Wales politics. Arthur Affleck was gazetted as a magistrate in 1870, followed by William in 1876. The Afflecks were central to establishing schools and education in and around Gundaroo and William Affleck donated a building for use as a school and another for a library. As a public works contractor, William Affleck constructed the bridge over the Yass River and built the Tallagandra school house. The Afflecks were the main force in establishing permanence to the Presbyterian ministry in Queanbeyan. Church historian, White, notes how with their stable focus, gatherings were able to graduate from occasional attentions by conscientious visiting Ministers to "primitive", but regular services in the Afflecks' woolshed.<sup>317</sup> In 1865, the first Presbyterian church in the Queanbeyan district was built by William Affleck at Gundaroo. It was probably no coincidence that in 1856, within months of the arrival of the Afflecks, in a first for the district, the Queanbeyan bench refused a license for the "Traveller's Home" at Gundaroo on the basis of objection by Chief Constable O'Neill, on the grounds that the licensee had been censured by a Coroner's Jury in relation to the death of a man by drink at the house, that there was insufficient accommodation for travellers and that the charges were exorbitant.<sup>318</sup>

As a Magistrate, Elder of the Presbyterian church, leading store-owner and reputedly the best draughts player in the district, Arthur Affleck helped lead the politics that was to be central to New

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<sup>316</sup> *Emp*, Wed 7 Feb 1855, p1

<sup>317</sup> White, 1951

<sup>318</sup> *Gln Hld*, Sat 19 Apr 1856, p5



South Wales, almost immediately joined by William, whose interest in politics had been ignited by the debate taking place between Lord Palmerston and Lord Aberdeen in Britain not long before the Afflecks had sailed for Australia.<sup>319</sup> The Afflecks were immediately acquainted with the likes of Terence Aubrey Murray and in time for the first election held in New South Wales under responsible government, candidates included Gundaroo in their canvasses, a move it soon became apparent, was essential for election in the Queanbeyan district.

At the same time, the family that was to have three representatives in New South Wales parliament, the De Salis', arrived at "Cuppacumbalong". Leopold Fane De Salis had arrived in Australia from Britain in November, 1840, on the *Royal George* with an impressive pedigree. Born in Florence, Italy, in 1816, he was a son of Jerome, the fourth Count de Salis.<sup>320</sup> With his partner, Smythe, De Salis established "Darbalara" station on the Murrumbidgee near Yass, at Tumut. In September, 1844, he married Charlotte Macdonald and their first son, William, was born at Darby Lara on June 14, 1845. A daughter, Nina, was born in 1848 and a son, George, in 1851. By 1848, De Salis and Smythe had obtained the Crown lease for a run, "Junee", that was to become the location of the township of that name. De Salis' brother, William Fane de Salis, arrived in Australia in 1842. He was a director of the Peninsular and Oriental Steam Navigation Company (P & O) and a pioneer of steam shipping and in 1850, Leopold and his brother, William, acquired the Crown lease for "Oura" station. In 1855, both "Junee" and "Oura" stations were sold and Leopold de Salis bought "Cuppacumbalong" from James Wright.

From their arrival, the De Salis' were making their mark, first in disputes with their neighbour, Andrew Jackson Cunningham, at Lanyon, with Chief Constable O'Neill enacting some kind of mediation between them, and later by entering parliament.

Rev Wilkinson had left St John's in 1854, with Rev. Edward Smith then temporarily doubling at St John's and Queanbeyan, until in 1855, Rev. Pierce Galliard Smith, the fiercely sectarian cousin of Bishop Barker, head of the Anglican church in Sydney, became rector at Canberry. P. G. Smith was to be rector at St John's for fifty years. His daughter, Mary, married George Fane De Salis in 1878.

By 1855, John Hosking's nephew, John William Hosking, was superintending "Foxlow" for his uncle. Born in 1835, J. W. Hosking was the eldest son of Peter Hosking, and living at "Foxlow" from at least 1855, he was therefore eligible to be recorded on the electoral roll for the 1856 election. He married Isabella Charlotte Fairs, daughter of Charles Fairs, J. P., in 1859. The Hoskings lived at "Foxlow" until 1862 when they left for Liverpool and Hugh Vallance became superintendent. Hosking's uncle, John Hosking senior, was still a frequent visitor to his property.

Around this time also, Wesleyan minister, Rev. John Gale, was making occasional forays into the district. John Gale was born in Monmouth, Wales, in April, 1831, baptised in Cornwall, England, in June. Originally training as a journalist, he entered the Wesleyan church and in 1854, he and fellow Wesleyan, Hans Mack, sailed for Australia to join the Goulburn diocese, starting on a salary of £634 between them, when the average starting wage for a clergyman at the time was about £200.<sup>321</sup> For a

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<sup>319</sup> Affleck, 1916

<sup>320</sup> *Evening News*, Mon 21 Nov 1898, p4. The Hon. Leopold Fane de Salis was a son of Jerome, fourth Count de Salis, and was born in 1816. The first count, Peter de Salis, was Ambassador from Joseph I., Emperor of Germany, to Queen Anne, in 1705. In 1748 he was created Count de Salis of the Germanic or Holy Roman Empire. Dying in 1750, he was succeeded by his son, Jerome, who settled in England, and was naturalised by Act of Parliament. His son, Peter, the third count, was a captain in the Coldstream Guards. He died in 1807, and his son, the father of the deceased, assumed by Royal license the additional name of Fane, in accordance with the will of his grandmother, Mary, Countess de Salis, sister and co-heiress of Charles, last Viscount Thane. He also obtained the Royal licence for himself and his male descendants to use the title of Count in England. He died in 1836, and was succeeded by his son, Peter John, fifth count, to whom John Francis William succeeded in 1870, and who, dying in 1871, was succeeded by his son, John Francis Charles, seventh and present Count. The members of this family are hereditary Knights of the Golden Spur, Counts of the Germanic Empire, and Counts Palatine of the Palace of the Lateran, a dignity conferred by Pope Paul IV, in 1558.

<sup>321</sup> NSWSA: NRS1286.

few years, Rev. John Gale ministered around Gunning as part of the Goulburn diocese, then one of four Ministers who shared an annual salary of £800.<sup>322</sup>

From 1855, Gale had begun extending his visits south of Gunning, travelling down through Gundaroo. He was Secretary of the local Patriotic Fund, raising donations in Ginninderra. In 1856, Gale attended the Wesleyan Australasian Conference in Sydney,<sup>323</sup> and in early 1857, still attached to Gunning, he visited Braidwood, where he delivered a sermon in support of the foreign mission.<sup>324</sup> By early 1857, Gale was off the Wesleyan payroll, having married Loanna Wheatley, daughter of his superior, at Waggallalah near Gunning, on January 3, at a ceremony officiated by Rev. Alberto Dias Soares, followed by the birth of the Gales' first child, Annie Mercy.<sup>325</sup> For a while Gale worked as a lay minister around the Lachlan and as private tutor at "Moonbucca" station, from where in 1858 he thanked local residents for funds they presented him with to support his return to the district at that time,<sup>326</sup> and where he resided for the next couple of years. In her letters from the Hutchison's new home at the "Queanbeyan Steam Mills", Emily Hutchison refers to Gale's first visits to Queanbeyan being around March or April in 1855.<sup>327</sup> It was at this time that Gale met the Afflecks and William Gregg O'Neill and although Gale did not become a resident of Queanbeyan until 1860, these associations were to be of central impact and Gale, a major figure in the district for nearly seventy years.

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<sup>322</sup> *ibid.*

<sup>323</sup> *Emp*, Mon 18 Feb 1856, p3

<sup>324</sup> *Northern Times*, Sat 10 Jan 1857, p4

<sup>325</sup> *Qbn Age*, Tues 8 Jan 1907, p2 & Tues 28 Mar 1905, p2

<sup>326</sup> *Gln Hld*, Wed 3 Feb 1858, p3 & Wed 15 Feb 1860, p3

<sup>327</sup> Hutchison *op.cit.*

# **PART TWO**

**1856 to 1881**

## **Land, Religion, Roads and the Railway**

## 1856 - Responsible Government

In March, 1856, the first election in New South Wales under responsible government was called. Two elections would be necessary for Queanbeyan, one for County Murray and the other for the Southern Boroughs. Charles Campbell achieved his wish, for under the new Constitution of November 1855, the Counties of Murray and St Vincent were again divided, St Vincent having been united with County Murray for the 1851 election only. The previous Member, Alick Osborne, had resigned in January, 1855, and gone to Ireland, where he died in March, 1856, at the age of 63.

By now, the total population of the settled districts of New South Wales was just under 23000 people. County Murray had a population of a little over four thousand people, with a voting population of 225 men, as reported by the *Goulburn Herald*.

### REVISION OF THE ELECTORAL LISTS.

On Thursday, the 10th instant, the lists for the county of Murray and borough of Queanbeyan were revised by the following justices, viz.: J. F. Murray, Esq.; Henry Hall, Esq.; Thos. Rutledge, Esq., and E. S. Antill, Esq. There were 168 on the list for the county, and 57 on the list for the borough. Three persons applied to have their names placed on the list, which was allowed, no objections having been raised. The return appears very well made out, considering the difficulty of such a task.

*Goulburn Herald*, Sat 1 Mar 1856, p5

In expected and unbroken representation, on March 29, Terence Aubrey Murray moved from the Legislative Council to the Legislative Assembly, when he was returned uncontested for the Southern Boroughs.

The 1856 election, however, saw an important newcomer, when Thomas Rutledge's brother-in-law, William Forster, entered the election for the County. On his brother-in-law's behalf, at a meeting at Breen's hotel on February 7, Rutledge read Forster's speech for North Riding, Cumberland, as Forster's campaign platform, with Nathan Powell and Dr Hayley pledging their support. T. A. Murray, however, was not convinced by Forster, who he claimed had "said not one word with respect to the administration of the wastelands of the colony, nor the maintenance of pre-emptive rights." Murray distrusted Forster's statements supporting moves to reduce the price of land, believing that in reality, he would favour the "great squatters."<sup>328</sup>

Forster himself met Queanbeyan at another meeting at Breen's on Thursday, February 28, supported by Dr Hayley and Henry Hall.<sup>329</sup> He pointed out that he was more to Queanbeyan than Rutledge's brother-in-law, a claim backed up by Thomas Shanahan, who had taken over "the Briars" from the Balcombes, and who said that they had known Forster when he was "a mere child."

Forster declared he was a "strong advocate for the railways", which he said "ought to be running half way to Goulburn by this time." He was in favour of an elective upper house and the National system of education and wanted to 're-model' the Constitution. He promised to support the small landowner and distinguished between the "small" and the "rich" squatters, saying he supported the small squatters but had "no mercy" for the rich.

By this time, T. A. Murray had warmed somewhat to Forster, but he still refused to commit himself to him should a better man come forward, which he doubted, as Forster, Murray believed, "possessed more than the ordinary share" of political talent. A suggestion that Stewart, a Sydney undertaker, may come forward, got no further than its introduction by J. J. Wright, who said that no pledge should be given until his views were heard when Bungendore inn-keeper, Pat Carroll, objected that Stewart was "a coffin-maker". Supporting Forster, Thomas Shanahan, bluntly dismissed Stewart as a candidate. When Wright commented that he was the only voice opposed to Forster, Murray's brother, Dr James

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<sup>328</sup> *Emp*, Tues 12 Feb 1856, p3

<sup>329</sup> *Glb Hld*, Sat 8 Mar 1856, p4

Fitzgerald Murray, corrected him, pointing out that neither he nor his brother had put their hands up in his favour.

Importantly, Forster included Gundaroo in his canvas, probably at the insistence of the Afflecks, and where “as well as at a meeting at Bungendore, he had heard very general complaints against the harshness of certain clauses of the Impounding Act.”<sup>330</sup>

No-one else did come forward and the election held at mid-day at the Courthouse a month later on Friday, March 28, was almost perfunctory, needing to proceed no further than the nomination. Returning Officer, Dr J. F. Murray called on Chief Constable W. G. O’Neill to read the Writ and, nominated by Henry Hall and Nathan Powell, unopposed, Forster was returned as the first Member of the Legislative Assembly for County Murray.<sup>331</sup>

In neighbouring St Vincent, young Shoalhaven squatter and magistrate, James Thompson, was standing against Richard Sadleir, R.N., and Sydney lawyer, William Roberts.<sup>332</sup>

Lieutenant Richard Sadleir, RN, was Master of the Male Orphan School at Liverpool. He was sympathetic to the conditions of the Australian aborigines and in 1883 he published *The Aborigines of Australia*. He was Member for Lower Hunter from 1861 to 1864 and became the first Mayor of Liverpool in 1872. Sadleir was nominated by Terence Aubrey Murray’s nephew, John William Bunn, and Robert Maddrell. Bunn had inherited the Braidwood property, St Omer, from his parents, Anna Maria and Captain George Bunn. He became a leading figure in Braidwood and was to be one of its longest serving magistrates and later coroner. From 1864, he was Returning Officer for the district. London and Germany-educated surgeon, Robert Maddrell, was also a leading pioneer of the Braidwood district. Along with his property, “Bedervale”, he acquired Thomas Braidwood Wilson’s land and from 1850, he also went on to be one of the district’s longest serving magistrates, reputed for his integrity in a difficult region.

James Thompson was Mary Reibey’s grand-son. His father, Lieutenant Thomas Thompson of the Royal Marines had once sailed to Sydney in 1821 on the same ship as Mrs Mary Reibey and her daughters, one of whom, Eliza, her second daughter, he married in Hobart on 20 November while on the voyage. Thompson and Eliza moved to Tasmania where Eliza’s brother operated a branch of the Reibey business. Thomas Thompson died on 11 July, 1844, in Launceston, Tasmania, at the age of 50 years. Thomas and Eliza’s son, James, was born in Port Dalrymple, Launceston, Tasmania, on 26 August, 1824. He worked at the Bank of Australasia in Tasmania before moving to his grandmother, Mary Reibey family’s property, Burrier, near Nowra, in 1847. He was appointed as a magistrate on 17 April, 1848.

Thompson was returned with a slight margin over Sadleir and Roberts. As was predicted by one commentator, although an active man in the district throughout his life, because of the difficult journey to Sydney and local commitments, Thompson only attended one session during his term in parliament and had no inclination to stand again in 1858.

Daniel Egan was returned uncontested for Maneroo and Peter Faucett took the honours for King and Georgiana. In 1856 also, J. F. Murray was appointed as a Member of the Legislative Council, but he died a few months later.

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<sup>330</sup> *SMH*, Thurs 3 Apr 1856, p3

<sup>331</sup> *Gln Hld*, Sat 5 Apr 1856, p4

<sup>332</sup> James Thompson married Mary Mackenzie, daughter of Dr Kenneth Mackenzie, on 20 April, 1860. They had twelve children, of whom five sons and four daughters survived. James died at Burrier on 7 June, 1899 (*Shoalhaven Telegraph*, Sat Jun 10 1899, p2; *Shoalhaven News*, Sat Jun 10 1899, p2).

Alongside Murray, the Members of the new Legislative Assembly included the five men, Charles Cowper, James Martin, John Robertson, William Forster and Henry Parkes, between whom the positions of Premier, Colonial Secretary and Attorney-General were rotated for the next thirty years, following the appointment of the first Premier, Stuart Alexander Donaldson.

Governor William Denison opened Parliament on Thursday, May 22, when after a six-hour debate, Daniel Cooper was elected the first Speaker of the House by a majority of one. Donaldson became Premier/Colonial Secretary on June 6 and called on to form government, he appointed William Montague Manning as Attorney-General and John Bayley Darvall, Solicitor-General.

However, the first years of self-government in New South Wales were unsettled and in the first of what was to become a standard state of revolving door politics, in August, the Donaldson Ministry resigned. Charles Cowper became Premier, James Martin, Attorney-General, and Terence Aubrey Murray became the Secretary for Lands and Works, prompting a by-election for Queanbeyan on September 5, which saw him again returned unopposed, when the revised electoral roll of September, 1856, now contained 256 eligible voters. [See App. 3]. A week later A. J. P. Lutwhyche became Solicitor-General.

The duration of this Ministry was even shorter than the original Donaldson government. After considerable acrimony led by the Donaldson-Macleay-Hay camp on spurious grounds, believed to be ill-motivated, for want of majority support in the House, in late September, John Hay succeeded in bringing a no-confidence motion against Cowper, upon which the Cowper ministry resigned on September 30. As Cowper and Murray relinquished their roles, on October 3, Member for Parramatta, Henry Watson Parker, became Premier and Colonial Secretary, while Donaldson returned to the Cabinet as Treasurer, Manning resumed as Attorney-General, Darvall was re-appointed Solicitor-General and Hay replaced Murray as Minister for Lands and Works, in a composition that was to prove an impediment to essential electoral reform.

On Friday, October 31, as Member for Queanbeyan, William Forster ambitiously moved a “Proposed Alteration of the Electoral System”, calling for an increase in the number of representatives in parliament and a redistribution of the electoral districts to address flaws and unfairness in the current system, with proposals the *Freeman’s Journal* was later to describe as resembling more electoral “revolution” than “reform”.<sup>333</sup> Seconded by Member for Durham, Richard Jones, Forster’s motion was supported by John Robertson, who argued for its immediate discussion, stating that the police districts should be the basis for the electoral districts. The Premier, Parker, however resisted the motion, stating they should wait until after the separation of Moreton Bay, a position the Solicitor-General, Darvall, agreed with, adding that such a major reform was something the Government should present to the House in a more precise motion, whereupon everyone else could then “pick holes” in it to attain perfection. Parker also contended that the motion would be complicated by a necessity to amend the two-thirds majority requirement, a long-standing issue which had yet to be resolved. To the dismay and disappointment of the public and the press, by January, 1857, the Bill had been thrown out, in response to which public support for Forster’s reforms was expressed in meetings held throughout New South Wales.

Meanwhile, back in Queanbeyan, events were taking place that made it apparent that long-winded speeches by privileged, over-dressed fops in faraway places had real and material impact on daily life.

In July, 1856, fifteen-year-old John Allan “Jack” O’Neill fled his apprenticeship to his brother, James, and eloped to Beechworth, Victoria, with Mary Ann, daughter of London Bridge farmer, Cornelius (Conor) Fineran, with the “purpose of getting married to her”, obliging his Chief Constable

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<sup>333</sup> *Emp*, Sat 1 Nov 1856, p2; *SMH*, Nov 1 1856, pp4,7

brother, William Gregg O'Neill, to post notices of his abscondment,<sup>334</sup> the elopement highlighting a common experience of a well-meaning law having unintended consequences, necessitating creative interpretation by astute judges.

Since Lord's Hardwicke *Marriage Act* of 1753, the law as it stood at the time, including in New South Wales, was that it was illegal for anyone under the age of twenty-one to marry without parental or guardian consent and anyone complicit in such marriage could be prosecuted and fined £500. This included registrars, clergymen and witnesses, as well as the bridal couple themselves. In Britain, it meant fourteen years transportation for the priest. Although well-intentioned, in certain situations it caused many difficulties and the law sometimes tried to be lenient in these "Romeo and Juliet" cases. In Goulburn in 1867 when the Registrar reluctantly brought such a case forward, the local priest refused to provide the baptismal registers to the court, stating that to do so would be to do an injustice to the community and all the witnesses, including the bride's mother, testified that they had "no idea" as to the age of the bride, the mother stating that with fifteen children, she 'couldn't possibly remember everything about all of them'.<sup>335</sup> The lawyer for the defence, J. T. Gannon, exercised some nifty legal manipulation and the judge, stating that to convict the couple would be to act against the spirit of the *Act*, determined that there was insufficient evidence of wrongdoing for referral to the Attorney-General and dismissed the case.<sup>336</sup> In 1854, a notice was posted by Mary Campbell of Gundellon, warning anyone against marrying her daughter to a man called Watts, she being "considerably underage" and it being a marriage to which Mary did not give her consent.<sup>337</sup>

Under threat of prosecution for abscondment and a £500 fine for an illegal marriage, Jack and Mary Ann fled to Beechworth in the Ovens district of Victoria, where a very sympathetic or very blind priest married them under Catholic rites, somewhat ironically, given that later Jack O'Neill was to become one of the leading Orangemen in New South Wales. They stayed in Victoria only briefly before returning to Queanbeyan with a marriage certificate and family the following year.

Contrary to popular belief, one aspect of marital law that did not apply in Australia was that of prohibition of inter-faith marriages. Although applicable in Britain, in Australia, it was never illegal for Protestants and Catholics to marry.

Generally, freedom of religion had been exercised in Australia in ways never experienced in Britain. It was regarded as a basic right in the new country, where populating a British colony depended on unrestricted interaction, making religious barriers impracticable and causing the most puritan sectarians to fail at attempting division. In a world without constraint, a spirit of co-operation prevailed, with people of all faiths supporting each other in the establishment of churches and schools and with more relaxed impositions on social interaction. While Lord Hardwicke's 1753 *Marriage Act* introduced a necessary regulation of marriages in Britain, its contentious religious restrictions did not apply to British colonies and not all of its prohibitions were exercised in Australia. Unlike in Britain until 1836, there was no restriction on marriage between Protestants and Catholics in Australia and there was no necessity for Catholic marriages to take place in an Anglican church. A large number of transported convicts and of the poor in Australia were Irish Catholics and in the new society unrestrained by the Britain of the past, restrictions on faith were generally considered inappropriate and even dangerous. As one of the aims of the new colony was to establish a free society through marriage with an unworkable ratio of men to women, prohibition of inter-faith marriage was impractical.

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<sup>334</sup> *SMH*, Tues 5 Aug 1856, p8

<sup>335</sup> *Gln Hld*, Wed 23 Oct 1867, pp2,3

<sup>336</sup> *Gln Hld*, Wed 13 Nov 1867, p2

<sup>337</sup> *Gln Hld*, Sat 13 May 1854, p3

However, among those transported were political dissidents and fear of rebellion led Governors to impose certain constraints on the four or five Catholic priests allowed to practice in Australia since the arrival of the First Fleet. With the aim of populating the colony, embracing the spirit of religious freedom and from fear of an uprising against oppression, the Governors were selectively lenient when the Catholic priests erred on the side of conscience or principle, but when defiance threatened to be more politically visible or at least to bring visible political consequences, especially when it was confused with more generic criticisms of the regime or protestation at conditions in the colony, so too visible discipline was considered necessary. Overt disobedience brought deportation for Flynn in 1817 and, despite support from Wentworth and Wardell at the *Australian* and Edward Smith Hall at the *Monitor*, dismissal for the much-revered John Joseph Therry nine years later. In 1820, Governor Macquarie had issued instructions to Therry that he could only hold Mass on Sundays and that he could not seek converts, marry Protestants to Catholics or baptise orphan children. Therry ignored the dictates he deemed to be illegal, inappropriate or oppressive and his continued devotion to his flock earned him the respect of the some ten thousand Catholics in New South Wales and much of the general population. However, when his rebellion came to a head in 1826, albeit through a misunderstanding, he was removed from his official position by Governor Darling. Undeterred, the “officially” very lonely, but much appreciated Therry continued as “the” Catholic priest of the colony, unpaid, even after his official replacements, Father John McEnroe in 1832 and Bishop Polding in 1835, reposed in the armchairs of the Sydney residence, made more comfortable since the Catholic emancipation of 1829. Therry continued to conduct marriages, including between Catholics and Protestants and under Catholic rites, and although Hardwicke’s marriage statute did not extend to the Australian colonies, whether through prejudice or misapprehension, uncertainties surrounding this difference between British and Australian law caused odd inconsistencies, as noted by Hall at the *Monitor*, who declaimed “persecution” that substituted for religious “tolerance”.<sup>338</sup> At a bigamy trial in Sydney in 1826, legal defence was attempted on the basis that one of the accused’s marriages was invalid, it being between a Protestant and a Catholic, but as the *Act* did not extend to Australia, the man was found guilty and the matter referred to the Supreme Court for official clarification.<sup>339</sup>

While religion, legally, at least, did not impede marriage, one aspect of both daily and political life over which the Churches were to have significant influence was that of education. In the early days of the colony, settlers had supported each others’ schools, also regardless of faith, keen to promote the well-being of everyone in the new, seemingly boundless new country. However, as education became more than just a matter of getting ruffians off the streets and government funding became both a source of income and policy direction, a debate that was to have earth-shattering impact from Parliament House to the local school-houses for many decades, that of the debate between secular and denominational schooling, began its insidious effect throughout New South Wales.

In Queanbeyan, as the battle between religious and secular education progressed, differences that had been kept tame by the friendship between Charles Campbell and T. A. Murray and a general desire to improve the district soon broke out into blatant sectarian discord. For some time, the National and denominational schools in Queanbeyan had co-existed on a relatively peaceful basis, but from 1856, the matter of schooling, whether between National or denominational, whether Catholic, Presbyterian or Anglican, became an issue of fierce disagreement. In Gundaroo, Donald McLeod had been promoting the establishment of a school for some time without success, but when the Afflecks arrived the project gained not only the support but the leadership necessary for a petition to be made for a National School to be opened, with George Lane as teacher. The move, however, did not sit well with the newly-arrived rector at Canberry, Rev. P. G. Smith, and within a short time, the rector’s cousin, the Bishop in Sydney, had closed the school, within accusations of ineptitude by the teacher.

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<sup>338</sup> Fri 15 Sep 1826, p2

<sup>339</sup> *Syd Gaz*, Wed 8 Nov 1826, p3



By late 1856, plans were begun for a new building for Christ Church and when Chief Constable O'Neill proposed the old building be turned into a schoolhouse, although J. J. Wright whole-heartedly supported the idea, Dr Hayley feared objection from the Anglican Church hierarchy in Sydney and a letter had to be sent to the Bishop seeking his permission.<sup>340</sup>

By late 1856, London-born and educated civil engineer turned priest, Rev. Alberto Dias Soares, was appointed as rector at Christ Church in Queanbeyan, succeeding Rev. Edward Smith, who after twenty years' service in Queanbeyan, much of it in ill-health, was ready to retire.<sup>341</sup> The move was received with both regret at the loss of a beloved figure, with one correspondent to the *Goulburn Herald* noting how it was largely due to him that there were "two churches, one at Queanbeyan, and another at Bungendore, a parsonage, a school-house, and a master's residence, a well-fenced in burial ground, and a benevolent asylum, the last of which, however, it is due to the memory of the late Dr. Murray to say was originated by him", and great optimism as to his replacement.<sup>342</sup>

In 1852, Alberto Dias Soares and his brother, Gualter, had sailed together to Sydney in the *Formosa*, Alberto with the aim of building a railway in New South Wales. In Sydney in 1854, Gualter Soares married Bathurst girl, Anna Stewart, whose merchant brothers, James and William Stewart, operated a bonded goods store in Sydney. Gualter Soares joined the Customs Department in Sydney, progressing to 10<sup>th</sup> loading waiter. Abandoning his plans for a railway, Alberto studied theology and became an Anglican minister. In 1856, he married Catherine Tom Lane in Parramatta and after a brief term at Collector, by December, he was appointed as Minister of Christ Church in Queanbeyan. By March, his appointment was confirmed and immediately on his arrival in April he began plans to build the new Christ Church.<sup>343</sup> The church committee at once promised £300 for the building. At the same time, a committee was formed to establish a lending library, which essentially became the first public lending library in the town.

Another field, initially the domain of the Church but now extending beyond that exclusivity, was that of welfare. Before the introduction of public welfare, support for survivors and widows and children in the event of death, fire or accident was dependent on the Churches or the generosity of private individuals. The founding of mutual assurance associations and insurance societies provided some form of security by means of membership and public subscription, the chief promoters of such institutions in Queanbeyan being the O'Neills and in Gundaroo, the Afflecks. In 1856, W. G. O'Neill and his brother, James, founded the Oddfellows Lodge, the first such institution in the district. In 1856, plans were made for the construction of the Oddfellows building, the centre that would become the venue for most functions and provide a home for public institutions in lieu of a town hall. The Oddfellows band was also formed, providing a local musical outlet and lending much gaiety and ceremony to official occasions.<sup>344</sup>

The timely establishment of the Lodge was to be of immediate benefit to local residents. In an overly ambitious move, mill owner, Edward Barnabas Wesley Hutchison, made a costly mistake. Campbell

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<sup>340</sup> *Emp*, Wed 31 Dec 1856, p2

<sup>341</sup> Rev. Soares was the grandson of Thomas Lodington and Ann Day, who had married on 22 September, 1791, St George the Martyr, Queen's Square, London. Born on November 26, 1830, Soares was the son of Lodington's daughter, Camilla Mary Bassett, of St Mary-le-Bone and Manoel Joaquim Soares, merchant and Knight Commander of the Order of the Cross of Christ, who were living at Euston Square, St Pancras. Soares was baptised in the Parish of St George, Bloomsbury, on December 22. The family then moved to Abbey Road at St John's Wood where they were living when Alberto's brother, Gualter, was born on 3 October, 1833. Their sister, Camilla, married Robert Pulling in St Pancras in 1846. At the time of the 1841 census, Manoel and Camilla and family of six children, with Camilla's father, Thomas Lodington, now 80, were living at Highbury Lodge, Islington, with a household of six servants, while ten-year-old, Alberto, was at school at Stoke Newington. Alberto then studied engineering at Putney College of Civil Engineers. He was briefly in Portugal and Paris before sailing back to London from Gibraltar on the *Tagus* in July. 1848.

<sup>342</sup> *Gln Hld*, Sat 5 Sep 1857, p6

<sup>343</sup> *ibid*.

<sup>344</sup> *Gln Hld*, Sat 28 Jun 1856, p5

and Faunce's mills were still in operation when in January, 1855, Hutchison invested an exorbitant £4000 in a new steam mill, the Severne, with an unrealistically high expectation of an annual income of £1800 to £2000. The people of Queanbeyan did not desert their townsman, Faunce, who was forced to reduce his prices to survive. In April, 1856, Captain Faunce died suddenly on the cricket pitch, while his sixteen-year-old son was away at college in Sydney. Faunce's wife, Elizabeth, continued with the Dodsworth mill with the support of the people of Queanbeyan. Within a few months of opening, Hutchison's mill was failing, of which Hutchison's wife, Emily, wrote bitterly in one of her letters home, blaming the people of Queanbeyan for supporting Faunce instead of her husband.<sup>345</sup> In 1857, E.B.W. Hutchison died, leaving his family in debt due to the failure of the mill.<sup>346</sup> Hutchison's widow and her children were among the first recipients of welfare money from the Oddfellows and in their patriarchal style, William Gregg O'Neill arranged for Emily to become the organist at the Christ Church harmonium and set up a private school for her, while John Gale took her in as a dinner guest at his home.

By June, 1856, the town had also acquired resident local legal services in the form of solicitor, A.S. Freestone, locals previously having to depend on a Goulburn lawyer for representation and processing of any and all matters.

Sport, too, was gaining momentum and providing a hub for, at the time, social cohesion. Cricket was being played between teams from Ginninderra and Gundaroo on Davis' estate and at Gundaroo from the early 1850s, with reports of matches appearing in the papers from January, 1856. Ginninderra's blue trim was met by Queanbeyan's scarlet, formalised in September, 1856, when the club, led by W. G. O'Neill, John Breen and George Hunt, met at Breen's "Harp Inn" to set the rules, with C. E. Smith, as new Secretary and P. C. Palmer and A. S. Freestone defecting from Gundaroo. A new banner was consummated by a match with Ginninderra and a "very good lunch" at Breen's.<sup>347</sup> They were soon joined by a team from Duntroon. At the same time, a Queanbeyan District side formed from the local teams played Goulburn and Cooma.

Christmas at Ginninderra in 1856 was celebrated with a cricket match and a ball on Davis' estate, in what was to become a regular event.<sup>348</sup>

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<sup>345</sup> From 1972 to 1974, the *Queanbeyan Age* published a series of Emily Hutchison's letters, followed by the *Queanbeyan History Bulletin* from 1975. Although probably not written with publication in mind, Hutchison's letters to her family in England are the diary style smatterings of the daily life of a woman caring for her husband and children in a town in which she was out of her element. While the letters contain occasional interesting information about Queanbeyan, factual material is incorrect and her comments are personal, undeserving and at times, puerile. Like her husband, whose intentions for the district were entirely financial, a place from which he could extract a fortune before returning home to a more 'legitimate' life in England, Hutchison's letters convey a deep dislike of the people of Queanbeyan, who she despised for not deserting Faunce and then his widow in favour of her husband's mill. Rejected by the upper social class of the district but herself dismissive of the working class, Hutchison had a difficult relationship with her Queanbeyan fellows, but in their usual style, Hutchison was provided for in her widowhood by leading townsmen such as W. G. O'Neill and John Gale. Hutchison deeply admired Gale, whose sermons mesmerised her and who she regretted not having married the like of, but the man she felt came closest to resembling her father was O'Neill. Her observation of O'Neill as an actively pastoralist but non-sectarian father-figure of the town, often against opposition, is a good summation, but Hutchison's strict Congregationalism was such that she could not quite accept his role as a leader of the social life of the district, later followed by an apologetic attempt to fit in with her townsmen by playing the piano on social occasions. In her letter dated December 6, 1858, she wrote

How often have I wished for such a one as yourself out here, my dear Father. There is a Mr O'Neill, a churchman similar in some respects, active, and foremost in providing lodging and stabling for all our ministers of any sect. In all good works he has a hand and his suggestions are generally the best, tho he is much grumbled at. But all his good doings are counteracted by his equal earnestness in balls, concerts, circuses and races. I ought not to reflect against him. He has taken much trouble for me in getting me scholars and obtaining the situation of organist for me (*Queanbeyan History Bulletin*, Dec 1975, issue 6, p8).

In 1862, Hutchison married a friend of Gale's, store-keeper, John Walker, with whom she was originally happy, but whose drinking cost him his marriage when Hutchison left him and took her children to Queensland. Her son, Edward Hutchison, junior, was a photographer and later returned to take portraits of several people in the town.

<sup>346</sup> *SMH*, Tues 30 Jun 1857, p8

<sup>347</sup> *Gln Hld*, Sat 27 Sep 1856, p4

<sup>348</sup> Three years after taking the license of the "Harp", Breen died on December 4, 1856. His widow, Catherine, took over the management of the hotel and later married police officer, Michael Torpy, in 1861.

The most significant achievement from 1856 was that, finally, Queanbeyan was to have a bridge over the river at Trinculo Place and on July 7, 1857, T. A. Murray was in town with Daniel Deniehy for the driving of the first pile.<sup>349</sup> Hundreds of people turned out for the ceremony, led by the Oddfellows band, while the dinner that night at Byrne's paid homage to the Sydney architect, Downey. The construction would be completed in 1858, when, as one writer put it, people would no longer have to bear the distress of seeing "aged men and women walking through the river up to their knees, or striving to crawl over some large stones which were placed there by the Chief Constable, who made a collection early in 1854 for the purpose."<sup>350</sup>

William Forster's performance in the House, also, was great cause for celebration and at a banquet held at Byrne's Hotel three weeks later, on the evening of July 30, 1857, it was recorded that "From Bungendore and the Burra, from Gininderra and Gundaroo, Micalago and Molonglo, from Canberry and the district in the immediate neighbourhood of the town, the independent electors of Murray mustered to do honour to their member."<sup>351</sup> Barely ten years on from a time when only the upper gentry, consisting mainly of the big squatter set, a magistrate or two and Dr Hayley, were considered fit company for formal reception, with the opening of elections for the Assembly, so too, social progress came in the form of an open invitation to dinner. T. A. Murray and Daniel Deniehy were also guests of honour at the sold-out event, supported by Charles Hamilton Walsh, William Blaxland and Rev Michael Kavanagh, as, in the absence of Andrew Cunningham, Dr Morton took the chair, J. J. Wright took the Vice-Chair, supported by Thomas Rutledge, Thomas Shanahan, Charles Alphonse Massey, Worthington and Macdonald, and Forster sat to dinner with a hundred and twenty-two people, among them, Andrew Wotherspoon, Rolfes, McDonalds, Camerons, McGinniss', Moores, the Afflecks, Stiles, Donnelly of Gundaroo, Gibbs, William O'Neill, Cornelius (Connor) Finneran, Captain Faunce, Pemberton Campbell Palmer, Abraham Levy, Freestone, C. T. Hayes, Southwell, Martin Byrne, Peter Naylor, John Hunt, Shumack and John Hutchinson.

As the tables were cleared and the speeches began, Forster was received with a "perfect hurricane of applause" and he, Murray and Deniehy joined in denouncing the former Donaldson camp, which had forced them into "Opposition" and the current Parker government's obstruction of a universal franchise and egalitarian land ownership. Cowper, they believed, deserved a chance to show himself against Parker, whose Ministry had acted with only interested exclusivity in mind. Forster noted how he and Jones had laboured against stubbornness and incompetence, such as that of Darvall, who had not even read the Franchise Bill he so avidly opposed. Barely able to speak for the cheers as he spoke, Forster declared that "the memory of this demonstration would be left as a sort of landmark and memorial of the first stripe, which on the very threshold of Australian freedom was fought to vindicate her most sacred principles and in defence of progress and of popular Government!"

Differing only on minor issues, Murray was now unrestrained in his support for Forster, stating that Forster could act with complete authority, knowing that he had the full confidence of his constituency behind him, and that with Responsible Government the public now decided policy and knew better than to continue to suffer the ruling class of the past twenty-five years, which had acted to serve only themselves, who picnicked on the harbour, waited on by prisoners they had appropriated for the purpose, who had not built public buildings in the towns of the interior, including Queanbeyan, who had not opened up the land, whose surveying failures had made land and crop management impossible for the average settler, who had not built one bridge, so important to life, especially at the present time when the country was flooded, and whose only contribution to the roads of the colony was the "fashionable drive" to South Head in Sydney. Murray identified the great importance of the evening as being a "demonstration in favour of reform in the Government of the country" and to honour the man who was largely the cause of it.

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<sup>349</sup> *Emp*, Fri Jul 24 1857, p4

<sup>350</sup> *Gln Hld*, Sat 28 Jun 1856, p5

<sup>351</sup> *Emp*, Sat 8 Aug 1857, p3; *SMH*, Sat 8 Aug 1857, p6; *Yass Cour*, Sat 8 Aug 1857, p5

Deniehy spoke eloquently of how the history of the colony had given rise to the current delineation between the Reformers and the “aristocratic” conservatives, who believed their positions of privilege and power to be an inalienable and inherited right and were “dying hard”. C. H. Walsh denounced the nepotism of the McLeay-Parker-Hay-Macarthur-Thomson-Wise clique and Wotherspoon outlined the necessity for equal land ownership for the benefit of the country. Vernon of the *Goulburn Chronicle* received the toast for the press and recorded the evening for the colony.

The opening of Parliament in Sydney on August 11 was a matter of great interest to the public, with a large gathering of people outside, anxious to gauge the “tenor and tone” of the Governor’s opening speech.<sup>352</sup> Refusing to concede on Forster’s Electoral Bill, within weeks, by September 7, the Parker ministry had resigned. Charles Cowper now again led Government, James Martin was restored as Attorney-General, T. A. Murray again became Secretary for Lands and Works, Richard Jones became Secretary for Finance and Lutwyche again was Solicitor-General.

As Murray’s seat for the Southern Boroughs was put up for election, although probably unnecessary, Murray took to the campaign trail, and in Goulburn on Thursday, September 24, proposed by Charles Hamilton Walsh and James Madsen, he was returned unopposed, in his acceptance speech Murray stating he still felt it his duty to be there, regardless that his friends had been certain of his success without it.

Another event of 1857, however, was to have not-so-happy impact on the district. The wreck of the *Dunbar*, while gaining for Sydney Harbour a lighthouse that finally allowed safe passage through the Heads, deprived Queanbeyan of Thomas Hyacinth Macquoid and his partner, Edward Severn, as well as Abraham and Julia Meyer and their children, with Abraham Levy taking over the Goulburn Stores from his brother-in-law. The wife and children of MLA for Maneroo, Daniel Egan, were also lost. Curiously, located among the wreckage of the ship was a parcel intended for “Rev. John Gale, Mr Wheatley’s, Gunning, Yass, Sydney”.<sup>353</sup>

Another loss that year was that of John Hunt, owner of the “Doncaster”, who died in December at the age of 40. His widow, Elena, married Goulburn hotel and coach proprietor, John Nelson Woodman, in 1859.

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<sup>352</sup> *SMH*, Wed 12 Aug 1857, p4

<sup>353</sup> *SMH*, Mon 24 Aug 1857, p4

## The 1858 election

The next general election for New South Wales was held in 1858, when the only real issue under debate for the Southern Boroughs was whether Murray intended to stand or not. For some time, T. A. Murray's wife, Mary, had been critically ill. With the understanding of the House, Murray resigned his position as Minister for Works and Lands and took time off from his political duties to tend to her. His personal life in chaos, Murray firmly refused all requests to stand for the Boroughs and on December 28, he published a letter stating his intention to retire into private life.<sup>354</sup> As the letter appeared in the papers on the second of January, Murray's wife, Mary, died at "Winderadeen".

Within confusion as to whether Murray intended to stand for the Boroughs or not, Cambridge University graduate, former editor of the *Australian* and Justice Sir Alfred Stephen's brother-in-law, John Richard Hardy, came forward with strong support from the Yass quarter. Hardy had been a resident of Yass for some time and his requisition was of considerable weight, led by such figures as Thomas Laidlaw, Thomas Colls, Bernard Grogan and the editor of the *Yass Courier*, J. J. Brown.<sup>355</sup>

Hardy had always been a supporter of Murray and with a declaration that he would withdraw if Murray changed his mind, Hardy began preparing to contest the election. However, there was much sympathy for the much-loved Murray in Goulburn, Queanbeyan and Braidwood, whose office in the House had reinforced his popularity. Murray's return in those towns was almost certain, with or without his consent, and his supporters urged him to come forward. Murray acceded to the wishes of the electorate and when the Writ of Election was issued on 18 January, Murray was the only candidate listed for the Southern Boroughs.<sup>356</sup> Hardy, however, despite his original statement that he would withdraw in Murray's favour, stayed in the race, an action that enlivened the hustings on January 25 immensely. Supported by Daniel Deniehy and newly re-elected Member for Sydney, Charles Cowper junior, in his absence, Murray was nominated by Queanbeyan-born solicitor, Charles Hamilton Walsh, who came forward on Murray's behalf to legitimise the deflection of this affront from Yass.

Hardy's challenge caused great excitement and during a highly charged gathering of four hours at the filled-out Goulburn court-house, personal insults were bandied about, some of a character considered unfit for print, the dignity of the proceedings maintained by the judicial presence of J. J. Brown, the editor of the *Yass Courier*, and William E. Vernon, the editor of the *Goulburn Chronicle*.

The debates centred almost entirely on the confusion surrounding Murray's intentions, with very little mention of any issue of political significance, but for the price of land. Amid accusations of poor taste in entreating Murray to come forward at this time, Walsh introduced Murray as a candidate, seconded by Ardill. The substance of Walsh's speech was an explanation of the events that had led to Murray's acceptance for nomination, there being an understanding by the electors of his personal circumstances and that voting him in would give him time to consider his intentions, with no harm done.

As Hardy's proposer, D. H. Thorn had to face the "tumult of boos and opposition cries" from a hostile crowd, followed by G. C. Allman, a previous nominator of Murray and still generally in agreement with him. Allman's only difference with Murray was his intention to reduce the price of land and he defined the day's contest as being solely about the Cowper Land Bill. However, when also attempting to defend his actions in relation to Murray's intentions, he read a letter sent to him by Murray, which merely prompted a chorus of deafening cheers for Murray. In "a speech of great power", Daniel Deniehy urged the voters to re-elect Murray and then proposed Walsh, evidently as a sham candidate, seconded by Columbus Fitzpatrick, Michael Fitzpatrick's brother. Thorn and Walsh then proposed Allman.

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<sup>354</sup> *Gln Hld*, Sat 2 Jan 1858, p3

<sup>355</sup> *Gln Hld*, Sat 9 Jan 1858, p2

<sup>356</sup> *SMH*, Mon 18 Jan 1858, p8

Murray had the show of hands at the nominations, thirty to one, and with the sitting Member still in seclusion, in Queanbeyan, J. J. Wright led the local voice for him, joined by members of Murray's Goulburn committee. In Braidwood, Charles Cowper junior and Daniel Deniehy represented Murray, while Walsh led the election on Murray's behalf in Goulburn.

Polling was on Thursday, January 28. In Yass, the vote was one hundred per cent for Hardy, but countered by the ballot in the other three towns, where the poll was almost entirely for Murray, in his complete absence, the sitting Member took the election in a manner exactly as predicted, and according to the *Goulburn Herald*, "to the satisfaction of the constituency."<sup>357</sup> The final result was a majority of 45 votes for Murray who polled 204 votes against Hardy's 159.<sup>358</sup>

Deniehy stood for Murray at the declaration of the poll with Walsh, who read Murray's letter of acceptance. Hardy raised a protest, claiming Murray's election to be invalidated by the fact of the seconder of his nomination, Ardill, not being an elector, and a slight slanging match between Walsh and Hardy ensued. When Hardy's second, Thorn, then tried to get personal as at the nominations, J. J. Roberts intervened, and along with leading the customary cheers for the Returning Officer, said they should all go home to their dinners. Nothing came of Hardy's objections and despite the defeat in this round, Hardy's abilities, upheld by his very solid base of support in Yass, with no real ill-will against him, offered a glimpse into what may have become a great political career. Unfortunately, Hardy was deprived of the ability to fulfill his potential, for a few months later, in April, he died at his property, "Hardwicke", from a sudden and severe attack of influenza.

This still left the election for the County, for which William Forster again stood, nominated by Arthur Affleck on a mandate to introduce his *Electoral Reform Bill*, the Bill that would extend the vote to all men over twenty-one and the secret ballot in New South Wales, the main antagonists to which, were the Donaldson/Macleay camp. Affleck differed with Forster in that he wanted genuinely universal suffrage, with extension of the vote to women as well as men, which Forster considered "absurd", but Forster's Bill, in whatever form, was a necessary first step.

This time, Nathan Powell was himself standing against Forster, backed by Henry Hall of Charnwood and William Davis of Gininnderra, with the *Empire* reporting that "the greatest excitement prevailed throughout; the feeling of the meeting being decidedly in favour of Mr. Forster."<sup>359</sup>

At a meeting in Yass chaired by G. C. Allmann, at which William Macleay himself was present, great support also was expressed for Forster, with Dr Campbell emphasising Forster's exceptional quality as a man of principle.<sup>360</sup>

At the nominations held at Queanbeyan court-house on January 29, to the "great cheering" from an assembly of around a hundred and fifty people, Arthur Affleck drew his tall dignified frame to the fore to propose Forster, seconded by Thomas Shanahan. "Forster was a tried man" Affleck said, "and had not been found wanting. He was thoroughly independent, and possessed of considerable ability...As to Mr. Forster's opponent he was an untried man with ability of the most meagre kind; and if returned, he would be a mere tool in the hands of the Donaldson and Macleay party."<sup>361</sup> "Powell," Affleck said, "although in favour of the National system of education...was opposed to Mr. Forster's Electoral Bill, as also to vote by ballot, extension of the suffrage, and the reduction of the price of land".

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<sup>357</sup> *Gln Hld*, Wed 3 Feb 1858, p3

<sup>358</sup> *ibid*.

<sup>359</sup> *Emp*, Thurs 4 Feb 1858, p4

<sup>360</sup> *Yass Cour*, Sat 30 Jan 1858, p2

<sup>361</sup> *Emp*, Thurs 4 Feb 1858, p4; *Yass Cour*, Sat 6 Feb 1858, p3

As Henry Hall came forward to propose Powell he was met with groans and hisses, but undeterred, he considered “if Mr. Forster’s Electoral Bill were carried, that the country districts would be absolutely disfranchised, by throwing nearly all the representation into the hands of the electors of the county of Cumberland.” Hall was opposed to “the amalgamation of country boroughs with the counties” and objected to Forster also on the grounds that he supposedly “was in the habit of making long speeches” in the Assembly.

To loud cheers, Forster iterated his pledge to electoral reform, claimed the requisition list for Powell was fraudulent and, while acknowledging responsible government may require a party system to function, declared that like Plunkett, he was no party man, but a man of independent conviction.

Powell was met with disapproval as he confirmed Affleck’s summary of his position and the show of hands was for Forster, as the new Returning Officer, Dr W. F. Hayley, announced the poll for Friday, February 5, when 188 electors turned out at the booths at Queanbeyan, Bungendore, Yass and Braidwood to return Forester with a majority of 115 to 73 votes.<sup>362</sup> With support from Owen Byrne and Pat Carroll, Powell’s lead in Bungendore was by only two votes, at 23 to 21, while not unexpectedly, Powell took Braidwood with ease, 14 to 3. Of the 68 electors on the roll for Yass, only 34 voted, perceived as a protest against Forster for his having supported T. A. Murray for the Southern Boroughs.<sup>363</sup> Nevertheless, with a vote of 68 to 25 in Queanbeyan and 22 to 12 in Yass, Forster was assured his seat in the House and his place in history.<sup>364</sup>

In nearby St Vincent, unexcitingly, Andrew Aldcorn took his seat unopposed, but simultaneously, although technically outside the electoral district, but well within the political sphere of influence of Queanbeyan, an event was taking place at Yass, seemingly insignificant in itself, but one which was to prove the fore-runner to major outcomes. While Arthur Affleck nominated Forster for Murray in Queanbeyan, two days later, on February 1, in Yass, his son, William Affleck, nominated Sydney solicitor, William Redman, for the United Counties of King and Georgiana.<sup>365</sup> At the hustings, the twenty-one year old Affleck displayed the errors of a political novice, but also the forthrightness for which he was to become well known, no less for his youth, in outrightly criticising the sitting member, Justice Peter Faucett’s, position on the *Electoral Reform Bill* and questioning him on land questions, the issues Arthur Affleck had pressed for Forster’s nomination in Queanbeyan. Redman had previously stood for the Cumberland Boroughs in the 1856 election, when he lost to William Bowman. Affleck was a complete unknown. Faucett was a man of substance – a well-respected judge with a following that made him invincible. Affleck had no seconder for Redman’s nomination and Faucett was returned unopposed, but with Faucett applauding Affleck’s pluck in coming forward to challenge him.<sup>366</sup>

Mr. FAUCETT on coming forward was received with such marked applause that he was prevented speaking for some time. He said - He was glad they had had an opportunity for having some amusement; and he was still more pleased that Mr. Affleck had come forward in a manly way to propose a candidate and to state his disapprobation of his (Mr. F.’s) views. Mr. Affleck had said that he (Mr. F.) advocated men, not measures: There was some truth in the remark, for they required men in whom they could confide and trust, for without the men they could not have the measures. He was sorry to say they had not such men at the head of State affairs at the present time. He would like to hear whether the gentleman who had been proposed by Mr. Affleck had confidence in the Cowper Ministry. - (Hear, hear). He should, before making those remarks, have thanked them for the honour they had conferred in electing him a second time as their representative, and this time without opposition; but he was led to the remarks he had made in consequence of the proposition made by Mr Affleck. And he knew not why the opinions of this candidate should not have their weight the same as those of any other. Mr. Redmayne was a friend of his (Mr. F.) - a highly respectable solicitor, in fair practice in Sydney; but he hoped he would not come and practice upon them. That gentleman had been rejected by his own friends and by the electors that day, and he (Mr. F.) should make no further remark about him... - *Yass Courier*, Saturday 6 February 1858, pp2,3

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<sup>362</sup> *Gln Hld*, Sat 13 Feb 1858, p26; *SMH*, Sat 13 Feb 1858, p4

<sup>363</sup> *Yass Cour*, Sat 5 Feb 1858, p3

<sup>364</sup> *SMH*, Sat 13 Feb 1858, p4

<sup>365</sup> *Yass Cour*, Sat 6 Feb 1858, pp2,3; *Emp*, Tues 9 Feb 1858, p2

<sup>366</sup> The report in the *Empire* corrected the error as to the spelling of Redman’s name in its report of the nominations.

Affleck and Redmans' little amusement, taken in good humour that day, was the start of an association that would prove to be anything but trivial, but for the present, the major figures of the previous New South Wales Assembly were returned, including John Robertson, Charles Cowper and James Martin, along with Robert Campbell for the City of Sydney, John Campbell for the Sydney Hamlets, Daniel Egan for Maneroo and Henry Parkes, as one of the two Members for North Riding of Cumberland.<sup>367</sup> Daniel Deniehy was returned for Argyle, his friendship with Parkes and T.A. Murray remaining a significant influence as he gained a reputation for excellent speeches.

In great anticipation, as Forster formally moved his *Electoral Reform Bill* in the House, Cowper moved a delay to consider public discussion, at which petitions were got up and societies formed around New South Wales to support its passage. Forster would have ideally preferred to extend the franchise to all men over twenty-one without restriction except for a residency requirement based on how long a person had been in the colony. However, as presented, the key points of the Bill were to increase the number of representatives, to more equitably distribute the electoral boundaries to follow the police districts with special provisions for the greater population centres of Sydney and towns, to extend the vote to all men over twenty-one with limited property restrictions and to introduce the secret ballot.

After allowing input by the people of New South Wales, the Bill presented for its second reading on Thursday, May 6, the House went into Committee as a whole and following further delays and postponements, on Thursday, August 26, the Bill was presented for its third reading, which was approved on a vote of 25 to 8 and passed on the same day without division.<sup>368</sup> Departing from normal procedure, a deputation consisting of Cowper, Forster, Jones and Campbell was approved to present the Bill to the Legislative Council, it being noted that the Attorney-General, James Martin, had contributed little to the discussion of the Bill, a motion Forster himself disapproved of and was considered in bad taste.<sup>369</sup>

Nevertheless, on further amendments by the Upper House and debate in the Lower, on January 1, 1859, the *Electoral Reform Act* finally came into force, the *Act* under which all men over twenty-one and permanent citizens of New South Wales, by birth, naturalisation or residency of three years, had the right to vote. The secret ballot was also introduced, following its introduction in Victoria two years earlier in an international first.

In July, 1858, T. A. Murray had also introduced a Bill to abolish primogeniture, the law under which intestate property was automatically inherited by elder males in a family. Canada had abolished primogeniture in 1852 and South Australia's assembly had passed a Bill to that end in 1857. Murray's "Landed Property" or "Real Property" Bill allowed Daniel Deniehy to show his form in the House but after heated debate on its second reading, it was referred to a Select Committee for consideration by the next Parliament.

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<sup>367</sup> *SMH*, Tues 16 Feb 1858, p8

<sup>368</sup> *Emp* Fri 27 Aug 1858, p6; *SMH*, Fri 27 Aug, 1858 p3

<sup>369</sup> *Gbn Hld*, Wed 1 Sep 1858, p2



## The 1859 Election

The first elections to be held under the new *Electoral Reform Act* were scheduled to take place in July, 1859. Queensland became an independent colony in 1859 and under the new *Act*, the electoral division of the Southern Boroughs was abolished and the electoral division of Queanbeyan was created, now consisting of the previous County of Murray and including the town of Queanbeyan.

Again, personal matters impacted on T. A. Murray's political career, he being in dire financial circumstances. Murray had placed his property, "Winderadeen", in his wife's name and on her death, a lengthy legal wrangle unfurled between Murray and his wife's Trustees, delaying the sale of the property. In 1859, the sale of "Yarralumla" to his brother-in-law, Augustus Gibbes, relieved some of Murray's economic stress. For the June, 1859, election, Murray stood for the County of Argyle, succeeding Daniel Deniehy, who did not re-contest the seat. Deniehy simultaneously entered for several other electorates, including West Sydney and both Upper and Lower Hunter, successful in none, nor in a by-election for East Macquarie in October. However, following a by-election for the same seat in May, 1860, Deniehy again took his place in the House.

At this early time an important association was struck up between the Afflecks, Dr Morton and J. J. Wright. Wright and Dr Morton joined the Afflecks in leading the Presbyterian church and politically also they aligned in an association that secured the politics of Queanbeyan for the next several elections. In 1858, Wright had proffered Stewart, the "coffin-maker" as Connell of Bungendore had referred to him, but by 1859, he was joining with the Afflecks in supporting William Forster for the June election. Windeyer, a liberal in favour of Cowper and opposed to Forster, was originally advertised to stand at the proposal of Nathan Moses Lazarus, promising not to "blow hot or cold",<sup>370</sup> but at the nominations Lazarus stated that Windeyer had declined to stand against Forster who he considered "superior to himself".<sup>371</sup>

Forster's nomination on June 17, 1859, was proposed by Dr. Morton and seconded by J. J. Wright, when Forster was elected without dissension.<sup>372</sup>

In Yass, Thomas Laidlaw was unanimously elected without opposition. At the nomination William Affleck put forward a resolution that any proposed candidate should pledge themselves to "the principles of the Cowper Ministry" and be prepared to resign if ever called on to do so by a "majority of his constituents".<sup>373</sup> This motion was lost with a din of disapproval, but all hands were in favour of Laidlaw's election, including Affleck's. A technical irregularity which rendered the election for Yass Plains invalid saw Laidlaw resign and regain his seat in a repetition of the election on September 15, when again he stood unopposed.<sup>374</sup>

At the Queanbeyan races in September, a protest of another kind took place when Henry Hall lodged a protest on the grounds that the winner, *Royal Charlie*, was a ring-in, the winner of the Albury Hurry Scurry Stakes, *Wild Irishman*,<sup>375</sup> while the snowy winter furnished a display of "very great beauty" of the Aurora Australis on the Snowys at the end of the season.<sup>376</sup>

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<sup>370</sup> *Gln Hld*, Wed 15 Jun 1859, p3

<sup>371</sup> *Emp*, Tues 21 Jun 1859, p5

<sup>372</sup> *Emp*, Mon 20 Jun 1859, p5. Full accounts of the nomination and declaration are given in the Jun 21 *Empire* and the June 25 *SMH*, although Wright's name is misreported as "T F Wright" in the latter. The 20 June issue of the *Empire* records it correctly as "JJ Wright."

<sup>373</sup> *Yass Cour*, Sat 4 Jun 1859, p3; *SMH*, Tues 7 Jun 1859, p5. In his *Reminiscences* (1916), William Affleck states that his political career began as soon as he was old enough to vote in referring to an election in Yass, when he supported the successful candidate. This may be a reference to the original 1859 election for Yass Plains when Thomas Laidlaw was returned unopposed or the re-run a few months later.

<sup>374</sup> Sat 3 Sep 1959, p3

<sup>375</sup> *Bell's*, Sat 17 Sep 1859, p2

<sup>376</sup> *SMH*, Thurs 8 Sep 1859, p3

Following the break, the new Parliament was opened on Tuesday, August 30, when Daniel Cooper was elected Speaker. At Thursday's sitting, after a five-hour debate, rebuked by the Speaker for its party-aligned and personality based-character, Murray's proposal of William Richmond Piddington as Chairman of Committees as opposed to Cowper's candidate, W. M. Arnold, was passed by a margin of two.

One of the first acts of the new Parliament was to pass a Bill introduced by Henry Parkes to abolish duties on tea and sugar. Modest as it was, the Bill marked the start of Parkes' career as the leader of free trade principles in New South Wales and as a fore-runner of the ideological war that was to divide the colony in the latter half of the century - that of the battle between free trade and protection. Even at this time, it triggered the collapse of the House. The Act "set [Parkes] on his legs again", as put by the *Goulburn Herald*,<sup>377</sup> but on its passing by a majority of one, Cowper and his Ministers resigned, with Cowper stating that the protest was because the otherwise desirable motion had been put to the House before the Ministry had time to consider the ways and means. On Cowper's recommendation, it was to Murray as Leader of the Opposition that the task of forming a new government was entrusted. However, this having proved impossible, within a week he surrendered. Subsequently, the Cowper Ministry resumed their seats, with Cowper contending that the resignations had not been accepted and citing the authority of May as justification when objection was raised by Darvall, who contended that having resigned, the Ministers should have gone to re-election. Objection abandoned, Cowper then moved for the vote on Parkes' Bill to be rescinded. Forster and Plunkett stood with Parkes, and Murray delivered a speech against the rescission. However, the country press supported Cowper and the House voted with him to rescind. The motion lost at that time, the only other action of significance by Murray was to call for an enquiry into the current state of Sydney University.

In August, Parkes and Daniel Deniehy were under attack from the Cowper side, while simultaneously, there being no payment for Members at the time, Parkes was in financial difficulty. From "Winderadeen", a couple of weeks before parliament resumed, Murray loaned Parkes £120, expressing disdain for the "attempts made in some of our papers to run down yourself as well as other public men - Deniehy for instance - as one of the worst characteristic features of present times in our country" and encouraging Parkes in his ability to maintain himself against difficulties "under which many a heart would quail".<sup>378</sup> Parkes went bankrupt and control of his paper, the *Empire*, went to Samuel Bennett and William Hanson, who continued the journal on Parkes' liberal principles.<sup>379</sup>

In early September, 1859, *The Maid of Erin and Other Poems* was published by Andrew Wotherspoon, the Irish school teacher at St John's, Canberra.<sup>380</sup> Wotherspoon dedicated the book to Murray in an unblushing outpouring of patriotic love, as honest in its sorrow for Ireland and pride in her achievements as untempered in the admiration Murray inspired. Disclaiming any political connotations behind his patriotic ardency, his effusions merely conveying the innocent passions of homesickness, Wotherspoon exonerated Murray from any political culpability behind his dedication, stating that the object of his admiration had not seen the manuscript.<sup>381</sup>

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<sup>377</sup> *Gln Hld*, Sat 3 Sep 1859, p2

<sup>378</sup> Letter from Sir T.A. Murray to Sir Henry Parkes, 7 August, 1859. (Parkes, Henry. & Mitchell Library (N.S.W.). 1969, Correspondence [microform]. A 925 pp 255-265/ Henry Parkes Mitchell Library : Sydney)

<sup>379</sup> Samuel Bennett came to Australia in 1841 to work on Alfred Stephens and Stokes' *Sydney Herald*. In 1865, parts of Samuel Bennett's *The History of Australian Discovery and Colonisation* was published in the *Empire* by Hanson and Bennett. In 1867, Bennett established the *Sydney Evening News*, which was to become one of the longest running newspapers in Australia, and in 1870, he also founded the *Australian Town and Country Journal*. In 1875, the *Empire* was merged with the *Evening News*. After Bennett's death in 1878, the papers were continued by his sons as Trustees for their father.

<sup>380</sup> *Gln Hld*, Sat 14 Sep 1859, p4

<sup>381</sup> *Maid of Erin and other Poems* was reprinted in Harry Holland's *Queanbeyan Leader* in 1905 (Fri 24 Mar, p1).

## *Politics in Queanbeyan – From the Counties to Federation*

...It affords me unspeakable satisfaction to inscribe my lines to you, when I consider the position you have attained in this your adopted country. I refer not merely to your high social and political standing, but more immediately to the glorious, unpurchaseable, and envied, position which you hold in the hearts of the people – which your love of truth and justice, and your noble and generous recognition of merit in the man of humble means has won and secured for you – for while the conventionalities of colonial society would ignore all talent but that which is placarded with the recommendations of power and station and built up in gilt morocco, the largeness of your mind is radiantly displayed in your desire to advance the genius of young Australia, without distinction of class; for true genius knows no classification of outward position...

- Andrew Wotherspoon from *The Maid of Erin and Other Poems*. (1859) Sydney : James Fryer, Printer

In the same month, Murray re-introduced the Landed Property Bill to abolish primogeniture, defeated at this time. Rev Dr John Dunmore Lang had always supported Murray's Bill and he took the move up again in 1863, when despite opposition from the new Attorney-General, James Martin, who invoked Adam Smith's position that inheritance of property by the idiot younger sons in a family would force them to be more responsible, the Bill passed the Assembly, as an obvious step toward equalities unimpeded by aristocratic feudalism.

In October, 1859, the Cowper administration collapsed due to rejection of an Education Bill that would introduce a single Board, but which it was perceived would favour Protestant denominational schooling over schools of non-Protestant denominations and effectively abolish the National System. Murray and Parkes were among those who had opposed the Bill, the defeat of which caused the Cowper ministry to resign, when, after the Bill was rejected on its second reading by a vote of 57 to 8, Murray moved it be discharged. Murray was called on to form a new ministry but unable to do so, the Governor-General called on Member for Queanbeyan, William Forster, to form Government. Appointed Premier and Colonial Secretary, Forster assembled a Ministry with Saul Samuel as Treasurer, John Black as Minister for Lands, Geoffrey Eager as Minister for Public Works, Edward Wise as Attorney-General and John Fletcher Hargrave as Solicitor-General. Consisting of both tried and untried men, the composition was considered to be fair and judicious and was met with general approval, as was the appointment of Forster himself, in the circumstances, his ability for impartiality considered essential for progress of government.

Forster's seat of Queanbeyan having been declared vacant on October 26, two weeks later, a 'greatly animated and enthusiastic' public meeting was held at what was now the widow, Catherine Breen's, "Harp" inn, to his return, with J. J. Wright and Arthur Affleck moving the resolution to secure his re-election, supported by Andrew Wotherspoon and Abraham Levy.

There were gentlemen present from all parts of the electoral district, although the notice calling the meeting was so short. It was pleasing to observe that opposition was never thought of, and that all the resolutions were not only carried unanimously, but with a heartiness which evinced the strong feeling which is abroad here in favour of Mr. Forster. It is indeed cheering to see the spirit which animates the whole district, and which has extended itself to gentlemen who were formerly opposed to Mr. Forster, but who have now pledged themselves to support him by their influence a course alike honoring to the judgment and principles of those gentlemen as it is to Mr. Forster himself.

- *Sydney Morning Herald*, Saturday 12 November 1859, p9; *Empire*, Friday 11 November 1859, p5

The unanimity of support for Forster dispelled any need for solicitation and the speeches took a rhetorical tone as the district rose to congratulate itself on having placed a man of independent mind as the head of the State.

Mr. J. J. Wright to move the first resolution, which that gentleman did in his usual spirited style, although, to the regret of the meeting, he did not on this occasion extend his remarks to the length he is which so well qualified to do. He said that he would read the resolution which had been entrusted to him, and which had been framed at the preliminary meeting. It was as follows: - "That this meeting, considering the great zeal, ability, and unwearied assiduity which the Honorable William Forster has evinced as our representative, and having the highest confidence in his administrative talent, and in his progressive principles, cordially approve of his acceptance of office in the present crisis, and pledge themselves to use their best exertions to secure his re-election."

There was the resolution, and he put it to the intelligence of this meeting whether it did not embody the views of the electors with respect to Mr. Forster. Mr. Wright said that his principles were well known, and he had great gratification in placing this resolution before them for their acceptance, believing as he did in the zeal, ability and integrity of Mr. Forster, as well as in his

political honesty, to carry out his expressed intentions. He concluded by saying that he left the field open for others who would follow. (Hear, hear, and applause.)

Affleck then echoed his earlier support for Forster, for which he was met with great cheering.

...it afforded him much pleasure to second the resolution which they had just heard read; but he begged to state, that having just arrived, after riding a distance to attend this meeting, he was wholly unprepared to do that justice to the importance of the resolution which, under other circumstances, he might. He said that it would require all the ingenious philosophy of his friend Mr. Wright to show that the exposition of the matter was left in better hands than his own; but he rejoiced in the opportunity which was most unexpectedly afforded him, of seconding the resolution, for the administrative ability of Mr. Forster was, in his estimation, beyond any which was to be found elsewhere; and while we were proud of the honour of being represented by such a man, it was not too much to say, that he was convinced he was fit to represent us, as he had so ably and so truly done before, and that he was highly qualified to hold the position which he had taken. The hon. gentleman had responded to the call of duty, and stepped into office at a period of most peculiar emergency - at a time when a Ministry could not be formed. He had come forward at this most critical juncture, and had constructed a Cabinet which would work. Mr. Forster was worthy of the high distinction which our suffrages would confer on him, and he hoped the Forster Administration would be sustained. There was little need of much talking, for we were sure of returning our old member; but if opposition should arise, he pledged himself to bring all Gundaroo to support the man of progress, the man of intellect and honesty - the man who dares to think for himself upon all matters coming before the Parliament, and who, by the force of his character, stands undaunted amid the hostility of the opposing elements of that House.

Schoolteacher, Andrew Wotherspoon, heralded Forster's Premiership as a victory for egalitarianism.

There was an ideal of democracy which had long been in his mind - a vision which shadowed forth the coming greatness of the world, and which could only be fulfilled by the operation, of good government; and as he believed most devoutly not only in the enlightened principles of Mr. Forster, but also in his administrative capability, he expected to see in due course measures, and not abortions, which would be worthy of the original mind of the Premier, as well as worthy of our acceptance. The true democratic spirit did not wish to see class set against class, neither one interest reared paramount over another; but just and equal legislation for all conditions of men according to their requirements.

Abraham Levy rounded off the high spirit of the night with learned discourse and playful pun.

Mr. Abraham Levy rose to move the second resolution, and he commenced and sustained a most effective and energetic speech, which was loudly cheered throughout. This gentleman treated the meeting to a very able and learned disquisition upon the state of parties, which was listened to with much interest. He alluded in stirring language to parties who had been from various causes incapable of forming a Ministry; and said that although Mr. Forster had been badgered in that House, he had always stood in the fore front of the battle, and as his conscientious convictions led him, he supported or opposed whatever appeared to him to be at variance with constitutional and responsible Government; and at the last, our member had to be sent for. It was a feather in the cap of Queanbeyan, that we should return the Premier of the colony, which of course we would do at the proper time, being persuaded that there was an absolute necessity for a statesman of Mr. Forster's powers to take the helm of the State. There was no doubt that the master-mind of the Premier would pervade the Cabinet, and diffuse its influence into every measure. The various members of the new Government were most ably reviewed, and the speaker expressed himself to the effect that no opportunity had ever been afforded of testing the members of the Forster Cabinet, but from his own knowledge of some of them he felt confident that the country would endorse their acts. Mr. Samuel he knew to be a man highly capable of the position in which he was placed; and the same could be said for Mr. Eagar. In fact he was quite *eager to foster* Mr. Forster's administration. (Cheers.) He had much pleasure in proposing that a committee (whose names will be found in our advertising columns) be appointed to secure the re-election of the hon. Mr. Forster, with power to add to their number. Mr. Carroll seconded the resolution, which was then put and carried *nem. con.*

William Lee and M'Carthy proposed that the resolutions of the night be published in the Goulburn papers and Pat Carroll congratulated Dr Morton for his constant promotion of the "advancement of humanity" and 'elevation of society', which Dr Morton believed would be achieved by Forster's government.

Mr. Carroll then rose and addressed the meeting, referring not only to the efficient manner in which Dr. Morton had performed the onerous duties of chairman, but also the estimable qualities of that gentleman in every relation of life. He had to-day done merely as he always did, come forward to promote the cause of what in his correct judgment was the advancement of humanity, by elevating society in the social scale, which could only be done by progressive government such as Mr. Forster will carry out. (Hear, hear.)

Dr. Morton then rose and said (in substance) that his heart and soul were in unison with every movement which would ameliorate the condition of man, and that he felt pleased by the feeling evinced by this meeting, which would confirm their choice, and at the same time give to the colony of New South Wales a Premier who would carry out those liberal and

independent measures so much longed for and promised, though almost hopelessly deferred by former Administrations. (Hear, hear.) Three cheers were proposed for Mr. Forster and heartily responded to, and the meeting closed.

On November 15, Forster was re-elected unopposed as the member for Queanbeyan, proposed by Thomas Shanahan, seconded by J. J. Wright.<sup>382</sup> Forster remained as Premier until March 18, 1860.

Within this new spirit of promise, Murray introduced an abolition of capital punishment bill. Public executions had ceased in 1855 and at a time that the death penalty was still almost a matter of course and innocence did not necessarily prevent a trip to the gallows, in September, 1859, Terence Aubrey Murray introduced a Bill to abolish capital punishment in entirety. Like Murray, the Afflecks were opposed to the death penalty and from November 2, 1859, to February, 1860, a series of correspondences by Arthur Affleck supporting Murray's stance was printed in the *Empire*, wherein Affleck invoked most of the arguments against capital punishment, including unjust conviction of the innocent and, appropriately for his Presbyterian insight, a demolition of the illogical recourse to religion.<sup>383</sup> Against those who relied on scripture to justify the gibbet, Affleck highlighted the reformatory tenets of the New Testament, stating that punishment "should be a means of reclaiming, not of vengeance, of care and reform, not of wrath and retribution; it should be a means, not an end." It was not with flippancy that Affleck pointed out that the Bible stated that vengeance was the Lord's and that in the only two instances referred to in the Bible where that privilege had been appropriated, the offending upstarts had been equally struck down by the 'upper' hand. Opposition to capital punishment was a mainstay for Arthur's son, William's political career as Member for Yass from 1894 to 1904, when sitting alongside John Haynes, MP for Parkes' old seat of Mudgee, when he tried to introduce abolition of capital punishment bills in 1882, 1896, 1898 and 1900.

Murray also chaired a lower house Committee into the judicial appointment system, a system generally considered to be imperfect. However, despite the glorious start, Murray's political career was about to come to an end, as was Queanbeyan's love affair with Forster. William Russell Riley at the *Goulburn Herald*, Vernon and Melier at the *Goulburn Chronicle* and J. J. Brown at the *Yass Courier*, had been supportive of Cowper's Ministry and Riley criticism of Forster and Murray in December, 1859, as his "opposition" was to be the pivotal impetus to the tragic implosion of the career of one of Australia's potentially greatest political figures.

On October 10, 1859, under the Cowper administration, Riley had been appointed as a Magistrate in Goulburn, but on learning of Riley's appointment, fellow Goulburn Magistrate and former Member of the Legislative Council, James Chisholm, apprised the Governor-General of a youthful misdemeanour by Riley having occurred some nine years previously when Riley was seventeen years old. However, before the case had been examined, on Tuesday, October 18, in a premature and what therefore seemed to be a purely political move, Murray publicly outed Riley with a question in the House as to "Whether Mr. William Russell Riley, lately placed in the Commission of the Peace, is the person of that name who, some time back, resigned or was removed from the office of clerk of the jail at Goulburn, in consequence of his having offered a bribe to the Under Sheriff in order to induce that officer to procure him an increase of salary?"<sup>384</sup> Surprised and wounded at Murray's action, Riley immediately surrendered his Commission, writing to the Colonial Secretary

I scarcely envy Murray the good taste and charity that has made him rake up a fault well nigh forgotten, repented of, amply punished, and never repeated.

The act to which Mr. Murray refers took place as far back as nine years ago, when I was a mere youth, and I was led into it by the advice of another. I was punished at the time by removal from the office I held. The result was just, and at the same time beneficial, leading me to form a firm resolution never again to depart from the path of rigid honesty.

This was the first dishonorable act of my life. I can fearlessly assert that it has been the last.

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<sup>382</sup> *Emp*, Wed 16 Nov 1859, p4

<sup>383</sup> *Emp*, Wed 2 Nov 1859, p8; Wed 18 Jan 1860, p5; Thurs 9 Feb 1860, p8

<sup>384</sup> *Emp*, Wed 19 Oct 1859, p5; *SMH*, Wed 19 Oct 1859, p4

With reference to Mr. Murray's conduct in the matter, I will only observe that when he and I were both supporters of the present Ministry I was his honoured guest and the associate of his family. Mr. Murray then probably thought that the one error of my youth had been retrieved by the subsequent conduct of my manhood; but now that, politically, we are opponents, nothing can be allowed to earn forgiveness of one's trespasses.

Should the matter again be referred to, perhaps you will have the goodness to make this explanation, and do me the justice to state that I never applied for the appointment.

- *Empire*, Tues 24 Apr 1860, p2

Believing the action against Riley to be an act of political vengeance, Riley's supporters urged him to withdraw his resignation, upon which several Goulburn magistrates, including Murray, resigned their Commissions in loud protest, repeating the accusations against Riley within a general slather against his character with reference to his "antecedents" and "station in society."<sup>385</sup>

The unqualified invocation of "antecedents" gave rise to varying interpretation. Some believed it referred to the bribery case, while others felt it objectionable in the broadness of its implication. As the matter progressed, the material grounds stated for objection to Riley's appointment turned out to be less concrete and more a matter of general character assassination. Claims made by James Chisholm were considered to be frivolous and without foundation. The bribery offence for which Riley had been removed from a public service position was genuine, but it was surrounded by the usual questions associated with youthful misdemeanours and, the exploitation of juvenile offences generally considered bad form, it was pointed out that Riley had endured his punishment at the time and had since acquitted himself in every sense of social and legal acceptability. Spurious and false accusations that Riley's father was the bailiff in Goulburn and that Riley had supposedly recently been a publican at an establishment under surveillance by police, merely highlighted the hostile prejudice driving the case.

Forster originally stated that having been appointed by the Cowper government, Riley could not be removed other than through the general examination of the appointment system as recommended by the inquiry Murray had chaired, but in taking office, in accepting the resignation of the protesting magistrates, without further qualification, Riley's appointment was withdrawn. This pointed ambiguity left Riley without any choice but to protest at what he called the "arbitrary" and "politically motivated" withdrawal of his Commission, replying that having been legally appointed as a magistrate, being removed without stated cause inherently denied him any opportunity of defending himself from any clandestine accusations being made against him.

When criticism was made that Murray was taking a hard stand on weak grounds and having been confronted with the fact that his attitude toward Riley now contradicted that from a time that it had been politically convenient for him, Murray previously having had no difficulty receiving Riley socially, Murray then took an odd turn on his position. He now denied that his objection was to Riley personally and claimed his action was a stand against the system in general. Murray now tried to distance himself from the other magistrates, he said, in the purpose for his action. Claiming that Riley's appointment was merely a reward for Riley's political favouring of the Cowper Ministry and referring to the enquiry into the judicial system that he had chaired, while simultaneously claiming that Riley's appointment was not in itself the cause of his resignation, he ambiguously stated that his determination was against "the evil working of the system under which justices are at present appointed." Murray stated that he believed that since the introduction of responsible government four years earlier, "political partisanship and subserviency" had dominated the appointment of justices and that Riley's case had determined his decision to "refuse to act as Magistrate until the present system was altered." While simultaneously claiming that he now as ever never rejected any man on the basis of their station in life, he replied to the observation that previously he had no difficulty in receiving Riley socially by claiming that his former social association with Riley had consisted of him having merely given him a lift once.

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<sup>385</sup> *Emp*, Tues 24 Apr 1860, p2

As importantly, it seemed that Murray's liberal politics were deserting him. The man who had once orated that a man's past should not be held against him, was now acting in a manner indistinguishable from that of his former opponents. This turn on his emancipist principles made Murray's motive as questionable as that of the magistrates whose conduct the inquiry he had chaired was designed to address. The *Empire* highlighted the hypocrisy to which Murray himself appeared to have descended, stating that the action against Riley was the work of the "exclusives of the Goulburn Bank" and that exploiting a youthful misdemeanour for which Riley had already paid for as a boy was bad form. The *Empire* noted that the manner in which Riley had been removed was irregular and that, therefore, until the Riley matter was addressed satisfactorily, there could be nothing but distrust for the government's pretences of reform to the magistracy appointment system.<sup>386</sup>

Murray's weak denial of his action by claiming he differed from the other magistrates in his purpose was materially contradicted by his signature on the letter objecting to Riley's appointment and his attempt to justify his apparent hypocrisy with hollow and illogical rhetoric was almost pitiable. At this point the Riley material was not yet public, but William Bede Dalley called for all correspondence in the matter to be laid before the House and it was only a matter of time before the *Empire*'s position would be supported.

His judgment seemingly crumbling, having entered public service at the age of twenty-two, after thirty years of achievement and a promising start to the current session, by the end of January, three months ahead of the papers into the Riley matter being tabled in parliament, Murray was lifted out of his business seat in the House into the mute impartiality of the Speaker's chair, when on January 31, 1860, Daniel Cooper resigned and Murray was elected in his place on the nomination of Plunkett and Parkes.

Although Murray was to become President of the Legislative Council in 1862, his active political career was essentially ended and it fell to others to follow through in parliament with the reform measures he had tried to introduce. Murray's private life, however, was improving. On the 4<sup>th</sup> of August, 1860, at "Winderadeen", Murray married his children's governess, Agnes Ann Edwards, formerly of Hammersmith in London, and a cousin of Gilbert of the Gilbert and Sullivan musical duo.

On July 5, 1860, another marriage of significance had taken place, when A. D. Faunce's daughter, Charlotte, married Alexander Ryrie of Micalago, from which union other figures of political significance was produced. Ryrie later became member for Braidwood, followed into politics by Alexander and Charlotte's son, the Sir General Granville De Laune Ryrie.

Throughout this time, as Chief Constable, William Gregg O'Neill was gaining a reputation as an exception in an otherwise disreputable police service. In the nebulous infancy that was the NSW police services at the time, O'Neill stood as a model of propriety and perceptiveness and many of the accounts of him from the time eulogise his qualities and actions as being necessary in the emerging NSW police service.<sup>387</sup> O'Neill enforced high standards and when the police were criticised, which was often, support for O'Neill was adamant. O'Neill's active support of schools and churches was an essential factor in his stabilising influence and as O'Neill raised policing and judicial standards in the district, he gained an unprecedented reputation for almost any police officer in New South Wales and the attainment of law and order, social structure and efficient management of institutions in Queanbeyan was attributed as being in so small part to his judiciously impartial and non-sectarian management. A model of community-based policing at its best, O'Neill literally put all his resources into bringing social and legal stability to the town and district. By 1858, his brother, Jack O'Neill, had returned to Queanbeyan and by delegating his Sheriff's duties to him as under-bailiff, O'Neill could concentrate on law enforcement, standing £1000 surety against his brother's appointment.

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<sup>386</sup> *Emp*, Mon 19 Dec 1859, p4

<sup>387</sup> Davis, 2019b

In September, 1859, O'Neill's brother, James, married Mary Ann Affleck, daughter of Arthur and sister of William, bringing together the families of the Afflecks in Gundaroo and the O'Neills in Queanbeyan. In the same year, William Gregg brought out his sister, Isabella, and her husband, Joseph Conlon Tighe, from England. Although a baker by trade, O'Neill put his brother-in-law to work into what was fast becoming the family policing business, stationed as District Constable at Gundaroo, where his brother, James, also went to live with his father-in-law, Arthur Affleck.

O'Neill had advised against his brother, James, entering the mail-coach business, but it was fortunate the O'Neills were horse-men and therefore equipped to be deputised for mounted duties. On Friday, 9 November, 1860, Chief-Constable O'Neill captured two men who had robbed a man with violence. As the ordinary constables were already out on the job, O'Neill enlisted the services of his brothers, James and John Allan, in pursuing the armed robbers. With Corporal Torpy of the mounted patrol, the robbers were apprehended and committed for trial in Goulburn.<sup>388</sup>

In September, also, through the *Yass Courier* William Affleck addressed a letter to Laidlaw as Member for Yass Plains suggesting the introduction of a money order system, supported by Riley of the *Goulburn Herald*.<sup>389</sup> William Affleck also successfully appealed to the government for this introduction as an essential deterrent to bushranging.

Around the same time, O'Neill enlisted an old friend and fellow police officer from Ireland, Thomas Moran, into the police at Queanbeyan. The O'Neills had gone to school with Moran in Tubbercurry. He was a veteran police officer, first serving in Ireland and then Victoria, where he attained the rank of sergeant, before he signed up as a constable in Queanbeyan in 1860. At a time that a police officer's appearance could be described as "commonplace", "ordinary", "slovenly" or "indifferent", Moran was described as "smart and intelligent".<sup>390</sup>

Noting the need for a station near the notorious Jingera mountains, Parliament approved a police station at Micalago on Thursday, September 8, 1859, and in 1860, O'Neill placed Moran in charge.

... It is but just to remark that great credit is due to Mr. W. O'Neil, C.C., for the vigilance he has displayed in bringing this matter so far to light. I am informed it is the intention of the chief constable to continue his professional visits to this neighbourhood for a time. It cannot be expected that this wholesale trade of cattle-stealing can be so easily stopped, but it may be greatly checked by having more police stations. No matter how efficient the police may be here, they cannot be expected to attend to all the numerous requirements of this widely spread district. There should be a police station at Micalago, which is now becoming populous and quite ripe for such, it being situated about half way between Cooma and Queanbeyan, the two latter places being seventy miles from each other, and no police between, and nearly at the head of Jingara, which recent facts have shown to be the stronghold of this intolerable nuisance.  
- *Goulburn Herald*, Wednesday 10 August 1859, p2

With family and friends tactically stationed in hot spots around the district in intentional deployment of people he could trust and through whom he could enforce high standards, O'Neill brought stability in policing to the district at a time the police were not just required to be police officers. Before municipalisation, almost all regulatory tasks in the colony were assigned to the police, who acted as the Inspectors of Slaughterhouses, of Weights and Measures and of hotels, as well as being required to rap on every door in every town and village, traipse every field and bang on every bark door in the bush to take the electoral lists on behalf of the Returning Officers. These comprehensive duties, while placing a large burden on the police, also had advantages. At a time of spartan population, this necessary familiarity provided honest officers like O'Neill with an intimate knowledge of the district.

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<sup>388</sup> *Gln Age*, Sat 17 Nov 1860, p2

<sup>389</sup> *Yass Cour*, Sat 27 Aug 1859, p2; *Gln Hld*, Sat 3 Sep 1859, p2

<sup>390</sup> NSWSA: NRS 10945 & NSWSA: NRS 10953; 3042, [8/3254]



Well into 1859, Rev Soares' new Christ Church building was under way, with Sydney builder and stone-mason, J. Gibson, contracted to build the new church with stone quarried from the Wingello Quarries near Marulan by local brick-maker and Molonglo settler, Joseph Bolton.<sup>391</sup> In the mean-time, Soares held services in the court-house, and apart from a gash to John Ford's son,<sup>392</sup> the demolition of the old building caused little difficulty and the door, window, roof and floor of the old building were sold off.<sup>393</sup> Carpentry on the building was by certified carpenter, Daniel Jordan. Jordan and his wife, Ellen (nee Mehegan), had arrived in Australia as free settlers in 1844. Jordan became a well-established builder in Queanbeyan and in partnership with Gibson he built several of the new buildings in the town at the time. The Jordans' son, Thomas Samuel Jordan, also became a noted builder. In May, 1860, Daniel Jordan's house on Crawford Street became Nugent's "Beehive" store.

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<sup>391</sup> Skilled as a brick-maker in Birmingham, Bolton had sailed to Australia as an assisted immigrant in 1857, working at first as a brick-maker in Sydney and then thought to be working the goldfields at Braidwood and Tuena. Bolton's brother, George Bolton, transported in 1838, worked for John Hosking at "Foxlow" on the Molonglo. When George Bolton died in 1858, Joseph was appointed the Administrator of his brother's estate. Bolton resumed his former trade, including with the church contract in Queanbeyan, before taking up as a selector on the Molonglo plains and at Ginninderra in 1872. Bolton and his family ran the "Cricketer's Arms" hotel at One Tree Hill, Ginninderra from 1879 to 1890. The Bolton's eldest son, Inspector Harry Bolton, was Head of the NSW Mounted Police and of the police Training Depot in Sydney before in 1927, he led the mounted escort for the opening of Parliament House in Canberra (Davis, 2019a).

<sup>392</sup> *SMH*, Sat 17 Sep 1859, p8

<sup>393</sup> *Gln Hld*, Sat 10 Sep 1859, p3

## **The Golden Age**

In 1859, gold was discovered at Kiandra, in the snowy mountains, and *en route* between Sydney and the gold fields, the population of the Queanbeyan district exploded to nearly four thousand people.

For most of Queanbeyan's history, the locale had depended on the Sydney or Goulburn papers for its news and advertising. In August, 1858, it had been reported that veteran newspaperman, Charles Isaac Watson, who at that time retired from his ownership of the *Braidwood Despatch*, was planning to start a weekly paper in Queanbeyan.<sup>394</sup> Watson established the *Braidwood Daily News* instead, the first daily provincial paper in New South Wales.

However, in February, 1860, ex-Wesleyan Minister, John Gale, left the Lachlan and, encouraged by the population explosion due to the Kiandra gold rush, by September he had settled in Queanbeyan to establish the town's first locally produced newspaper. Gale's printer brother, Francis Peter Gale, had arrived in Sydney from England in July with a printing press, when from Camden in August, Gale began advertising the paper he was starting in Queanbeyan.<sup>395</sup> On September 15, 1860, the first edition of the *Golden Age* went to press, hailed as a welcome and important addition to Queanbeyan life and promising to be "a creditable addition to the provincial press."<sup>396</sup>

Gale's formal arrival in the town was as important as the coming of Wright, O'Neill, and the Afflecks. Originally living in one of O'Neill's houses on Lowe Street, Gale and his paper were to have a profound effect on Queanbeyan life. Later invoked as "the three stars" of Queanbeyan, driven by a close personal connection, between them O'Neill, Wright and Gale formed a volatile triumvirate that led the town for the next three decades and along with the Afflecks and the De Salis' they formed an oligarchy that was to dominate politics in the Queanbeyan district for many decades.

Provincial papers generally printed once or twice a week, depending on their readership and size of the town they served. The standard format for provincial papers was four-page broadsheet, with the banner, essential notices and advertisements appearing on the front page. The leader, court reports, letters to the editor and main articles filled pages 2 and 3, while the back page contained advertisements and the imprint in the bottom right-hand corner. As the first edition of the *Golden Age* went to press on September 15, gratis, with sufficient businesses to fill its covers with advertising, it was evident that on the back of the Kiandra gold-rush Queanbeyan was enjoying a heyday.

A branch of the Commercial Banking Company of Sydney had just opened. J.J. Wright ran the "Post Office" stores in Queanbeyan, as well as his "Commercial Stores" in Cooma, Russell's and Kiandra, whereas Abraham Levy had branches of his "Cooma Stores" in Camden, Yass and Queanbeyan, with Nugent and Copes' "Beehive Store" and T. & E. Walsh's "Railway Stores" in Queanbeyan and Micalago, also ensuring that Queanbeyan and the Snowy diggers were well supplied. In Gundaroo, Alexander Frazer was providing stiff competition to the Afflecks' "Caledonia Store", even if the latter didn't feel the need to advertise in the *Age*. There was no lack of coaching services to the diggings, with Royal Mail contractor, James O'Neill, advertising his "Fast Coaches" to the Snowy, leaving daily from the "Harp". O'Neill now ran his Saddlery and Harnessing business from Monaro Street, while Richard Megehan ran his Saddlery on Crawford Street.

With the reserved title of "Mr", Dr Morton, Surgeon, conducted surgery in Queanbeyan daily, as did Dr Hayley, who also offered vaccinations, while a third doctor, Dr Beales, was practising in Gundaroo. Emily Hutchison's private "Day School" was still running in Queanbeyan town as the third school alongside St Gregory's and Christ Church schools. With three butchers', two bakers, a

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<sup>394</sup> *Emp*, Tues 24 Aug 1858, p2

<sup>395</sup> *Gln Hld*, Sat 21 Aug 1860, p3

<sup>396</sup> *Emp*, Wed 19 Sep 1860, p5

carpenter, a shoe-maker and a watch and clock-maker, there was no doubt that Queanbeyan was now at least a five-pub town, with advertisements for Catherine Breen's "Harp", William Hunt's "Elmsall", Doyle's "Queanbeyan", William Lee's "Saint Patrick's" and John N. Woodman's "Oddfellows Arms" splashed across the front and back pages.

Note to be outdone, the *Goulburn Herald* advertised in the *Age* that it and the *Maitland Mercury* were the only papers in New South Wales printed by steam, but although the Goulburn papers would continue to be of essential service to Queanbeyan, largely due to the character of the man leading it, the *Age* would play a dominating role in Queanbeyan life for many decades. At six pence a copy, less for subscribers, and a shilling a line for advertising, initially, Gale's paper hit the streets every Saturday morning, at once becoming a source of success for some and distress for others, neither not always fairly or justifiably.

Gale was to go on to be one of the longest-lived journalists in New South Wales in a career as controversial as it was lengthy, and he was making his mark from the first issues of the *Age*, starting with the December 1860 election.

## **The 1860 Election -Free Selection Before Survey**

At this time New South Wales was undergoing a momentous change in the land laws. Vast tracts of land were locked into large pastoral estates, the boundaries of which being essentially by the big landowners with their designated boundaries becoming those of official surveys. At this time there was little provision whereby the average colonist could obtain land other than at occasional releases of Crown land at auction sales and difficulties with surveys was a debilitating cause of hardship.

John Robertson, Member for Philip, Brisbane and Bligh, Secretary for Lands and Premier from March, 1860, had entered parliament with the aim of changing the land laws to allow settlement of the interior by opening up the land to average settlers who could select land before survey, dispensing with that major cause of obstruction. During early 1860, meetings were held around Sydney to discuss the issue and as the land reform movement gained momentum, on Tuesday July 3, the day before parliament was prorogued for the break, Robertson gave notice of his intention to introduce his Land Bill at the next session when parliament re-opened. He moved that “a Bill for regulating the Occupation of Crown Lands and a Bill for regulating the Alienation of Public Lands” be printed and, after lengthy discussion as to the manner in which Robertson was introducing the Bills, the motion to print was accepted. Eloquenty cried by Daniel Deniehy, Robertson’s “groundbreaking” Land Bill was designed to open up the country to smaller land-holders by including the pivotal “Clause 13”, what came to be known as the “free selection before survey” clause. The move was to become called “Conditional Purchase”, the conditions being that a selector could select land and lodge a claim with the Titles office, before survey, so long as they resided on the property and made improvements to it, essentially clearing the land working it and erecting buildings and fences. After a certain, the selector would appear before the Land Court and if the conditions had been met, the land became theirs. If not, it was forfeited and sold.

Robertson had stated his purpose in introducing the Bill in the manner he had was to allow public discussion during the recess to circumvent the Bill being stymied by obstructive parliamentary devices. During the debate as to the printing of the Bills, he declared in the House that it didn’t matter whether parliament voted to print the Bills or not, as he was printing them in the Sydney newspapers. The Bill caused a furore, but Robertson’s determination led to a dissolution of the House and an election on the issue.

Democratic land ownership was a self-evident truth for the Afflecks, Wright and Morton, who led the free selection movement in Queanbeyan but, to their horror and that of all those who had supported him in County Murray, Forster opposed Robertson’s Bill and pointedly, its all-important Clause 13. Mortified, Affleck, Wright and Morton led a denunciation of the man who they perceived had betrayed them. At this time, the first edition of the *Golden Age* went to press and in the lead-up to the election John Gale was equally condemning of Forster’s betrayal on free selection. From Gale’s perspective, another factor going against Forster was that he was a secularist, who wanted to remove government funding from denominational schools, while Gale was ferocious in his crusade against secular education that did not include a religious element. It also didn’t help that Forster was “soft” on the Chinese, for whom Gale and many in Queanbeyan bore no tolerance.

Gale was openly hostile to Forster and in his November 17 editorial, he “strictured” the electors not to make any decisions to vote for Forster or anyone else until better informed as to a pledge that any candidate would represent the electors and not themselves. Forster’s response was a complete snubbing of the *Age* as a forum for his electoral campaign, a denunciation of Gale’s paper and dismissal of the country press in general.<sup>397</sup>

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<sup>397</sup> *Gldn Age*, Sat 17 Nov 1860, p2

Through the *Age*, Gale appealed to J. J. Wright to come forward, among a plea for almost anyone, preferably a local, to do so. However, Wright had no such interest and Abraham Levy declined requests to stand also, reportedly considering that he could not spare the time to do the position justice.<sup>398</sup> At a meeting at Mrs Breen's "Harp" inn on Wednesday, November 21, chaired by Wright, it was resolved to find a candidate to oppose Forster who would stand for Clause 13.

...Mr. Morton, who was received with cheers, then moved the first resolution as follows:

1. That this meeting is of opinion that no one who is opposed to the principles of Free Selection before Survey is worthy of support in the forthcoming election.

He observed that the meeting should not forget that it was upon the "13th clause" the ministry was defeated, and that that clause was the best feature of the whole bill...

...Mr. F. H. Barnett then rose to move the second resolution

2. That a Committee be formed, consisting of Edmund Walsh, J. J. Wright, A. Moreton, Daniel Jordan, and other gentlemen both of the town and District, to secure a candidate for the Queanbeyan District, who will represent the true interests of the people, and in particular the great principles of the Land Bill brought forward by Mr. Robertson, and more especially the 13th clause, allowing free selection before survey...

...He thought from the feeling obtaining throughout the district against Mr. Forster, that it was scarcely probable that that gentleman would ever be returned again by the Queanbeyan electors. (A voice: Never). They must have a man of whose conduct and views they could fully approve. They could not now say this of their late representative. (Cries of No: Keep him out.) He would not have been returned on the occasion of the last election, if they thought he would have voted as he did on the question of Chinese immigration. He knew their minds on that subject; he knew how strong a feeling existed throughout the district, against the Chinese, and therefore instead of voting against Mr. Lucas' bill, he should have voted in its favour.

Mr. J. Gillespie, seconded the resolution, which was put to the meeting and carried unanimously...

- *Golden Age*, Saturday 24 November 1860, p2

The only candidate to be found was William Redman, the Sydney lawyer William Affleck had nominated for King and Georgiana in 1858. Together, all of the Afflecks, Dr. Morton and Wright had secured Forster's election in 1859, together they reversed their support for him in 1860 and together they brought in Redman to replace him. Redman's only purpose was to vote for Robertson's Land Bill. He could have been anyone and supported almost anything else, but as long as he voted for Clause 13 and no local man was prepared to stand, he had an assured victory in Queanbeyan against Forster. Redman, too, for example, was not particularly anti-Chinese. He was opposed to further Chinese immigration but would not expel those already present and this seemed to be sufficient even for those who were hostile to the Chinese to send him to Sydney as their emissary.

If Forster's opposition to Clause 13 was not enough, he ensured the loss of his electorate when standing before them at Lee's "St Pat's" inn on Tuesday, December 4, he dismissed local and country politics and the country press in entirety, perhaps with the Goulburn papers' pro-Cowper stance and Riley, the man of the magistracy storm, still in mind but with a very direct and personal attack on the editor of Queanbeyan's pride and joy, its own, newly established paper.

...Queanbeyan possessed what some were pleased to term a local press. He referred to a paper called the *Golden Age*. The editor of that paper in a late article had said that he had not brought before the house anything in the shape of a land bill. That was a falsehood. Any person assuming the functions of an editor ought to know that he had brought his measure before the Assembly - to be ignorant of that was to show himself unfit for his calling. He had but little faith in the editors of country newspapers, and their journals possessed no character, and could boast of no influence. But editors had their living to make, like other men, and in order to do this they did not always care to tell the truth, and did not hesitate at wilful misrepresentation. This was the character of local papers in general. He would make some allowance for their conduct, for editors must live, and they could not get their living by any other means... [Expressions of dissatisfaction, were evinced by the meeting at the foregoing remarks.]

- *Golden Age*, Saturday 8 December 1860, p3

Forster's speech left the audience dumb-founded and it was some time before anyone moved to speak. Wright then countered Forster's speech, but the *Age* reported that the biggest reaction from the crowd came when Dr. Morton proposed a vote of no confidence in Forster, which was followed by cheers and cries of "Success to the *Golden Age*". This was followed by Levy censuring Forster's comments

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<sup>398</sup> *Gln Hld*, Sat 24 Nov 1860, p2

about the *Age* and the provincial press.

...Having resumed his seat a considerable pause ensued, without any attempt being made either to question Mr. Forster, or to reply at length to his remarks. The silence was ultimately broken by Mr. J. J. Wright, who in a speech of considerable length endeavoured to show the defects and hollowness of the explanations they had been listening to.

ANDREW Morton, Esq, moved a vote of want of confidence in Mr. Forster, which was formerly put to the meeting and carried unanimously, amidst loud cheering and cries of “Success to the *Golden Age*”.

Mr. A. LEVY censured the remarks made by Mr. Forster upon the local press in particular, and upon provincial newspapers in general, as being uncalled-for, unjustifiable, and reprehensible in the highest degree. The meeting then separated, after having extended over nearly four hours.

- *ibid.*

If Forster’s refusal to support the Land Bill was unforgivable, his remarks and conduct throughout the campaign sealed his defeat before the nominations. As part of the 1860 canvass, Forster held a meeting in the Afflecks’ Gundaroo, which in the circumstances, was somewhat courageous. Along with them, Forster had Riley by proxy to answer to on the Friday night before the election, when a patient but unconvinced audience assembled at Edgar’s inn on December 7.<sup>399</sup>

At a meeting of the Queanbeyan electors at Gundaroo (at which one man only held up his hand for Forster) we learn from the *Yass Courier*, that “a great many questions were now put to the candidate, and amongst them, - would he justify his conduct in putting Mr. W. R. Riley off the Commission of the Peace. He spoke on the subject, but did not, or could not, justify his conduct satisfactorily.”

- *Yass Courier*, Wednesday 12 December 1860, p2; *Empire*, Saturday 15 December 1860, p4

After Forster made his speech, Affleck refused to put a motion either for or against him, stating that he believed Forster to be an honest man but that his speech was “impenetrable”. He would wait until he heard Redman before deciding his vote and advised those present to do the same. Redman denounced Forster’s inability to justify his actions in the Riley case and his “lawyer’s ingenuity” in finding defects in Robertson’s Land Bill.<sup>400</sup>

A year later, the Afflecks would attempt some kind of reconciliation between T.A. Murray and Riley, establishing the Gundaroo Mutual Improvement Association, with Murray its Patron and Riley, its President, but Forster said nothing to move them in his direction and this meeting voted unanimously for Redman, with the Gundaroo correspondent for the *Yass Courier* predicting a vote of 40 to 5 in Redman’s favour at the Gundaroo booth.

It was clear that the election was going to be one of protest against Forster as much as entering Redman with a certain return on a mandate to support Clause 13. Protest, it turned out, barely described Forster’s reception at the nominations, where he faced unprecedented hostility.

An exceptional set of proceedings took place at the nominations held at the Queanbeyan Court House on Monday, December 10. There was some confusion as to Forster’s intention to speak first as per the usual procedure for a sitting member. Wright therefore proposed Forster with the sole purpose of having him heard first. Henry Hall then seconded this to “get on with the business”. Hall then gave his speech nominating Forster, after which Hall made his speech and Wright could propose his genuinely intended candidate, Redman, seconded by J. Dwyer, senior.

Mr. J. J. WRIGHT, who rose to observe that they were placed in a position they did not expect, by the peculiar course taken by their late representative, Mr. Forster, who being the first candidate was by common usage expected to speak first, but had absolutely refused to do so.

Mr Forster rose amidst a burst of groans and loud vociferations, and begged to contradict Mr. Wright. He did not positively refuse; he merely said he was in the hands of the meeting; if they wished to hear him he was quite willing to be the first speaker.

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<sup>399</sup> *Yass Cour*, Wed 12 Dec 1860, p2

<sup>400</sup> *ibid.*

## *Politics in Queanbeyan – From the Counties to Federation*

After the excitement had somewhat abated, Mr. WRIGHT, to the evident surprise of the meeting, rose and proposed Mr. William Forster as a fit and proper person to represent them in parliament. He did so because none of Mr. Forster's supporters and friends seemed anxious to move in the matter, and he knew that [sic.] meeting would prefer to hear Mr. Forster first. Mr. HENRY HALL said, that since Mr. Wright had adopted the remarkably strange course of proposing the individual whom he came there with the firm intention of opposing, he himself would, in order that the business of the meeting should be proceeded with, second the proposition.  
- *Queanbeyan Age*, Saturday 15 December 1860, p2

Hall's nomination for Forster was practically lost amid the din against him, while Wright's pitch for Redman was received with tremendous cheers. Forster then gave his own lengthy address, loyalty to his proposer clearly not among his priorities, with Forster stating that he had a right to be heard as any candidate and should not be judged on the basis of the animosity they bore his supporter. At the conclusion of his speech, Forster stormed out, not waiting to hear Redman, who was received with thundering applause and took the show of hands.

Polling was Saturday, December 15. Not surprisingly, Forster succeeded in Bungendore, Lanyon, Molonglo and Ginninderra, but strong support in Queanbeyan and Gundaroo secured the victory for Redman, who gained 62 cent of the vote and a majority of 108. 456 voters represented the 58 per cent turn-out. In Queanbeyan the count was 174 to 32 and in Gundaroo, 48 to 7. Forster did not attend the declaration of the poll and Henry Hall was shouted down when he tried to speak on his behalf.

The "most stirring election that has ever been seen in Queanbeyan"<sup>401</sup> over, life returned to a quiet normal but with a sober warning for Redman from the Gundaroo correspondent to the *Golden Age*.

Queanbeyan and Gundaroo behaved nobly in the late election contest, for the one secured votes almost as great as 6 to 1 against Forster, and the other nearly 7 to 1; a noble way of showing those members of parliament, who, when returned, do as they like, that their constituents are able and willing to relieve them from their attendance in the Assembly. However, now that the election is over it is to be hoped Redman will do his duty, and not deserve to be kicked out likewise (as he most assuredly will be if he deserve it) if he play the part our late representative did, the people have it in their power to deal with him as they dealt with Forster. But for the present it is - REDMAN FOR EVER!  
- *Golden Age*, Saturday 22 December 1860, p3

As Redman prepared to take his seat in the House, on December 27, T. A. Murray wrote to Henry Parkes asking him to nominate him for the Speakership,<sup>402</sup> again successfully, when Parliament was opened by the new Governor, Sir John Young, Denison having been appointed to Madras. In May, 1861, Parkes was despatched by again Premier, Charles Cowper, to represent the colony through a series of lectures in England, of which Murray wrote his congratulations to Parkes from Lake George, rejoicing that the country would finally have "an able and impartial exponent" to "dispel the prejudices" caused by "narrow-minded politicians" and those "whose object was to produce wool and tallow only and not to make a nation."<sup>403</sup>

Robertson's Land Act was passed on a special dissolution of the House to decide the issue and "conditional purchase of land" or "free section before survey" became legally validated. Under the new system anyone could purchase a selection of land from 40 to 320 acres, before survey, at a fixed price of £1 per acre, on condition that they paid a deposit of a quarter of the value of the land, lived on it for a minimum of three years and in that time, improved it. If the conditions were not met the selections became forfeit and were sold at auction.

Loopholes in the land laws provided means of contrivance for exploitation. Certain areas of land were set aside as reserves and restricted from selection, the reserves sometimes then being secured by pastoralists. "Dummyism" was the most contentious practice, whereby squatters would buy up

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<sup>401</sup> *Glb'n Hld*, Sat 8 Dec 1860, p3

<sup>402</sup> Letter from Sir T.A. Murray to Sir Henry Parkes, 27 Dec, 1860. (Parkes, Henry. & Mitchell Library (N.S.W.). 1969, Correspondence [microform]. A 925 pp 255-265/ Henry Parkes Mitchell Library : Sydney)

<sup>403</sup> Letter from T. A. Murray to Parkes, 18 May, 1861 (ibid.)

selections in false names, such as those of employees, which they let fall forfeit and then bought up at auction sales. Certain squatters were accused of entirely surrounding legitimate selectors with dummy claims and then hounding them from their properties. The lodgment of claims for selection was in itself fraught with obstacles. All claims had to be lodged at the central claims office in Sydney, which meant that, in the absence of a land agent, selectors sometimes had to travel hundreds of miles across bad roads and rough country and be away for days or weeks to file their claims. Surveyors came up against ire and protests from squatters and selectors alike as surveys were in dispute.

In Queanbeyan, as in much of New South Wales, as disagreement emerged between large land-owners and selectors, the stereotyping was extreme on both counts. Amid accusations of ruthlessness, including the eviction of women in childbirth and the burning of selectors' houses, the squatters claimed to be 'defending' what they considered to be their property, with the advocates of 'social justice' and 'democratic land rights' fighting the 'tyranny of the squattocracy'. Whether the more sensational accusations were true or not, it is true that certain landowners did not always recognise selections or new surveys and some continued running their estates regardless, fencing off land such that it blocked roads and access ways, some of which had been in use for decades, prosecuting "trespassers" and those removing fences and gates. However, some claims were most certainly false, politically or otherwise motivated, and squatters were often as much in dispute with each other as with selectors. Some large land holders were very generous to people they brought out to live on their estates, encouraging the development of new communities and amenable to conciliation with selectors and it was such who were to assist with progress for selectors in Queanbeyan. As the battle between squatters and selectors would come to a head in 1869, it would again be from Queanbeyan that Robertson, his land laws and selectors' rights would again be preserved, due to the co-operative efforts of the leaders of the free selectors' movement and the most progressive squatting families in the district, but that was eight years, another election and a lifetime away.

As the December 1860 election was stirring the district politically, other stirrings were bringing both progress and controversy to Queanbeyan.

On October 7, 1860, the new Christ Church had opened, officiated by Revs. Soares and P. G. Smith of Canberra for evening service. In October, 1860, also, Hayward Lever resigned from the post office after six years as post-master and closed down his stores after twelve years in Goulburn and Queanbeyan. At the time, John Ford left C of E Christ Church School and Gualter Soares, brother of Rev. Alberto Dias Soares, became both the new Post-Master and master of Christ Church school, having been dismissed two years earlier from his position as 10<sup>th</sup> loading waiter in the Customs department in Sydney for allegedly assisting his brother-in-law, James Stewart, after he took part in a customs scam that defrauded the New South Wales government of nearly £3000 in duties. Soares was accused of acting as "an accessory after the fact" in that, it was alleged, he helped Stewart flee the colony to avoid prosecution. Through a newspaper, Soares had pled innocence, claiming "guilt by association".<sup>404</sup> Soares lost his job but sufficient benefit of doubt seemed to be accorded for him to be appointed to his positions in Queanbeyan in January, 1860. None of the issues involving Gualter reflected on Rev. Soares, who in Queanbeyan at the time, was never implicated in any wrongdoing.<sup>405</sup>

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<sup>404</sup> *SMH*, Thurs 23 Jun 1859, p3

<sup>405</sup> James Stewart, and his brother, William Stewart, operated a bonded goods store and importing business. In 1857, a shipment of goods brought in on the ship, *Louisa*, held as bonded goods while the ship was in port, were fraudulently signed off as being exported out of the colony on board the same ship when she sailed out again for Lord Howe Island a few days later. However, when the *Louisa* sailed out of Sydney, it was minus the goods the manifest falsely claimed she was carrying, the goods in reality having been lowered from the bonded goods store in which they were being housed into the free store below to be sold in the colony, thereby escaping all duties. It was a major fraud, the biggest of its kind in the colony so far, and involved the collaboration of several customs workers. Gualter Soares, whose relationship to his brother-in-law was conspicuous, was among the accused in that, it was alleged, James Stewart fled the colony with his assistance, Soares having been seen on his boat. Several employees at Customs were dismissed for their part in the fraud, Soares among them, and two men were imprisoned. Soares claimed that, while he understood the suspiciousness of the circumstances, he had been accused on the basis of guilt by association and circumstantial evidence.



...continued.

**List of Abbreviations**

HRA	Historical Records of Australia
NLA	National Library of Australia
NSWBDM	New South Wales Registry of Births, Deaths and Marriages
SLNSW	State Library of New South Wales

**New South Wales State Archives and Records**

NSWSA: NRS 343	Registers of Coroners' Inquests and Magisterial Inquiries, 1834–1942. 2921
NSWSA: NRS 897	Colonial Secretary; Main series of letters received, 1788-1825
NSWSA: NRS 899	Memorials to the Governor, 1810-25
NSWSA: NRS 905	Main Series of Letters Received [Colonial Secretary]
NSWSA: NRS 907	Colonial Secretary's Letters relating to Land 1826-56
NSWSA: NRS 937	Copies of letters sent within the Colony.
NSWSA: NRS 1286	Returns of the Colony, "Blue Books" 1822-57
NSWSA: NRS 1229	Colonial Secretary; Registers of notices of the intention to issue deeds of grant for town allotments. [7/661]
NSWSA: NRS 1272	1828 Census: Alphabetical return
NSWSA: NRS 1273	1828 Census: Householders' returns
NSWSA: NRS 4073	Department of Education and Communities; NSW Teacher's Rolls, 1869 – 1908
NSWSA: NRS 10940	NSW Police Force; General Register for NSW Police c1852 – 1859
NSWSA: NRS 10946	NSW Police Salary Registers
NSWSA: NRS 10953	Police Register of Men transferred 1859 – 1871, 3042, [8/3254] 368
NSWSA: NRS 10958	NSW Police Gazette (1862– 1899, 1900-30)
NSWSA: NRS 12197	Govt Labour Exemption Register, 1828-1832.
NSWSA: NRS 12992	Registers of Memorials for Land
NSWSA: NRS 13210	Sheriff; Sheriff's papers copies of letters sent, 1861 – 1863. [4/6470-79] 61/1295
NSWSA: NRS 13836	Registers of land grants and leases

**Newspapers and Journals**

<i>Australian Town and Country Journal</i>	<i>ATCJ</i>
<i>Australian</i>	<i>Aust</i>
<i>Bells Sporting Life and Sydney Chronicle</i>	<i>Bell's</i>
<i>Colonial Times</i>	<i>Col Times</i>
<i>Empire</i>	<i>Emp</i>
<i>Golden Age</i>	<i>Gldn Age</i>
<i>Goulburn Herald</i>	<i>Glbn Hld</i>
<i>Government Gazette</i>	<i>Gov Gaz</i>
<i>Hobart Chronicle</i>	<i>Hbrt Chron</i>
<i>Hobart Courier</i>	<i>Hbrt Cour</i>
<i>South Australian Gazette</i>	<i>SA Gaz</i>
<i>Southern Australian</i>	<i>Sthn Aust</i>
<i>Sydney Colonist</i>	<i>Syd Clnst</i>
<i>Sydney Gazette</i>	<i>Syd Gaz</i>
<i>Sydney Herald</i>	<i>Syd Hld</i>
<i>Sydney Monitor</i>	<i>Syd Mon</i>
<i>Sydney Morning Herald</i>	<i>SMH</i>
<i>Yass Courier</i>	<i>Yass Cour</i>

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*Politics in Queanbeyan – From the Counties to Federation*

<b>Purchaser(s)</b>	<b>Release Date (Date of advertisement)</b>	<b>Date Granted</b>	<b>Location</b>	<b>Price</b>
Francis Cooper (Lake George)	13 July 1839	16 /12/1839	Allotment 10 Section 8 Trinculo Place	£28 0s 0d
Samuel Benjamin and Elias Moses (Sydney)	“	16 /12/1839	17, 7 Maneroo Street	14
Lawrence Myles (Sydney)	“	“	14, 7 Trinculo Place	40
“	“	“	13, 7 Maneroo Street	12
“	“	“	12, 7 Moneroo Street	20
John Gray (Queanbeyan)	“	23/12/1839	6, 8 Moneroo Street	13
“	“	“	7, 8 Moneroo Street	20
“	“	“	12, 8 Morisset Street	16
“	“	“	13, 8 Morisset Street	12
“	“	“	14, 8 Morisset Street	12
“	“	“	15, 8 Morisset Street	21 0 1
John Terry Hughes and John Hosking (Sydney)	“	23/12/1839	28, 8 Crawford Street	17
“	“	“	18, 8 Morisset Street	15
“	“	“	17, 8 Morisset Street	16
“	“	“	14, 8 Trinculo Place	34
“	“	“	9, 8 Trinculo Place	27
“	“	“	4, 8 Moneroo Street	26
“	“	“	8, 8 Moneroo Street	47
“	“	“	16, 8 Morisset Street	14
Emma Rowley (Sydney)	13 July 1839	16/12/1839	14, 7 Moneroo Street	12
“	“	“	3, 8 Moneroo Street	16
“	“	“	19, 7 Crawford Street	12
“	“	“	15, 7 Moneroo Street	13
“	“	“	10, 7 Trinculo Place	12
Terence Aubrey Murray (Lake George)	13/7/1839	23/12/1839	19, 8 Crawford Street	14
John Terry Hughes and John Hosking (Sydney)	18/09/1839	15/4/1840	5, 3 Molonglo Street	6 6 8
Rees Jones (Sydney)	“	“	10, 3 Macquoid Street	18
“	“	“	11, 3 Trinculo Place	15 6 8
Charles William Roemer (Sydney)	“	“	4,3 Stewart Street	10 13 4
“	“	“	2, 3 Mowatt Street	6 13 4
“	“	“	3, 3 Mowatt Street	6 13 4
Thomas Winterup and William Olives (Sydney)	“	“	7, 3 Molonglo Street	11 13 4
“	“	“	6, 3 Molonglo Street	6 6 8
Alexander Fotheringham (Sydney)	18/9/1839	13/8/1840	1, 3 Mowatt Street	11 6 8
“	“	“	?, 3 Trinculo Place	12 6 8
John Hosking (Sydney)	28 March 1840	19/8/1840	5, 7 Rutledge Street	16
“	“	“	1,8 Crawford Street	14
“	“	“	2, 8 Moneroo Street	14
John Terry Hughes (Sydney)	“	26/8/1840	9, 7 Trinculo Place	20
George Smith (Sydney)	28/3/1840	25/2/1841	6, 7 Rutledge Street	25 (grant on discharge from 80 <sup>th</sup> regiment)
John Rickards (Sydney)	28/3/1840	26/8/1840	8, 7 Rutledge Street	24
Alexander Fotheringham (Sydney)	4/2/1840	6/8/1840	7, 6 Molonglo Street	22
William Hunt and Joseph Kaye (Queanbeyan)	4/2/1840	19/8/1840	1, 6 Macquoid Street	34
“	“	“	12, 6 Trinculo Place	13
“	“	“	2, 6 Macquoid Street	36
William Charles Wentworth (Windermere)	4/2/1840	19/8/1840	3, 6 Macquoid Street	22
James Marsden (Goulburn)	4/2/1840	6/8/1840	8, 6 Molonglo Street	18

**Table showing Queanbeyan town allotments purchased in 1839 and 1840. [Compiled by the author from records held by the NSW State Archives and Records, including Title Deed records and Land Registers.]**