

## *II Starting in the New Land*\_\_\_\_\_

### **Arrival in Sydney - and an Early Land Grant**

On reaching Sydney a little before Christmas 1821, William and his family (including their new baby daughter) probably would have been astounded by the blue of the ocean and of the sky, the strength of the sun, and the dark green of the Australian trees, to name a few things. Sydney, in the summer particularly, would have been a great surprise after their life in Britain - they may have been able to persuade themselves that the Sydney climate was pleasant, but they would have found it to be very hot. The children would have been too young to understand or remember, but William and Maria undoubtedly would have been full of interest, and overflowing with the excitement of that next stage in their great adventure.

The late Cecily Joan Mitchell, in her excellent book, 'Hunter's River', (without quoting any reference), said that "the story is that William Dun's family stayed with the Macquaries at Government House whilst 'Duninald' was being built."<sup>1</sup> Reference has already been made to the possibility of an association with the just-retired Governor through the East India Company membership of William's father and also his brother. Major General Sir Thomas Brisbane had been sworn in as Governor on 1 December, 1821, about two weeks before the Duns arrived. However, Lachlan Macquarie did not depart from Sydney until 12 February, 1822, and William would have had ample time for discussions with him.

After an active, fruitful and lengthy period as Governor, Lachlan Macquarie had applied twice for permission to resign, which was eventually approved on 15 July, 1820. However, much more time was to pass before he could sail for England, where, sadly, he died about two years after his return. Although, understandably, it was not a unanimous view, many (then and now) would agree with the words of the chorus of a song said to be attributed by some to the colony's poet laureate at the time, Michael Robinson:

*Maccquarie was the prince of men!*  
*Australia's pride and joy!*  
*We ne'er shall see his like again;*  
*Here's to the old Viceroy!*<sup>2</sup>

In an article entitled 'Genesis of Rural Settlement on the Hunter' in the Journal of the Royal Australian Historical Society, Part II, in 1926, by J. F. Campbell, there is a list based on Assistant Surveyor Dangar's 'Guide to Settlers', which shows the grant of land to William Dun as Number 26, 'ordered' on 31 December, 1821, for 1,300 acres.<sup>3</sup> The official document of grant was not issued until 13 June, 1823, when it was signed by Governor Brisbane. The Campbell article said that "William Dun was granted an area of 1,200 acres (1,300 by later measurement) (No. 26, Division 'D' - sic) on the Paterson River, about one and a half mile below the site of the Paterson township, but desirous of increasing it to the then maximum limit, viz., 2,000 acres, he made application for the complement, which was ultimately granted."

Although that article included a quotation which was claimed to have been a part of William's application for extra land, there appears to be a misunderstanding concerning the circumstances of the increase, and that error has been repeated in later writings by others; this is a matter which will be discussed again in this story.

The actual document evidencing the grant was sufficiently late so as to show the full and proper acreage as 1,300, as it was actually measured. Although it was a reasonable legal document, in what many will see as the typical Government fashion the document made reference to the restriction on the Governor from granting more than a certain number of acres, the total depending upon the marital state of the applicant and the number of children, which resulted in a very small allowable acreage (only about 170); but the Governor granted more - with strings attached. It stated that the excess acreage was subject to the "Approbation of His Majesty ..", and it stated further that within the period of five years, the land granted was not to be sold or transferred. The grant did not extend to any timber on the property, then or in the future, which was fit for naval purposes, nor did it extend to any of the property which may be required for highways. The land was granted 'for ever', and would be free of taxes, quit rent, services and acknowledgments for the period of five years; following that, it was to be subject to quit-rent at the rate of £1. 6. 0 per year.

In addition to the above conditions, the right to the land included an obligation to accept thirteen 'transported convicts' to be employed exclusively upon the land, and whom William Dun, until the expiration or remission of their terms, was to 'victual and clothe' - otherwise, "the whole of the said land hereby granted shall become forfeit .."<sup>4</sup> In fact, William had written to Major Goulburn on 29 December, 1821 - even before the grant was 'ordered' - stating that he would be willing to take twelve men "from the stores."<sup>5</sup>

## Settling on the Bank of the Paterson River

There is no record of the date when William took his family to the Paterson area, but it could be expected that, although he would visit the location in order to choose a site, his family would remain in Sydney or Newcastle until some suitable accommodation was arranged on the property. In those days, means of transportation would be by ship to Newcastle, and then by river vessel to a landing position as close as possible to the property as was convenient. As the head of navigation was beyond William's frontage (which is probably one reason why he chose where he did), transport would have been relatively easy, in the circumstances of those days, especially when contrasted against the difficulties of moving over land.

A document from the Surveyor General's office dated 1 March, 1822, which is held in the N.S.W. Archives, shows that three settlers, one of whom was William Dun, had already chosen their land areas, which were not allowed to have more than one square mile of river frontage, with the residue to be taken in whole or half sections behind the frontage area.<sup>6</sup> Obviously, William was moving quickly, and it would not be long before the building was commenced. In the Mitchell Library in 1979, there was a copy of a promissory note given by William on 24 August, 1822, to Major Ovens, Chief Engineer at Newcastle, for the amount of £2.14.0, for 3,000 bricks which (according to William's note) were "supplied me by Government at this Station."<sup>7</sup> No doubt, those bricks were for use in the construction of the dwelling at 'Duninald'.

According to Cecily Joan Mitchell in 'Hunter's River', the house was "designed in rectangular shape, a flagged verandah in front, its high pitched roof covered with shingles ..... the roof line extending over the verandah supported by chamfered square wooden pillars and a wide front door with windows either side." She went on to describe it further, including that it was of sandstock brick construction, with two chimneys, having three front rooms facing east and three back rooms, one of the central rooms being a store.<sup>8</sup>

Further information is provided by Phyllis and Sidney Reynolds who have lived in the original house (greatly altered in parts) for over fifty years. They spoke of a detached building which was situated close to that described above, being the bedroom wing, lying at a right angle to the living and working area, and extending to the vicinity of the Norfolk Island hibiscus, a tree planted by Maria in those early years. That bedroom area had been demolished in the latter half of last century.

Adding some imagination to those descriptions, and again drawing on discussions with the Reynolds, it could be expected that the six rooms first described would have included a kitchen, drawing room, a store and a meat area, together with the possibility of one room occupied by the housekeeper and the maid servant, with the other being kept as a general purpose area for Maria and the children.

Clearly, it had been a substantial home in which William and Maria made their life in this new environment. Many hard years were to follow, while a large family was to be brought up. Certainly, there were sadnesses, but there surely would have been times of great satisfaction. With the set-backs and changes over the years, the house (now known as 'Old Duninald'), is showing its age, but it is still the loved dwelling place of one of William's descendants, Sidney Reynolds, and his wife, Phyllis (also descended from an early Paterson family). The house retains the affection of those who know it, and of its history.

Said to be as old as the house, there is a 'Lagunaria' or 'Norfolk Island Hibiscus' tree in the garden, which has been admired by many over the years, with its mauve flowers, and stately branches.<sup>9</sup> Apparently, it had been planted by Maria soon after the house was built. Unfortunately, age and wild winds have caused serious damage over the past couple of years, and recently, drastic tree surgery was employed in the hope of saving what remains.

Phyllis Reynolds told of the story related by an old aunt in the earlier part of this century regarding "a circular gaol which was supposed to have stood only yards from the house"; that account seemed to be supported when Sidney, her husband, at a time when nearby ground was being plowed, found broken stones and red bricks, which appeared to be part of the foundation of such a building. In the circumstances of those days, some structure to serve as a 'gaol' would seem to have been a necessity.

It would be unlikely that Maria and the children would go to the property before late 1822 at the earliest, and as the records show that Charles (the first of their children to be born in Australia) was born at Newcastle in September 1823, it may be that Maria and their two young daughters lived at Newcastle until after the baby was born. William, however, was already clearing and preparing the ground to sow his crops, no doubt with the help of at least some of his assigned labour.

Early in 1822, settlers in the area were advised that the Government store at Newcastle would 'victual and clothe' the convicts.<sup>10</sup> Under the conditions of the grant, that had been the responsibility of the settlers; but, instead, the new order required that the settlers must now provide the Government with 150 bushels of maize or 75 bushels of wheat each six months. William combined with two other settlers to put a case to the Governor for a variation of that regulation. On 31 May, they wrote to Major Morisset, Commandant at Newcastle, requesting that, instead of a fixed quantity of maize or wheat, the obligation be set as a "certain monied rate", and they suggested £25 which would then be converted to its equivalent in quantities of either maize or wheat on each six-monthly payment date, according to the market price of those products at that time.<sup>11</sup> It is not known whether they were successful, but their plan was recommended to Major Goulburn, in a letter sent by Lieut. E. C. Close, on behalf of Major Morisset. In that letter, it was pointed out that the settlers would have no crop for at least a year, and that the proposition was reasonable.<sup>12</sup>

Actually, it was a very practicable suggestion, and deserved acceptance. Under the arrangement as required by the Government, the settlers would have had to bid in the

market for produce to hand over to the authorities - and that could push the price up to an unsustainable level. Of course, the proposed change would be otherwise advantageous to the settlers (and correctly so), in that their obligation would be fixed in money, and not subject to the unsettling effect which would have resulted under the Government system if prices rose sharply.

### **Life on 'Duninald'**

While William would have been kept busy with the farm, Maria would have been fully occupied in her probably unaccustomed role as a farmer's wife in this strange, new country, so distant from even the rudimentary civilisation being slowly established in Sydney. Apart from her responsibilities as a mother, Maria would have been household manager, and no doubt would have helped in some small way outside, where possible. The area was virtually empty of other Europeans, apart from their own workforce, and they were mostly convicts. The country around the Paterson River would have had no more than about twenty farming families in the years up to 1830. The village of Paterson was not established until 1833. Like so many of Australia's pioneers, Maria must have had a special courage.

Prior to 1831, land transport was slow and difficult between Newcastle and the Hunter Valley settlements, often requiring dangerous river crossings. In 1831, steamships were introduced to the Hunter, and in the following year, a regular service ran between Sydney and Maitland, and later to Paterson.

During the first seven years of their occupation of 'Duninald', Maria bore an additional four children, two boys and two girls, and later there were five more children, three boys and two girls, bringing the total off-spring of William and Maria to eleven. Their first son was Charles Allan, born on 8 September, 1823, and he was to marry Zorayda Anne Bedwell in 1857 - they became my great-grandparents.

All but three of those children lived to old age, but the youngest (and the earliest) to die was a baby, Margaret Adria, who died on 30 December, 1830, aged only twelve months and one day. She was buried on a small rise, not too far from the house, beyond the lagoon. It is said that one of the female staff died at the same time, and was also buried there. If so, she may have been Hannah Jones, who came with the family from London of her own accord, and is referred to later in regard to the Census. The inscription on what remains of a tombstone at the spot is now unfortunately indecipherable.

## Land and Convict Labour

Since the allowable level for land grants was greater than had been given to William, he had sought an extra amount in the year following his arrival in Sydney. This was agreed to, and in a letter dated 18 January, 1823, Colonial Secretary Goulburn, on behalf of Governor Brisbane, wrote to William acceding to his request for the extension of his grant from 1,200 to 2,000 acres. His letter said that the extra was granted, after taking into consideration the improvement which William had made to the ground now occupied, and also the favourable report on the manner in which William was performing the duties of divine service to convicts in the district.<sup>13</sup>

It should be pointed out here that William did not apply for the land as a reward for the carrying-out of those divine services; apparently, in considering whether to allow extra land, the Governor had sought a report, probably from Major Morisset, regarding William's performance as a settler. Much more is to be said about that extra land in this story, but it will be a good time now to refer to the circumstances of the divine services mentioned.

Years later, on 15 March, 1832, William had the need to refer to those services in a letter to Governor Bourke.<sup>14</sup> The reason for that letter will be covered later when more is said about the extra land, but since so much has been written in various articles about those services, it is as well to consider William's own explanation in that letter which was written about nine years after the extra land had been allowed. He then explained that when Newcastle was a penal settlement, Major Morisset had requested that, on Sundays, William should collect the prisoner settlers and others, together with men from the cedar parties, and to conduct divine service for them at a place about five miles from 'Duninald'; and William did this for about two years.

It would be reasonable to assume that those services were conducted close to the river, on the same side as 'Duninald', and five miles from that property in the direction of the greater area of settlement, which would be towards Maitland - in other words, they were probably conducted at or near the present site of Woodville.

With reference to the cedar cutters, Robert Hughes (in 'The Fatal Shore') pointed out that by 1821, the economy of Newcastle depended upon timber rather than coal. Cedar was the monopoly of the government, and most prisoners were employed in obtaining the cedar. As they used up the nearby stands, the gangs had to go very long distances upstream to reach the large trees. Gangs numbering about thirty, with guards from the military, would be absent for a month or even more, and they would eventually float back to Newcastle on a raft made from the logs, usually numbering at least one hundred or more.<sup>15</sup>

Apart from the difficulties and dangers of a distant location in a strange land, and not forgetting the fluctuating fortunes of any farmer, their prosperity in those years

depended on the availability and the efficient usage of cheap labour in the form of convicts. It would have been very important to know how to deal with those labourers, and so encourage them to do a worthwhile job. In his great book, 'The Fatal Shore', Robert Hughes said that "a contented convict plainly worked better than a hungry, rebellious one." He then referred to James Macarthur who clearly stated the position when giving evidence in 1837 before the Select Committee on Transportation. Macarthur considered it best if a man could be made to forget that he was a convict, and said that "the right stance is balanced paternalism ..... kindness, firmness and distance."<sup>16</sup>

From the little evidence which is available, it seems that William Dun had tried to deal with the convicts assigned to him in that way. He was obviously a person who cared, but he was also one who believed that things should be done correctly. His attachment to his workers can be gauged from a letter which he wrote on 12 April, 1823, to Major Goulburn, in which he requested that he be allowed to retain those prisoners who were in his employ, rather than have them transferred to Port Macquarie, as was apparently about to happen.<sup>17</sup> Again, many years later, in 1844, William showed his understanding in respect of a prior employee when he was called to give evidence in a court case involving a charge of stealing at Paterson; James Ireland was indicted for stealing cattle which was the property of Mary McIntyre. William's evidence related to possible actions of a Patrick Good, then deceased. He had been in William's service for ten years, being appointed as overseer after twelve months. Although he had left William's service about ten or eleven years previously, William was able to say that certain signatures on receipts were not like Good's handwriting, although unfortunately, he could not swear that none of them were in his writing.<sup>18</sup>

In that same year, the village of King's Town (Newcastle) was designed and laid out, and fee-simple of the village areas became available on certain conditions, including a requirement that the property be held initially on lease for twenty-one years subject to a small, annual ground rent, and if a house of £1,000 value was built on the allotment, fee-simple would be granted. William wrote to Major Goulburn on 15 October, 1823, seeking a town allotment "in the town of Newcastle," and his name appears in a list of such allotments "in the Town of King's Town, District of Newcastle" which was signed by Henry Dangar in August, 1827.<sup>19</sup> William's allotment number was 100, and it adjoined the market place shown on Dangar's plan. In modern Newcastle, that area now seems to be a parking station (what's new?) in Newcomen Street, between King and Church Streets.

In 1825, New South Wales had a new Governor, Ralph Darling, whose six years of office were to be looked upon by many with displeasure. Although there is no direct reference, it seems likely that William Dun found that the period of Darling's term brought that added burden which turned a life of difficulty (yet with the promise of potential prosperity), into one of increasing financial strain.

Quoting from A.G.L. Shaw's 'Heroes and Villains in History - Governors Darling and Bourke in New South Wales', "Darling, like Arthur in Van Diemen's Land, wanted a strong executive, and as a governor of a penal colony, he was possibly right."<sup>20</sup> But, there were many who disagreed, and they found strong and capable supporters in the free press. Even though freedom of the press, in the peculiar circumstances in the colony, was dangerous, men like W.C. Wentworth, E.S. Hall and A. E. Hayes spoke out strongly, and Chief Justice Forbes was a powerful antagonist of Darling.

The case of Privates Sudds and Thompson in 1826 (especially with the early death of Sudds), inflamed the situation, although it did not

really involve the particular principles in question. But, Darling himself worsened the growing resentment by attempting to stifle criticism with the introduction of a newspaper license scheme and a related tax, and in addition, there were a number of libel charges initiated by Darling against editors and writers, in some cases leading to imprisonment.

In 1831, Darling was recalled, and when he sailed from Sydney, there was a huge celebration which was arranged by Wentworth at Vacluse.

Although William was to suffer two losses from fire, one of which was due to the malicious action of at least one of his assigned labourers, his main set-back resulted from what seemed to have been seen by Governor Darling as the illegal sale of his 'order' for the extra land, and that sale was to none other than Henry Dangar, the Government surveyor. On 28 February, 1827, it was claimed that William illegally sold his claim to the additional land.<sup>21</sup> It seems that Governor Darling took the attitude that William should have retained that land for five years before dealing with it, whereas William apparently believed that it was given without the restrictions of a normal land grant. Accordingly, because his financial position was deteriorating at the time, he sold his right to the land. Probably the piece of land was allowed to remain with the buyer, but the Governor demanded that William pay the amount received to the Crown, plus interest for the period concerned.

The new liberal governor in 1831, Richard Bourke, adopted policies which differed from those of Darling, and he made reforms which pleased the Emancipists, including a reduction in the power of the landowners over their assigned labour.

However, by 1833, the 'Sydney Herald' commented: "We believe it is generally admitted as an established truth, that a large portion of the prison population of this Country, has manifested of late, a spirit of insubordination, in several districts ....."<sup>22</sup> In fact, the Castle Forbes incident in the Upper Hunter had involved a convict revolt, said to have been caused by the harsh treatment of his assigned labourers by James Mudie. According to the Journal of the Royal Australian Historical Society of September, 1978, in an article by Sandra J. Blair, "the Castle Forbes incident was seen by the colonists as part of a larger controversy between the Emancipists, in general the ex-convict and native born of the colony, and the wealthy immigrants who had arrived in the colony during the 1820s."<sup>23</sup>

William decided to put his case for fire compensation to Governor Bourke. Whatever information is available regarding that matter may be found in correspondence between William and Governor Bourke in 1832, and from the Governor to Viscount Goderich in London, which was acknowledged by the Rt. Hon. E. G. Stanley. On 15 February, 1832, in his letter to the Governor, William referred to an earlier letter of his, and a recent personal communication concerning the loss of his barn, implements and produce, by fire, worth about £1,100, as a result of malicious action. He mentioned his being resident in the colony for over ten years, the high cost for the education of his six children, and the cost of providing for an establishment of forty-five persons. He explained that five of his labourers had been committed for trial in regard to the fire (actually one was convicted), and William stated that although those men had been difficult to handle, he had persisted in his efforts to train them so that they might become useful citizens. He said that his task could have been eased if he had simply returned them to Government employ. He attached certificates in support of his request from five of his acquaintances (mainly fellow settlers), and asked if the Governor would refer his request for compensation to England, if it was beyond local authority.<sup>24</sup>

In one of the certificates provided to the Governor by William Dun, his neighbour, James Webber, after agreeing with William's statements in his letter, added (in effect) that malicious burning of property had increased as lazy men sought to encourage the landowners to return them to the employ of the government, apparently where their work would be easier.

William spoke to the Governor again in March, this time about the loss of his extra land, and he wrote the next day, on the 15th, confirming the conversation, and attaching a copy of Goulburn's earlier letter of 18 January, 1823, which had extended his land by the extra 800 acres. In explanation of his sale of that additional acreage, William pointed out that he did not understand that the initial conditions of grant also applied to it, since it appeared to be given as a reward for services rendered. He told of the financial loss as a result of an even earlier fire, during his absence from the property, which destroyed his barn and the maize crop which it had contained - that fire occurred in 1826, three years after the extra land was arranged, and was the result of the carelessness of pipe smokers. Accordingly, as he then had overdue debts, he sold the land thinking that it did not come under the normal regulations. William pointed out that the previous Governor (Darling) had learned of the sale years later, and had insisted that he repay the money with interest. William explained that if he had known of the restriction, he would have had no trouble in raising a mortgage loan, or using some other method to repay the debt at that time. He asked Governor Bourke to recommend his claim (i.e. that 800 acres or similar be returned to him) to the Secretary of State for the Colonies.<sup>25</sup>

The Governor passed on the details of both claims, but without any recommendation, and the reply which came from E. G. Stanley dealt only with the fire damage compensation - the answer was that all settlers share such risks, the compensation for which is the availability of the man's labour. There could not be any Government indemnification. But, (in his kindly fashion!!), Stanley recommended that the Governor

could recognise Mr. Dun's attentiveness by giving him preference with convicts over other applicants, who were less careful in regard to the habits of their convicts.<sup>26</sup> In other words, he may have been suggesting that the Governor should give William the opportunity to discipline and to train more difficult men, and so save the authorities from the task!

I can't help thinking that a good lawyer could have reversed the demand by Darling for repayment of the proceeds of the land sale. The official letter acceding to the request for the additional land did not refer to the restrictive conditions of the original grant, and there also seems to be some uncertainty whether the additional acreage was actually 800, or only 700, which would have taken the total from the measured 1,300 initially to the 2,000 maximum. Maybe, at the worst, William would have had to pay over the proceeds of the sale of only 700 acres, leaving the further 100 acres for later argument.

The fire loss, added to the tough decision by Darling that William should pay back the proceeds of the land sale, coming as it did at a time when drought and flood had ravaged the Hunter valley, was sufficient to put William in a most difficult financial situation, from which he did not recover. But, we are getting ahead of ourselves - it was in the 1840s that the real trouble became evident. Well before that, something should be said about William's public appointment, and other activities, in addition to an outline of what is disclosed in the 1828 Census report.

In 1825, William was appointed as Coroner at Paterson, at an annual salary of £40; that appointment was renewed over a period of years, and in his obituary in 1876, it was stated that he had held the appointment for twenty years. He subscribed to Busby's 'A Treatise on the Culture of the Vine' in 1825,<sup>27</sup> and he was one of only eleven subscribers to the 'British Farmers' Magazine' in 1827.<sup>28</sup> In 1828, he was a member of the Agricultural Society,<sup>29</sup> and in 1829, he was appointed as a Justice of the Peace.<sup>30</sup> Other public activities included signing of petitions, one of which was in support of the action against the Summary Punishment law in 1833/4,<sup>31</sup> and joining in a declaration regarding the validity of town leases in 1835.<sup>32</sup>