

II Land is the Key

Susannah's Land-holdings

During her time at the Orphan School, Susannah continued to press for her land grant claims to be settled to her satisfaction, although she changed her mind at times in regard to the favoured locations.

There is a copy of a Memorial from Susannah to the Governor in 1822, in which she outlined the circumstances which led to the promise of land by the prior Governor, Lachlan Macquarie, and she asked Governor Brisbane to make an additional grant, because, due to circumstances beyond her control, she found herself in a dependent state, with a large, young family which was poorly provided for.¹

As a matter of incidental interest, that Memorial was signed 'Susanna Matilda Ward' ('Susannah' without the 'h'); Lilius Humphreys had pointed out that she normally used 'Susannah', and at times signed as 'Susan'. Adding further confusion, it is thought that some of her family called her 'Sara', and that is how her name was recorded in Ireland by the family of her second husband, Robert Studdert.

As is so often the case where there is a remaining record of those early days, it is more likely to be of official letters and documents than personal items, and this is unfortunate. However, something is better than nothing, and in the case of Susannah, there are numerous official letters still held. Most of these relate to her arrangements in regard to land grants, and it will be seen that she was untiring in her efforts to ensure ample property for her family. In the later years, she no doubt had the help of her son-in-law,

Frederick Garling, and his father (a lawyer) in her quest, but in the earlier years, she must have been largely on her own.

You will remember that Macquarie had promised 1000 acres. The first of that land was chosen in the area then known as Seven Hills, now Castle Hill. On 5 April, 1822, she wrote to John Oxley, Surveyor-General, informing him that, with the assistance of a friend, she had selected an area at Seven Hills, and that if he agreed now to measure the 500 acres concerned, she would arrange for her friend to accompany the surveyor to point out the spot.² That grant proceeded, and the property was named "Wardington Grove."

To assist in making the land transactions easier to understand, the net effect of the mass of correspondence and various negotiations which will be mentioned, may be summarised as follows:

- (a) Governor Macquarie agreed to grant 1000 acres to William Gordon Ward;
- (b) Due to her husband's indisposition, Susannah Matilda asked that the grant be given to her in trust for the children - and the Governor agreed;
- (c) The initial 500 acres (part of the 1000 acres) was taken at Seven Hills, now known as Castle Hill, and named 'Wardington Grove';
- (d) Susannah was slow in deciding where to take the balance of the 1000 acres;
- (e) Meanwhile, she applied for extra land in her own name;
- (f) The 'Cintra' grant of 640 acres was allowed to Susannah on the western bank of the Paterson River adjoining Phillip's property;
- (g) Susannah requested the remaining 500 acres of the original grant to be measured on the opposite bank of the Paterson;
- (h) After some uncertainty by the Governor and the Surveyor-General, that 500 acre grant was approved, and the property was named 'Clarendon Park'
- (i) In order to allow a suitable area for a township and for a store, with her approval, Susannah was given a Sydney allotment of her choice, in exchange for 90 acres of the 640 acres ('Cintra') granted on the Paterson;
- (j) It would seem logical that if the 640 acres (later reduced to 550) on the western bank of the Paterson had been granted to Susannah in her own right, then the remaining 500 acres granted on the other bank would have been the balance of the initial 1000, in trust for the children. Yet, there were occasions when Susannah

seemed to suggest otherwise - although it may not have been significant, she did in fact live at 'Clarendon Park', on the eastern side of the river. As it turned out, that may have had little or no effect, but in a reference to an equity case later, it will be suggested that it was important.

In the year after selecting 'Wardington Grove', the A.D.C. to Governor Brisbane wrote on 5 March, 1823, advising Susannah that the Governor had ordered the allocation of one square mile (640 acres) to her, adjoining the property of Mr. Phillips; that would be referring to Captain James Phillips, whose property was on the Paterson.³ It is claimed that the Wards and the Phillips families were friendly during the time of the Napoleonic wars. Later, the location of that grant was clarified, when on 19 March, 1825, William Lithgow wrote to Susannah, advising her that the particular land which she had in mind was already appropriated for either a township or a church reserve.⁴ Accordingly, her land was measured so as to be clear of the appropriated area, but it was still to adjoin the Phillips grant, and on the north of that estate. This matter will be mentioned again later.

Following the termination of her appointment at the Orphan School, Susannah would have had more time to follow up her land claims. After deciding to seek land for herself at a location on the Paterson near her friends, James Phillips and his wife, she was disappointed to learn that the land requested had already been appropriated for a township or for a church reserve, as previously mentioned. Although we know that the Governor arranged a substitute block, near the Phillips' property but clear of the appropriated land, nevertheless, in the meantime, Susannah had applied for a grant in lieu in the Illawarra district, known as Five Islands. That of course did not proceed in the circumstances.

Then, on 8 February, 1828, Susannah wrote to John Oxley apparently for him to arrange to measure the remaining 500 acres of the original grant, on the Paterson.⁵ He replied promptly, pointing out that Susannah was already in possession of 500 acres at Seven Hills plus 640 acres on the Paterson, which, in his opinion apparently, was in lieu of the balance of 500 acres of the original grant.⁶ There was a policy then that sections of 640 acres (one square mile) must not be split, and this could have been the reason why Oxley thought that the 640 acres on the Paterson completed the original grant. Possibly, Susannah was unsure of the position, but believed that the 640 acres had been quite apart from the original approval of 1000 acres, and had been in response to her later application for a grant for herself. She proved to be correct, in that extra land was in fact granted, but it remains unclear as to which grant was that given to her in her own name.

To clarify their own records, at least concerning the conditions which were to apply to those land grants in respect of which arrangements were extending over so many years, The Assistant Colonial Secretary asked the A.D.C. to the Governor whether the original conditions would still apply, namely the quit rent, the rations, cows and government men.⁷ In reply, the A.D.C. advised that only the original rent would apply. Actually, that may have been an incorrect decision, since the letter from the Governor's Secretary to Susannah setting out the initial conditions included all of the indulgences covering the

total of 1000 acres.⁸ It would depend upon how the specified time limits should apply in the circumstances of the lengthy delay awaiting Susannah's choice of locations, and of course, which grant was which. How Susannah dealt with the question of conditions is uncertain, but she would probably have received the full allowances in regard to the Seven Hills land, at least.

On 17 April, 1828, Susannah wrote to Governor Darling, referring to advice from the Acting Surveyor-General's letter that he was not authorised to measure the residue of 500 acres, and Susannah asked the Governor to return certain letters which she had left with him at his request about a year earlier; she wished to use them in her claim.⁹ Apparently, the letters were not returned, and in the meanwhile, T. R. Mitchell, Acting Surveyor-General, wrote to Susannah, referring to John Oxley's letter of 9 February, 1828, (which advised that there was no residual of 500 acres to be measured), and stating that the whole matter was now for the Governor to decide.¹⁰

There is a note written by Governor Darling on the back of that letter, stating that the 500 acres is authorised to be allotted if possible on land adjoining the "original 500 acres."¹¹ The reference to that original was probably an error by the Governor; 640 acres had already been granted on the Paterson, not 500. It did appear that Susannah was winning!

There was a further, relevant letter from Susannah to the Colonial Secretary, dated 18 June, 1828, in which she requested a copy of her letter to Governor Brisbane dated November, 1825, which specified the spot selected on the 'Hunter' River, so that measurement could proceed.¹² And, there was a memo from the Governor to the Colonial Secretary's office advising that there had been a search but the letter was not found, and suggesting that it was probably with other records.¹³

Apparently, Susannah made her point, because in July, 1828,¹⁴ she was requested to identify the land which she wished to have granted, and there is a note in the official files that on 28 October, 1828, possession was given of an additional grant of 500 acres, subject to quit rent, but also subject to pending claims by two other colonists, where a decision had yet to be made.¹⁵ A grant of 500 acres eventually became Susannah's, being on the eastern side of the Paterson River, and named 'Clarendon Estate', no doubt, after Lord Clarendon, one of Susannah's protectors, who was mentioned earlier.

But, there was more trouble for Susannah in regard to her land on the Paterson. Some of the earlier settlers were displeased that she had land reserved for her on the western side of the river (adjoining the Phillips estate), claiming that part of that land provided the best place for a township, and for a store which would give protection for the property of the settlers who were above the position where the river ceased to be navigable. George Townshend of 'Trevallyn' in the Gresford area, on behalf of the group, wrote to the Colonial Secretary on 4 November, 1828, pointing out the problem, and explaining that although the land was reserved for Susannah, nothing had yet been done.¹⁶

The late Lilius Humphreys, also a descendant of Susannah, commented some years ago, in regard to this matter that it is amazing how the settlers had done nothing about an

official wharf (even though they were almost certainly using that area for a similar purpose, as a matter of convenience), until it had been allocated to a virtual stranger, who was actually a woman!:

On 15 December, 1828, the Surveyor-General informed Mr. Townshend that the land was held by Mrs. Ward for the benefit of her children, and although he agreed with the need for a village and wharf, the section with the mile frontage to the river must remain with Mrs. Ward.¹⁷ The Surveyor-General was probably wrong again, as that land was the 640 acre grant which seemed to have been allotted to Susannah in her own right. In any case, the effect was probably unchanged.

On 2 January, 1829, George Townshend replied, stating that the settlers had not known of the grant to Mrs. Ward, and that he was authorised by all concerned to withdraw their claim. However, Townshend suggested that if the Governor would offer Susannah an equivalent property elsewhere, she might agree to relinquish sufficient for their purposes.¹⁸

There was no progress, although the settlers themselves had attempted to negotiate with Susannah. Twelve settlers or their tenants or agents signed a letter to the Colonial Secretary on 12 September, 1829, stressing the urgent need for a store, and requesting the most serious consideration by His Excellency.¹⁹

Apparently, there was an official letter to Susannah, because there is a copy of her reply dated 26 October, 1829, (thought to be written in the hand of Frederick Garling, Susannah's son-in-law, but signed by her) in which she said she would be willing to surrender her grant for a price which realistically took into account the fact that the area was now almost certainly to become the site of the township.²⁰ Clearly, Susannah did not miss the opportunity of capitalising on the suddenly-increasing value of part of her land - and why not?

It is interesting to note that the letter from Susannah concluded with a statement that her own grant was on the bank of the river opposite to the former allotment. Obviously, Susannah was now of the opinion that the first two allotments of 500 and 640 acres (at Seven Hills and on the west bank of the Paterson, respectively) were in trust for the children, representing the eventual outcome of the initial promise of 1000 acres, while the final 500 acres ('Clarendon Park') on the eastern side of the river, was her own; and it was at 'Clarendon Park' where she lived until the final years, before moving into the town.

Darling was confused, probably with reason. In a note to his letter, he assumed that the settlers' wishes could be met without interfering with Mrs. Ward's land.²¹ This, of course, was not so, when it is realised that 'Mrs. Ward's land' also included the grant held in trust for the children on the western side of the river - which is where the settlers wished to put their store, etc.

In his reply to that note, Surveyor-General Mitchell referred to the west bank of the river as the 'right' bank, and vice-versa.²² Obviously, a designation as either 'right' or 'left' could depend upon the direction in which one was facing at the time, and it may have

been the standard practice, at least in those days, for all references to right or left to be on the basis of an observer facing in the direction in which a river is flowing, or would flow. Clearly, as a river winds in various directions, some such rule would seem to be essential rather than using an 'east' or 'west' description. Maybe there would be some difficulty with outback rivers in Australia which are often not flowing - and especially so if an early explorer thought that, when they did, they flowed into an inland sea! - but, of course, there would be other indications of the direction of flow to guide the explorer.

On 30 January, 1830, Susannah wrote to the Colonial Secretary, seeking a reply to her earlier letter which related to the proposed exchange of land in order to satisfy the settlers. She exerted pressure by saying that she had an opportunity of letting the land in question to advantage, but was awaiting the reply from the Governor.²³

Surveyor-General Mitchell noted on 1 March, 1830 that the land needed to satisfy the settlers' requirements contained 90 acres, and he marked it on an accompanying sketch; he said that Mrs. Ward was prepared to surrender the land for its equivalent in exchange.²⁴

Apparently, that information was conveyed to Susannah, who replied on 18 March, pointing out that she had not previously stated the type of equivalent required in exchange, but that she would prefer cash. Her terms, which she claimed to be very low, required a payment of £500 sterling for the 90 acres, or, alternatively, for the whole of the grant except for 40 acres of her choosing, a payment of £800 sterling.²⁵ An interesting note appears on the front of that letter, over the initials of R. Darling, the Governor; it said that no such arrangement could be entered into, and that the affair was now at an end.²⁶ As we know, it wasn't - and Susannah did eventually take land in exchange, as we shall see.

There were other communications over the next few months, and eventually at the end of June, 1830, Susannah agreed to an exchange of her 90 acres on the Paterson (which she stipulated must not include more than half of the water frontage), for an allotment described as being at the north end of Prince's Street, Sydney, next to Mr. T. H. James' cottages, with a frontage in Prince's Street of 200 feet, and being 150 feet deep with 200 feet in the street leading to the quarries.²⁷ There were administrative delays which prevented Susannah from taking possession, and on 3 September, she wrote advising the Colonial Secretary that people were moving stone from the allotment, and requesting that she be allowed to take possession promptly.²⁸ A memo in the file shows that possession of the 34 square perches was not given until 27 January, 1831, almost five months after Susannah's request for urgency.²⁹

In a letter to Colonial Secretary McLeay from Susannah written on 19 September, 1831, from her address in Upper Pitt Street, Susannah corrected an error in her Christian name as published in the Sydney Gazette on the 15th of that month, where it was shown as 'Susanna Maria Ward'.³⁰ Strangely, Susannah's letter explained that it should have been 'Matilda' and not 'Maria', although she not only failed to show 'Susannah' with an 'h', but in fact, in spelling her name twice in full, on each occasion showed it as 'Susanna'. It

may have been an error on her part, although that would seem particularly unlikely in such circumstances, where she was writing for the express purpose of correcting an error in her name. Although the letter appeared to have been signed by her, it was not in her writing, and may have been prepared for her signature by her son-in-law, Frederick Garling, junior.

In this history, whilst noting the area of doubt, her name will continue to be spelt as 'Susannah'. In fact, in reply to a letter sent in 1835 from the Colonial Secretary's office to Susannah requesting details of her full name and the names of her Paterson properties, Susannah provided the data, as follows:³¹

Ward	(as 'surname')
Susannah Matilda	(as 'all Christian names')
Cintra	(as 'intended name of the property')
Clarendon Park, Paterson	(as 'present residence').

The abovementioned letter from the Colonial Secretary's office referred to two grants, 500 acres in the Parish of Butterwick (which would be the land on the eastern side of the Paterson), and 550 acres in the Parish of Middlehope. The latter would be the land on the western side, being the remainder of the 640 acres grant after the transfer of 90 acres in exchange, at the request of the Governor. However, the completed document shows only one name, 'Cintra'; possibly, there were two completed documents, one for each property, but only one has survived. There seems little doubt that Susannah gave the name 'Cintra' to the land on the western side of the river, part of which property became 'Valentia', owned and occupied by Frederick and Susannah Bedwell.

This has been a long and complicated series of explanations of some of the land transactions in which Susannah was involved, but it gives an idea of her fighting spirit, her ability, and her determination to stand up for herself and her family in an Australia which, in those days particularly, was a land controlled mainly by and for men. There were other letters, but those already mentioned give the necessary understanding of her struggle.

There is one other letter, however, which may be useful to round out the picture. It relates to a challenge by Susannah against the Collector of Inland Revenue. The Revenue Collector had called with an assessment, which Susannah disputed. After visiting the Revenue office with no success, Susannah wrote on 28 April, 1837, from her property at Clarendon Park, on the Paterson, to the Colonial Secretary.³² She pointed out that they had made an error in stating that the land in question, in respect of which the quit rent had been assessed, had been a grant from Governor Darling instead of the late Governor Macquarie, and that she was subject only to the quit rent existing at the time of the grant, namely two shillings per 100 acres, and the grant was unaffected by any conditions which may have been added since. She referred the Colonial Secretary to the books of the office of the Collector of Inland Revenue, and said that she

had found a record of a letter there, from the Colonial Secretary dated 24 June, 1829, which supported her case.

A note on the back of the letter to the Colonial Treasurer supported the claim by Susannah, stating that although Darling had, in 1828, confirmed the additional grant subject to quit rent, in accordance with the letter of possession at the time, nevertheless, by a subsequent decision, Darling authorised the 500 acres to be given under the conditions in force at the time of the original promise by Macquarie. The note then attempted to cast some of the blame for the official error onto Susannah, by suggesting that she should have pointed out the error previously.³³