

### *III The Family Develops*

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#### **Marriages and Family Matters**

Meanwhile, as Susannah busied herself improving the asset level of the family, the children were growing up. Sadly, her only son, William Thomas Hawkshaw, was to die away from Australia, in Java, whilst en-route to Canton as a passenger on the brig 'Children'. He was aged 21 years at the time, but the purpose of his journey is not known.

His death was reported in the Sydney Morning Herald on 10 November, 1836, as resulting from fever.

In the year of that death, there was a wedding of consequence to this story, some months prior to William's departure. On 7 February, 1836, Susannah Matilda (junior) and Frederick Bedwell were married in Sydney. Susannah was aged twenty, while Frederick was fifteen years her senior.

Of the four surviving children, two were now married (including Susannah), and the other two daughters were married during the next few years. Sarah Maitland, aged about twenty, was married on 6 October, 1838, to Crawford Logan Brown of Cairnsmore, Dungog - there were no children of that marriage. The other daughter, Emma, aged twenty-four, married George Nicholas Lailey of Hinton on 3 February, 1841. They later returned to England and settled in Cheltenham; George Lailey is said

to have been the manager of the new railway station there. None of their children married.

### **Re-Marriage of Susannah (Senior) - and the Missing Will**

In the same year in which Emma married, Susannah senior must have surprised many people by re-marrying; at Clarendon Park, on 9 August, 1841, Susannah married Robert Studdert, then aged about twenty-two, and holding the appointment as the Clerk of Petty Sessions at Paterson. According to 'Hunter's River' (Cecily Joan Mitchell), Robert Studdert was the fourth son of Thomas Studdert of Bunratty Castle, County Clare, Ireland, and he was the owner of a property near 'Duninald', not far from 'Clarendon Park'.<sup>1</sup> In hindsight, that marriage can be seen (possibly) as a mistake, as will be related later - but we can all know what is right at a distance!

Some years prior to her re-marriage, Susannah was involved in a dispute with her nephew, William George Augustus Fitzhardinge, the son of Susannah's sister, Jane, as referred to previously. William Fitzhardinge had moved to New South Wales, and had sought an opportunity on the land. His search led him to Susannah Matilda Ward, an aunt of whom he was apparently previously unaware. Susannah agreed to lease portion of 'Clarendon Park' jointly to him and his friend, and according to Lilius Humphreys, he claimed later that there was a disagreement with Susannah relating to her refusal of permission for him to take charge of the convicts who were allotted with the land. It is said that when they argued over this matter, Susannah tore up the document evidencing the lease. William Fitzhardinge appealed to Governor Gipps in a lengthy Memorial for action to be taken against Susannah - but the Governor decided that it was a family matter, and therefore, not one for his decision.<sup>2</sup> That was the end of the Fitzhardinge appeal.

When she re-married, Susannah was aged about fifty-four, and it would be another twenty years before her death. But little is known about her activities in those years, other than the obvious work involved in assisting in caring for the numerous Bedwell orphans from 1854. There seems no doubt that her health failed in the later years, and it is understood that Susannah eventually moved, as an invalid, into the township of Paterson.

The late Lilius Humphreys stated that Susannah was deserted by her younger husband, Studdert, and that, in time, she lost her sight. That may have been the reason for her

moving into the village in later life. By the mid-1850's, three of her six children had died, and the remaining daughters had married and lived in other localities. One of the older grand-daughters, Zorayda Anne Bedwell, still lived in the Paterson area, but was soon to marry Charles Allan Dun, before moving to Queensland; the Dun property, 'Duninald', was by then in financial difficulties.

Susannah Matilda Studdert died on 4 June, 1862, her death being shown as due to a gradual decline. She was buried on 5 June in St. Paul's Churchyard at Paterson, a quiet resting place, after an eventful and successful life. Her grave adjoins that of the three Bedwells, father, mother and eldest daughter, who had died in the 1850s.

Despite Susannah's voluminous correspondence with officialdom, as still on file in the N.S.W. Archives, there seems to be no record of other personal letters; and this is strange - and disappointing. A direct written enquiry to the then Earl of Clarendon in London in 1980 produced a prompt and polite reply, expressing interest in his forbear's concern with Mrs. Ward, but he was unable to find any information which would be of assistance in our research.

Another surprising fact is that the records show that Susannah did not leave a will. For a person who was so accustomed to business dealings, especially with land, and with such a good understanding of legalities, it seems to be almost an unacceptable version of events. The existence or otherwise of a will, after a death, can still be a matter of uncertainty, even to-day.

In any case, officially, Susannah died intestate, and this created a difficulty in regard to 'Clarendon Park'. According to the late Lilius Humphreys, the property thus came into the possession of Robert Studdert (who by then had added responsibilities, having soon re-married after Susannah's death). But, the property was not to remain that way.

Three of the daughters had received a share of land; Elizabeth had the Seven Hills property, Susannah Matilda junior had obtained the northern portion of 'Cintra' on the Paterson, and the southern part went to Emma. Probably, Susannah intended 'Clarendon Park' for the other daughter, who had survived to adulthood, Sarah Maitland, wife of Crawford Brown; but, however it came about, Studdert had it, instead.

Sarah Alice Bedwell, one of the grand-daughters of Susannah senior, had married a solicitor, Richard Windeyer Thompson (later to be M.L.A.), and on behalf of the family, he took action in the courts which, in 1884, after a successful equity case against the Executor of the Estate of Robert Studdert, gave possession of 'Clarendon Park' to Sarah Maitland Brown, the daughter of Susannah senior, who had not received her share. So, Sarah, the remaining daughter, had gained her rights, and as the Browns had no children, Sarah willed the property to her niece, Sarah Alice Bedwell, whose husband had won the case in the court for them.<sup>3</sup>

Without knowing much about such intricate matters of law, or of that case in particular, it is difficult to comment on the points which may have been raised in the equity hearing. At a later date, further research may clarify this. But, even now, it may be reasonable to assume that the decision could have hinged upon whether that property

had been in fact held by Susannah in her own right, or alternatively, as trustee for the children. If the latter, maybe the property should never have devolved upon Studdert at the time of Susannah's death, even if there was no will. Much could have depended upon the previously-reported indecision in regard to the purpose of the respective grants - either as part of the original approval by Governor Macquarie for the benefit of the children, or as a direct grant to Susannah.

Assuming that the equity case did revolve around such points, then consider the possible consequences if Susannah had accepted that 'Cintra' was the property held in her own right, and that she had transferred part to the Bedwells (to be named 'Valentia'), and had lived on the remaining portion, just north of the present town area. Digressing, one would think that it would have been much more convenient than living at 'Clarendon Park' across the river - of course, there would be the 'hurly-burly' of the growing town, but that would be offset by the pleasure of the nearness of the grand-children, and the shops!

But, if she had lived there, and recognised it as her own property, and had married Studdert and died in similar circumstances, the property would have gone to Studdert, and it would have been highly unlikely that an equity case could have recovered it for the family. In that hypothetical case, the 'Cintra' property would almost certainly have remained in the Studdert family.

Could it be that Susannah had foreseen the possibility of the loss of the property on her death, and had arranged matters accordingly, as a protection?

At present, there are (to the writer's knowledge), no known descendants of the Bedwells or the Wards still at Paterson. The 'Clarendon Park' buildings have disappeared without trace, as seemingly, has the name in that area. Part of 'Cintra' is owned by the Fry family, who purchased it many years ago. Lilius Humphreys had told of "a glorious old oak tree on 'Cintra', visible from the road, which had been planted by Susannah Matilda Ward". Of 'Valentia', there is still a residence on the small knoll, but that building was erected for A. J. Smith, the father of the present owner. The property is still called 'Valentia'.

Despite the changes over time, Paterson will always retain a part of those early settlers. In fact, it was interesting to talk to Lilius Humphreys, whose research along with that of her daughter, Jennifer, has provided valuable information about those people in those times. Among many interesting comments, I remember the pleasure with which Lilius recalled the story of how the daughters and grand-daughters of Emily Susannah Bedwell (second youngest daughter of the Bedwell family) used to love to hear about Emily's coming-out party at Stradbroke House, with the guests dancing on the black-and-white tiled floor of the entrance hall.

No doubt, there would have been many great occasions during those 'roaring days', and like much of Australia's history, and history everywhere, they were real people who lived those times, and it is a privilege to attempt to think their thoughts, and to plan their plans, and so in a small way, to breathe life into the proud stories of their days.