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History of Austinmer

and

Robert Marsh Westmacott

in Australia

N.S. King

ILLAWARRA HISTORICAL SOCIETY

1964
A HISTORY OF AUSTINMER

NEW SOUTH WALES

By N. S. KING J. P.

First read before the Illawarra Historical Society on 2nd March, 1961.

Again read before the special meeting of the Illawarra Historical Society at Austinmer on 11th October, 1962.
The grass grows green beside the sea
At Austinmer.
The grass grows green beside the sea
And tender underfoot for me,
So I may walk full pleasantly
At Austinmer.

The little headlands bravely stand
At Austinmer.
The little headlands bravely stand,
Guarding their flanks with shining sand,
That curve away on either hand
At Austinmer.

The sea runs sweetly to the shore
At Austinmer.
The sea runs sweetly to the shore
With white waves tumbling o'er and o'er
In ceaseless murmur evermore
At Austinmer.

The gallant mountains loom behind
At Austinmer.
The gallant mountains loom behind,
To swathe hot shore in shadow kind
And there is rest and peace of mind
At Austinmer.

- "Wayfarer"
1912
The first grants of land in the Illawarra district were made in 1816, but they were in the Five Islands (Port Kembla) and Lake Illawarra areas. It was not until 1821 that a grant was made to one, Cornelius O'Brien, in the Bulli area north of Wollongong.

O'Brien's grant extended to the Austinmer area, subsequently known as North Bulli. The immediate vicinity where Austinmer became a village was known as "Sidmouth" after the name of the house built there by Robert Marsh Westmacott in 1837.

Captain Westmacott arrived in Australia in the year 1831 to follow the office of Deputy Quartermaster General but was subsequently appointed aide-de-camp to Governor Bourke and accompanied him on a visit to the Illawarra district in 1834. So impressed was he with the area that he resigned from the army and his official positions and in 1836 purchased several grants in the northern area, one being from Cornelius O'Brien extending to North Bulli.

He selected the pleasant vale in North Bulli to build his house named Sidmouth after his home town on the Channel coast of England, 15 miles south-east of Exeter in Devon, the vicinity becoming known by the same name and becoming a seaside resort as was its English counterpart.

Captain Westmacott was of a very energetic personality and soon made his presence felt in the district. He was made a Justice of the Peace and was instrumental, with others, in forming the Illawarra District Agricultural Society and became its first secretary. He was also a prime mover in forming a steamship company known as the Illawarra Steam Packet Company and acted on the board of management. The "Waitland" was purchased to ply between Sydney and Wollongong. Shortly afterwards, in 1839, he formed a company to open a coal mine on the Bulli Estate and actually started operations nine miles north of Wollongong, which would be at Austinmer.

That was the first attempt to mine coal in the south but the powerful Australian Agricultural Company operating coal mines in the Newcastle area claimed a monopoly of mine labour and appealed to Lord Russell in Great Britain to have his operations stopped. Although Governor Gipps refused to acknowledge their claim, the assignment of convict labour had ceased and, as there was no other labour available, the venture failed.

In 1844 Westmacott discovered and surveyed a new road up the mountain above Bulli and with government and local citizens' support had it built. The road became known as Westmacott's Pass, now Bulli Pass, but it was not until 1868 that a wheeled vehicle was taken up.

Westmacott used his North Bulli property for the raising of horses. He disposed of his Woornona property in 1841 and his Thirroul and Austinmer properties in 1846 and went to Parramatta to live. He probably subdivided
his Austirmer property as several settlers made their homes there, growing farm produce and planting fruit trees, so that by the sixties North Bulli was a rural village.

Among those remembered by present elderly residents were the Kennedys and the Hicks. The former conducted a dairy farm on the hillside on the south side and the site is still known as Kennedy's Hill while the Hicks had a farm on the north side, the headland north of the north beach being known as Hicks' Point. Other farmers in the district were the Maddens, the Powells and the Bells, the headland at the north end of Austirmer beach being known as Bell's Point.

According to a letter I have from Mr Dundas Allen, his grandfather, Sir George Wigram Allen purchased in the late seventies land around Austirmer, Bulli Pass and Princes Highway and in 1876 a company was formed known as the North Bulli Coal and Iron Mining Company which bought land north of the Allen holding at Coledale, Wombarra and Scarborough. In 1884 that company was merged into a new company called the Illawarra Coal Company which opened a mine at Austirmer and built a jetty 860 feet long at Hicks' Point. By 1886 coal was being produced and at the beginning of 1887 the jetty was first put into use. The collier "Waratah" was chartered but in June of the same year she was washed broadside on to the rocks and wrecked. The engines and fittings were salvaged a couple of months later. The boiler, left on the rocks, was subsequently sold to a syndicate of four headed by the company's diver, Mr Jack Ford, for the sum of £20. They in turn sold it for £100 with the stipulation that it be delivered to the purchaser's premises. Bullock teams were used in an endeavour to haul it on to the road but to no avail and so it remains there still after 74 years.

A few years earlier the name of North Bulli had been changed to Austermere but Sir John Lackey's Estate near Moss Vale was known by the same name and much confusion arose, so in 1887 it was changed to Austirmer linking the name of Henry Austin, one of the three directors on the board of the Illawarra Mining Company. The "e" at the end of the name was subsequently dropped. By 1895 the mine worked out and was closed. The jetty was eventually partly wrecked by storm and the remainder destroyed by fire in 1915.

The Austirmer railway station was opened to traffic on September 1, 1887 and I am informed that the railway never used the "e" at the end of the name. In 1889 the name of the town near Moss Vale was changed to Burradoo to avoid confusion. Prior to 1917 the station was under control of Thirroul but a station master, Mr H. Welken, was appointed that year. The first coal sent from Austirmer was in 1890, a total of 1606 tons being despatched. Duplication of the railway was completed in 1915.

The North Bulli school must have been one of the first established north of Wollongong as the first teacher, Mr Frederick King, was appointed in 1867 and taught in a privately owned building until in 1868 a slab school building was erected by John Rawnsley at a cost of £150. At the end of 1869 the enrolment was 29. The original site was a grant from the government of 1 acre 3 roods 7½ perches, dated January 16, 1868. To that was added 1 rood 25 9/10ths perches bought from the Illawarra Mining Company on December 19, 1892. The original building was replaced by a completely new one in 1892. The name was changed to Austirmer in 1895. A Miss Alexina
Mackenzie was appointed in 1877. She was a cripple and travelled on horseback from Wollongong each week-end, boarding with the Hicks during the week. She was in charge until the end of 1885.

All Saints' Church of England was the first built in Austinmer but services had been held in private houses for many years as part of the Parish of Bulli. The land had been donated by Messrs J.C. Jones and J.S. Kirton and the opening service was conducted by the Rural Dean, Rev. G.A. D'Arcy Irvine, assisted by the first rector, Rev. Norman Jenkyn, on March 13, 1904.

Although no Roman Catholic Church was built, Dean Flanagan from Wollongong and later Bulli in 1886 visited the district periodically and held Masses. The Kennedy family were devout churchgoers, once a month walking in to Wollongong and back for service, a distance of 16 miles. In 1889 the Dean presented Miss Mary Kennedy with a Roman Catholic Prayer Book as a mark of respect. This is in the possession of Mrs M. Cahill of Austinmer who, I wish it to be recorded, has been a wonderful source of information. As Miss Owers she was postmistress and gate keeper at the turn of the century.

The Methodist Church held services in the surf club house in 1921 and in the same year laid the foundation stone of a neat brick church in Moore Street. The church was completed at a cost of £750 and opened on January 7, 1922 by Rev. C.J. Prescott. After World War 2, Memorial Gates were erected in 1956.

In 1906 the Kennedy Estate was subdivided into building blocks and sold by auction by Slade and Brown of Sydney. The auction sale was advertised as a great event and free railway tickets were provided for prospective buyers from Sydney to attend the sale. Many blocks were sold leading to the village of Austinmer becoming a fashionable seaside and health resort.

From 1910 on the land owned by the George Wigram Allen Estate and the Illawarra Mining Company was subdivided and sold in various subdivisions. The No 2 of the Allen Estate gave the same names to the streets as those of the original George Allen Estate at Glebe in Sydney. George Allen arrived in Sydney at the age of 15 in 1816 and became the first solicitor trained in Australia in 1821. In 1829 he bought 96 acres at Glebe Point, established a large home and called it Toxteth Park. The streets are named after the family names, therefore there are Toxteth Avenue, Wigram Road, Boyce Avenue, Allen Street, Maxwell Street. Hennings' Lane is named after Biddulph Henning, brother of Rachel Henning whose letters of the fifties are well known. He bought "Sidmouth" and 11 acres from the mining company but subsequently subdivided and went to Hunter's Hill.

At the turn of the century there were two salt works at Austinmer: one on Hicks' Point and the other at the south end of the main beach behind the present dressing sheds. They used large iron pans with pipes underneath for heating and evaporating the water. On Hicks' Point excavations are still visible where operations were carried out. Nothing exists of the other one.
The Illawarra and South Coast Tourist Guide of 1889, speaking of Thirroul and Austinmer, stated that the district was renowned for its regular supply to the city of blackberries. During the season tons of the fruit was sent away every year. This lasted for at least 20 years but the vines have been eradicated since.

It also quoted rates of guest houses. Mount Hope conducted by H.T. Hicks could house 12 guests at 4s 6d per day or £1.1.0 per week.

The first life saving club was formed at a meeting held at the Outlook Guest House on October 20, 1909 when Mr Ainsley, proprietor of the guest house was elected president, E.Walker vice-president, F.E.Vernon hon.sec., A.J.Hines hon.treasurer and J.Luff and G.Wallace committeemen. Those gentlemen laid the foundation of life saving on Austinmer beach, which has been maintained throughout the years to the present time and on two or three occasions in the twenties and early thirties the club was state champion.

On January 3, 1914 a public meeting was held on the beach to form a progress association. It was chaired by Judge Boyce, when a motion was carried that a progress association be formed and that a meeting be held on January 10 to form a committee.

That was done and the following gentlemen were appointed: president S.J.Vidler, hon.sec. E.J.Williams, treasurer G.Lamb, committee Messrs J.Wicks, D.M.Lett, J.Coffee, W.Halliday, J.Grant and S.C.Lileiver. The old club was disbanded and the progress association took over the responsibility of patrolling the beach so it was agreed that a full time beach life-saver should be appointed for three months, at a wage of £3 per week and a house rent-free and the name of E.Ferguson was proposed, but owing to family reasons he declined. The position was then advertised in the Sydney press and of two applicants, Mr James Clark was selected. This, I understand, was the first full time beach life-saver appointed in New South Wales.

The first bowling club, known as the Austinmer Bowling Club, was formed in 1930 and played on a four-rink green prepared by D.M.Lett at his guest house, "Keswick", the first president being T. Hope, secretary McQuiggan.

In 1933 there were 18 members, four rinks and two reserves. Despite their small numbers the club won the "B" Pennants of the Coastal District Association which extended to Camden, Campbelltown, Mittagong, Moss Vale, Bowral, Kiama, Berry and Nowra. Then in Sydney they played and defeated the other country representative and won the country "B" Pennant.

The club in 1934 made an effort to obtain its own green and a meeting was held in the school of arts in Moore Street, when a block of land in Allen Street was offered by R. Davies, a member of the club, for £200. This was accepted and a new club was formed with the name "The Austinmer Town Bowling Club" with T. Hope as president, W.J.Smarden secretary and H. Longstaff treasurer. By 1935 a full sized green was laid down by Hurt
of Wollongong for £375 plus £50 for boarding ditches and plinth. The clubhouse was practically built by voluntary labour, Fred Farey, Lionel Black and Doug. Gribble being the main workers.

In 1936 the Austinmer Bowling and Recreation Club was registered and acted as trustees for the club property, a bank overdraft of £950 was obtained, providing funds for laying the green, building the clubhouse and laying out the grounds. All members worked in a voluntary capacity.

Of the original members of the company, T. Hope and R. Davies are still serving as directors, with a service of 27 years. R. Davies, B. Heather and L. Black are the only foundation members still with the club.

A green keeper's cottage was later purchased and a four-rink green has recently been laid down. In 1940 there were 50 members. Today there are 160.

During 1955 a ladies' club was formed. The first president was Mrs H. Fenton, secretary Mrs W. Workman followed by Mrs F. Leary, and treasurer Mrs L. Heather.

The Austinmer Sub-Branch of the Returned Soldiers' Association was formed in April 1931, the first meeting being held in the garage on the corner of Moore Street and the Main Road. The lack of halls in the district made it necessary to hold the meetings in the shed on the beach and in the members' homes.

The first president was T. Freeman and then followed J. Tate, G. Fenton, R. Robeson, T. Brooks, R. Robeson, F. Cooper, J. McCabe, G. Johnson, R. Munro, J. Summers, D. Timmins, G. Beckett, B. Hibbard, R. Oner and D. Timmins.


Treasurers were E. Sturgess, F. Henson, W. Lacey, H. Tuck, R. Cullen, F. Clements, N. Sorrell, R. Davison, G. Potts and R. Davison.

In 1934 the old school of arts building was purchased, giving the club a meeting place and a hall to hold functions. During the first five years servicemen from Woona to Clifton were admitted as members. No digger in need was refused assistance and no charity has been turned away. All the men in the local district enlisting for World War 2 were given gifts of wallets and handkerchiefs and all men returning were made welcome.

At first the local council refused to allow the club the use of the beach reserve to hold carnivals to raise funds, so they had to be held on private land and vacant allotments but during the war they were given permission.

In 1953 the old school of arts was demolished and a new building erected. The building was considered very modern but additions and additional building in 1956 and 1960 have made the club one of the most replete in the Wollongong area.
Early in 1959 Mr H. Frew of Austinmer, an old Apexian, in conjunction with Wollongong Lions Club member, D. Longbottom, conceived the idea that a Lions Club should be formed in Austinmer and with this in mind, a meeting was convened, to be held at Mr Frew's residence in the Grove in April. The president, Mr H. Brown, 1st V.P. Mr D. McGuire, and Mr D. Longbottom of the Wollongong Club attended, while those from Austinmer were H. Frew, J. Hopkins, F. Douglas, E. Curtis, B. Husbands and G. Sorrell, who were addressed by President H. Brown. It was decided to hold another meeting and those present were delegated to interview residents to become members and invite them to attend a meeting at the same address to be held early in May. This meeting was very well attended and it was decided to form a Club and that another meeting be held in a fortnight. At this meeting the attendance numbered between 25 and 30 and H. Frew was elected president, E. Curtis secretary and H. Ford treasurer, the following meeting to be held at Headlands Hotel on June 11.

At this meeting a Board of Directors was elected as follows: 1st vice president George Sorrell, 2nd V.P. Joe Hopkins, 3rd V.P. Ron Marsh, with Rev. Grew and E. Turner filling the other positions. Meetings were to be held at the same place on alternate Tuesdays instead of Thursdays. At the meeting on June 23, two directors were elected, D. Greenhalgh and D. McKinnon and at the meeting on September 1, D. King and J. Douglas were added as directors.

Charter Night was held at the Rex Hotel, Thirroul, on September 29, 1959, the Charter members, beside those mentioned being G. Adams, G. Bruhn, F. Brown, W. Brown, L. Carlon, T. Elkington, W. Glossop, B. Husbands, C. Mat- terson jnr, V. O'Connell, L. Ryan, R. Ryan, A. Sharman, J. Stewart, B. Swan, E. Way, H. Wheeler, E. Whittaker and chairman V. Lewis. The presentation was delivered by Sponsoring Wollongong's President Derek McGuire and accepted by President Hamie Frew and the Presentation of the Charter was carried out by the District Governor Ern Ireland and accepted by the president. Among the guests was His Worship the Mayor, Alderman A. Squires, who responded to the toast of "Welcome to Guests". The greatest gathering of Lions members ever assembled in the Wollongong District came from all parts of the state to attend the Charter Presentation.

Among the many projects carried out to the end of 1963, the most outstanding were the building of a Senior Citizens' Centre at Thirroul, costing in the vicinity of £2500, despite the fact that all but the brickwork was carried out by voluntary labour; the removal and re-erection of a weatherboard house from Moore Street to High Street, Austinmer and the furnishing of same as a holiday cottage for the use of Lion members and their family from anywhere in the state. The club's sponsoring activities are state-wide, Camden, Griffith and Corrimal Clubs having been sponsored and members have flown by chartered plane to carry out functions all of which have been recognised as record achievements.

AT AUSTINMER

It's surfing-time at Austinmer,
The sea's a sight to see;
And as the combers pound the beach
The surfers "shoot" with glee.

It's climbing-time at Austinmer,
The Jackass laughs, laughs he;
As panting tyros slowly climb
The heights above the sea.

It's berry-time at Austinmer,
As black as black can be;
The juicy fruit is everywhere
In clusters hanging free.

It's courting-time at Austinmer,
All hearts are trouble free;
The moon is full, the breezes soft,
As courting-time should be.

It's parting time at Austinmer,
We're sad as sad can be;
But then I'm coming back next year,
So what's a year to me!

- M S King,
Concord.
14/1/1933
Robert Marsh Westmacott was born at Sidmouth on the Channel Coast of England, 15 miles south east of Exeter in the County of Devon. His Father was the celebrated sculptor, Sir Richard Westmacott R.A. 1775-1856. Knighted in 1837.

Robert entered the service of the British Army on the 13th of March 1823 and was commissioned as an Ensign of the 98th Foot Regiment. By 1829 he held the rank of Captain in the 98th Foot Regiment., having been appointed on the 16th of April. In 1831, he was commissioned to act as Deputy Quarter Master General to the colony of New South Wales. He accompanied Lt General Sir Richard Bourke, Governor Elect, as Aide-de-Camp on the voyage to Sydney, on the ship "Margaret Biddle" together with Lady Bourke and Miss Bourke and his wife Mrs Westmacott, arriving on the 26th of December, 1831. Governor Bourke retained him in the office of Aide-de-Camp.

On February the 10th 1832, he was appointed Captain of the 4th (King's Own ) Regiment of Foot, and on April 16th the Colonial Secretary appointed him to the Board of Management of the Female Factory, to replace Captain Dumaresq who had gone to reside in a distant part of the colony. The board consists of the Colonial Secretary, Auditor General, Resident Chaplain, Superintendent of Police and three other gentlemen. On April 1st 1834, Governor appointed him Commandant of Mounted Orderlies, without salary. In the same month, he accompanied Gov Bourke on a visit to the Illawarra District, which was in answer to a petition, signed by about 100 Pioneers, some of whom were Cornelius O'Brien, James King, Henry Osborne, Michael Hindmarsh etc etc, men of standing in the district. It was this, together with meeting these leading citizens and the deep impression the potentialities of the area made upon him, that late in 1836, he relinquished his army and official positions, to settle in the Illawarra.

In reply to a despatch by Governor Bourke, a communication from the office of the Horse Guards, dated 12th of Sept 1837, reads; Having had the honour to lay before the General, Commanding in Chief, your letter of the 24th of April last, with its enclosures, I am directed to acquaint you, in reply, that His Lordship will not have any objection to Captain Westmacott, of the 4th Foot, retiring from the service, by the sale of his commission, for the purpose of settling in New South Wales. Signed FitzRoy Somerset. Then, in reply to enquiry from the Colonial Secretary's Department, the following letter from the assistant Military's Secretary's Office, Sydney, dated February 5th, 1838, reads; Sir, I have the honour to transmit, for your information, a copy of a letter from the Military Secretary to the General, Commanding in Chief, in reply to the application of Captain R.M. Westmacott of the 4th Foot, to retire from the service by the sale of his commission for the purpose of settling in N.S.W, Captain Westmacott entered the service on the 13. 3. 1823. This letter
Land

This letter had a bearing on any remission he was entitled to in Illawarra, for length of service, from the purchase of land he made from the Crown. While this correspondence was in the process of transmission, and it must be remembered that it took six months, approximately, to deliver a letter and six months to receive a reply, Westmacott was establishing himself at Bulli. On Jan 11th 1837, he purchased 132 acres, on July 11th, of the same year, he purchased two lots, Nos 8 and 11 of 50 and 105 acres respectively, from Cornelius O'Brien at 5/- per acre. The two latter purchases adjoined James Hick's grant of 50 acres, which establishes it at Nth Bulli (now Austinmer). Other land purchased was in the Woonona and Rickson's Pass area. Westmacott farmed the four lots he held, having the use of convicts. The Nth Bulli area was especially adapted for the raising of blood stock and he became famous for the race horses he bred. He evidently came into conflict with one of his neighbours over a division of land, for, ref No 5535, June 1837, states; 'His returning papers respecting Margaret Kennedy's claim to land awarded to Captain Westmacott, deciding against her claim.

In the "History of Austinmer" by N.S. King, the Kennedys conducted a dairy farm at Nth Bulli.

Appointed J.P.

On Nov 30th 1837, R.M. Westmacott Esq, of Bulli was sworn as A Justice of the Peace.

In "Letters Received" No 10868, Westmacott applied for Deeds of Grant of land he purchased from Thomas Chippendale of Cumberland. The location of this land was important, as it constituted the area where the coal mine was subsequently opened and, as it was granted in 1825, to Thomas Chippendale without coal reservation, it allowed Westmacott to mine for coal.

Lady Franklin's visit, sheds an interesting sidelight on Westmacott's ability and character. Lady Franklin was the wife of Sir John Franklin, Governor of Van Diemans Land, who was appointed to that office in 1836 and arrived in Hobart Town in 1837. He was famous for his Arctic explorations, having visited that region on no less than three times. Lady Franklin must have been embued with the same desire to acquire fame, for, in 1839, she planned an overland journey from Port Phillip to Sydney and by April 20th of that year, she had reached and camped on the bank of the Murray River. By May 10th, they were at Appin and thence to Campbelltown. She goes on to say; from there, by previous arrangement, we diverged into the beautiful and luxuriant district of Illawarra. During our stay of several days, in the district, we were chiefly under the care and guidance of Captain Westmacott, who has a fine property in the Illawarra. Capt Westmacott was, for some years, Aide-de-Camp to Governor Bourke, a proof of his good qualities, which to us was very apparent, without this recommendation.
He is the person, perhaps, we have liked the best in our tour, kind, sincere, active, energetic, religious. Captain Westmacott bought his land at 5/- per acre, two years ago and can now get £5 to £6 for it; for some parts, he has been offered £25 the acre. He has no intention of selling, but would rather add; one property he has in mind of 300 acres, could be bought for £1500 and he considered that in ten years, it would be worth £10,000. The soil is so fertile, that several crops of maize have to be taken off it, before wheat can be sown. Captain Westmacott has adopted this country as his own and is rapidly growing rich.

On May 14th 1839, a meeting of subscribers to the formation of a Steamship Company, was held at the offices of the Union Assurance Co of Sydney, it was resolved that a company be formed, to be styled "The Illawarra Steam Packet Co to ply between Sydney and Wollongong, with a capital of £10,000" in shares of £50 each. On June 6th, at a general Meeting of the Shareholders of the Steamship Co, at the offices of the Union Assurance Co, a Draft Deed of Settlement, having been submitted to the meeting, it was moved by R.M. Westmacott Esq, and seconded by Edye Manning Esq, and carried unanimously, "That the revised Draft, as now read, be adopted as the Draft Agreement. R.M. Westmacott, with nine other gentlemen, was appointed to the Committee of Management, of the Company.

The Steamer "Maitland" was purchased from the Hunter River Company, thus opening steamship communication between Sydney and Wollongong, although there were no real harbour facilities at Wollongong. The Harbour Basin was started in 1837, but was not finished until 1844. It was 100 feet long, 35 feet wide and 14 feet deep.

Within three months, on August 27th 1839, at a general meeting of the above company, it was resolved that the proposal of the Brisbane Water Steam Navigation Co, for the union of both Companies on such terms as may be agreed upon, be accepted by the meeting - carried. Both companies dissolved and a new company was formed to be named "The General Steam Navigation Company" with a capital of £50,000, 1000 shares of £50 each. R.M. Westmacott Esq, was elected to the Committee of Management with 14 other gentlemen. This added the steamer "William IV" to the Company. She ran twice a week between Sydney & Wollongong.

One can imagine, that the main topic of conversation, while Lady Franklin was visiting "Sidmouth", was the formation of the steamship Company, for that event was on the point of becoming an established fact. The formation of this company and the purchase of the steamer "Maitland", probably gave Westmacott the idea, that the outcrop seam of coal he could plainly see on the headland at the north end of the beach on his property, a few feet above high water mark, could be mined and the coal supplied to the steamship company.

Obsessed with this idea, he set about making arrangements to form a company and by the end of 1839, he had been successful in doing so and work on the sinking a shaft actually started, for, in 1840, a paragraph in the "Australian" states "The new company (coal) are about commencing operations in earnest, it is rumoured, the Directors are making arrangements with Captain Westmacott, to sink a shaft on his estate at Bulli."
A previous announcement, had brought an emphatic protest from the Commissioner of the Australian Agricultural Company, to the Governor and an urgent report to the Directors in London. The Directors immediately sought an interview with Lord Russell, State Secretary, which was granted.

At the conclusion of the interview, the Company's Secretary, reported to the Board of Directors:

At a conference with the Right Honourable Lord Russell, Principal Secretary of State, for the Colonies at the Colonial Office this day; present, John Smith Esq., Governor, William Brown, Esq., Acting Deputy Governor and R. Hart Davis Esq.; Mr Smith stated to his Lordship, that he sought the present interview, with a view to impress on His Lordship's serious attention, the difficulties likely to be experienced by the Company's commission in N.S.W. in supplying the increasing demand for coal in consequence of a deficiency of convict labour, that, although the number employed by the company was rapidly decreasing, no fresh assignment to supply their place could be procured from the local Government. Mr Smith begged to remind his Lordship, that the company, in the first place did not wish to work the mines, but, that it was, at the expressed desire of the Govt, the Co was induced to enter into a speculation, the success of which was very doubtful.

Lord Russell said "he had understood that such was the case.

Lord Russell was informed, that the number of the Company's convicts was fast diminishing, whilst the demand for coal was rapidly increasing, that in the month of September 1837, the number at work in the mines was 133, that in Dec 1838, they were reduced to 109 and were still decreasing in number, no fresh assignments being made by the Local Govt. His Lordship admitted, that as the Company undertook to work the mines at the express desire of the Govt, for the public benefit, they were entitled to such support as it was in the power of the Govt to afford them. Lord Russell asked if the Governor had given any particular reason for not assigning convicts and was answered in the negative. The following extract from Captain King's despatch 25th May 1839 was read:

I have informed Gov Gipps of our inability to get getters for underground work and he knows your dependence upon him. I trust, however, that you will, by a timely reference to the Govt, be enabled to prevent the impending injury with which your property here is threatened. Lord Russell then remarked, " I will let you know whether I can do anything about it, for you." His attention was then drawn to the subject of the grant of land to Capt Westmacott, without a reservation of coal and, it was contended, that unless orders had been sent from the Home government, authorising the working of coal by Capt Westmacott, the Executive Council had no right to grant such a permission, the original agreement with the Co, stipulating that "No governor shall, for the next thirty years grant or convey any coal mines or ground containing any coal, without the specific exception of coal in such a grant or conveyance, nor afford any assistance in convict labor for the working of any coal mine to any other Co or individual or individuals, without the previous sanction of
the government at home. Lord Russell said 'he was not aware of the circumstances'. Capt King continued, "I must also request your serious attention to another subject which materially affects the interests of the company, with reference to colliery works. Lately, a coal mine has been opened by a Capt Westmacott at Bulli, in the district of "Illawarrah" (Five Islands) about 50 miles south of Sydney. A Steam Navigation Co has been formed by a party connected with Capt Westmacott and one of the Hunter River steam vessels, S.S. Maitland, has been purchased to run between Sydney and Wollongong, which is about nine miles from the mine. It is intended that the mine shall supply her with coals and, if the Govt assign to it the miners we are in want of and ought to be supplied with, your operations at Newcastle will be much interfered with. I shall watch this affair and communicate with you further, so soon as I shall be able to secure authentic information, but I have no doubt, that much facilities will be given to the individuals whose assigned servants alone, whether miners or only common laborers, will be able to do much, for the seam is on the face of the cliff, some feet, I am informed, above high water mark and at a very short distance from the sea. It remains yet to be proved whether the quality of the coal be so good as that at Newcastle. The land containing the coal is the property of Capt Westmacott, it became his by purchase from Mr Cornelius O'Brien. The Deed of Grant has only lately been made out in consequence of Capt Westmacott's application to the Executive Council. It was permitted to be freed from the usual Crown reservations, whereby the right of all mining is vested in the Crown. I am in hopes that you will be able better to check the evil, by an application to the Secretary of State, than I could possibly do, by representation to authorities here! His Lordship then requested Mr Smith to address him a letter, containing the points to which the directors were desirous of drawing his attention. The Deputation then withdrew. Signed H.G. Ebsworth, Secretary, 12 King's Arms Yard, London 10.1.1840

The letter refers to the shortage of labor for the mines of the Co and the possibility of having to send miners from England which they were not disposed to do, then in reference to the opening of the mine by Capt Westmacott, states, With respect to the coal grant made to Capt Westmacott, at Wollongong, of which some particulars are stated in the enclosed extract of of Capt King's letter to the Court of Directors, from which it appears that the Executive Council have authorised Capt Westmacott to open the mine in question, we desire to ask your Lordship whether any instructions have been sent from the government at home authorising this proceeding on the part of the Executive Council at Sydney, because, without such sanction previously obtained, the Council could not, under the opinion of the Attorney and Solicitor General, grant any such authority. The Directors are unwilling to believe that any instructions, so seriously opposed to the terms of the agreement, under which the Company undertook to work the mines, can have been sent by the Secretary of State, without any intimat-
intimation being given of the intention of the government and an opportunity, thus afforded, to the directors of supporting the privileges, originally granted to the Company.

Signed John Smith, Governor.

Russell

plied, thro' I am directed to acquaint you, that the abandonment of the system of assigning convicts, will render it impossible for Lord Russell to convey to the Governor of N.S.W., instructions of the nature contemplated by the company on that subject.

It does not appear to him, however, that it will be impossible for the government to frame such regulations respecting criminals convicted in N.S.W., as may give the company the benefit of their labor in the coal mines. With regard to the question of coal monopoly, the opinion of the Law Officers, together with copies of the whole correspondence between this department and the company, were communicated to Governor Sir Geo Gipps, with whom it was left to take such measures in accordance with the opinion of the Crown Lawyers, as might appear as most advisable for ensuring the settlers at Port Phillip, the benefit of the mines discovered there. Lord Russell has received no information from Sir Geo Gipps relative to the grant of land which is represented to have been purchased by Capt Westmacott from Mr C.O'Brien and on which coal mines have been opened, but his Lordship will call on the governor for information on the circumstances of the case.

Signed R.Vernon Smith.

Russell's

spatch No 5 1840.

I transmit to you herewith, copies of correspondence with the chairman of the Australian Agricultural Co, certain points brought forward at a recent interview which I had with a deputation of Directors of the company and I should be glad to receive some explanation of the circumstances under which it is alleged, that Captain Westmacott is about to open a coal mine on his grant, with the consent of the local Government.


v Gipp's

ply to Lord

Russell's

spatch of 1.1840.

I had the honour, on 14th July, to receive your Lordship's despatch No5 of the 20th January last and, in reply, to it as well as other despatches named in the margin, relating to affairs of the Australian Agricultural Company, I beg leave to report to your Lordship, that, though I have felt it proper to assign to the company for agricultural purposes, no greater number of convicts than they may be fairly considered to be entitled to, in proportion to the supply afforded to private settlers, I have never regulated the supply to their collieries at Newcastleby the same rule, but that, on the contrary, I have, in consideration of the importance to the public, of a supply of coal, given the Commissioner of the company, almost unlimited permission to have convicts for the purpose of raising it. I have, at the same time, however, intimated to the Commissioner my opinion that, in return for this advantage, the company ought, voluntarily, to give up their monopoly, for though it is, I believe in reality, little advantageous to them and of no great disadvantage to the public, it is, nevertheless, made a theme of reproach to the government which granted it. Since the receipt of your Lordship's last despatch upon the subject, I have again informed
Lordship's last despatch upon the subject, I have again informed the Company's Commissioner (Capt King) that he is at liberty to take as many men from the convict barracks, as he chooses, but, on account of his being able to find none accustomed to the work, I doubt whether he will take any. With respect to the grant of land in Illawarra, made to Capt Westmacott, without the usual reservation of coal, I have to explain that, though a deed from the Crown of this land, was only issued to Capt Westmacott in 1839 (March 14th) Volume A 1222, His title to it was derived from a promise, made as long ago as 1825. The land, having, in fact, virtually, tho' not formerly, being out of the Crown, since that year. Your Lordship is aware, that in former years, it was the practice in N.S.W. to allow persons to take possession of land on a mere promise from the Governor and that, consequently, a great arrear exists in the issue of deeds, even to this day. Capt King, has, I am happy to say, informed me, that he is now satisfied no injustice has been done to the company in respect to Capt Westmacott's Deed and that he has written to the Directors, to that effect. Signed Geo Gipps Governor.

The word "Granted" must be taken here to mean "Given" or "Promised" or "Sold" and not taken to apply to the issue of a Deed of Grant. The first act of giving or promising, is binding on the Crown and it is impossible for the Crown by any subsequent agreement with a third party, to exonerate itself from the performance of a prior agreement. There was no agreement between the company and the Crown before 1830, whatever passed before that year was only preliminary negotiation, but there was a positive agreement between the Crown and the Grantee, John Chippendall, promised by Gov Sir Thomas Brisbane, 29th November 1825, which was rendered more formal and irrevocable on the 13th Oct 1829. Capt Westmacott is, in my opinion, clearly entitled to his grant, free of any reservation of coal and it must issue to him accordingly.

The monopoly of the company is always understood to commence from the year 1830 and is to last 31 years, but if it has to have a retrospective operation on lands promised in 1825, the 31 years ought to date from the same period. It cannot be urged against Capt Westmacott, that other persons have consented to take their grants with the reservation on them, they have done it, probably in ignorance, or in indifference and, in the great majority of cases, it must be a matter of perfect indifference, whether the reservation is made or not. Signed George Gipps. Gov, Mar 14. 1839.

Captain Westmacott's Company was unable to get labor for the mine and coal was never produced.
Farming and the raising of blood horses, was the original intention of Westmacott, when he took up land in the Illawarra, for he had met the men who were pioneering this type of activity and perceived the possibilities this district held out. Farming had been established for several years and on Jan 9th 1840 an advertisement appeared in the "Australian" newspaper; Farm to-let, containing 320 acres of superior land in the famed Illawarra District. It is bounded on the East by the sea and by the estate and present residence of Capt Westmacott on the North and extends back to the mountain. This property will be let, either whole or in allotments to suit farmers." If Westmacott's estate and residence formed the Northern boundary, the farm must have been the one the Kennedy's from Yallah eventually took over and ran as a dairy farm. The Kennedy family, consisting of one son and four daughters, had not been in possession for very long, when both parents died, leaving son and daughters to carry on. This they did until 1905, when the son, who had never married and at an old age, was gored by a bull and killed. In 1906, the estate was sub-divided and sold by auction, establishing Austinmer, as it was known at that time, as a seaside resort.

Had Westmacott kept to his original ventures, he would have achieved the riches Lady Franklin foresaw for him, but no; he must dabble in Public Affairs and speculative companies, with the result, as will be seen later, that he got out of his depth.

January 15th 1841, finds him agitating for a bank to be formed or a branch of a Sydney Bank, to be established in Wollongong, for a notice appeared locally; "Notice is hereby given, that at a meeting of the undersigned and other influential inhabitants of Wollongong and its neighbourhood, it was proposed and agreed that a public meeting should be held at the Governor Bourke Hotel, Wollongong on the 15th day of January at one o'clock precisely, to take into consideration the propriety of establishing a bank or a branch of one of Sydney's banks, and also for the purpose of considering the more efficient means for carrying the same into effect. All persons resident in the District feeling interested in the establishment of the proposed measure, are invited to attend the meeting. Signed R.M. Westmacott and seventeen others, including a brother, Arthur.

Then, in Sydney, on the 4th of February 1841, he attended a meeting (Public), protesting against the division of the State of N.S.W. into three separate states; "The Colonists of N.S.W. in Public Meeting assembled, having this day adopted a Petition to the House of Lords and another to the House of Commons, in addition to one previously addressed to Her Majesty, against two measures recently brought forward to Her Majesty's Ministers, "That the present territory of N.S.W. should be divided into three distinct portions or territories;" The Memorandum protesting the division of the State of N.S.W., was read to the meeting and, on the motion of Capt R.M. Westmacott J.P. and
and seconded by W.P. Faithfull Esq. J.P. "That the Memorandum now read, framed by the Committee be adopted, and printed under the committee's direction, for circulation among Members of Parliament.

Two years later, the blow fell, for on September 14th 1843 Supreme Court records show, in dire formality what took place.

Sept 14th 1843; To the Honourable the Judges of the Supreme Court of N.S.W., The Petition of Robert Marsh Westmacott, Bulli, in Illawarra, sheweth;

That your petitioner, by misfortune and without any fraud or dishonesty on his part, hath become, and is, insolvent; wherefore he is desirous of surrendering his estate for the benefit of his creditors, according to the law and hereby surrenders his estate and prays that the same may be accepted and placed under sequestration. And, in proof of the matter aforesaid, your petitioner has annexed herewith a true statement, on oath, of his whole estate and effects and debts, claims and liabilities affecting the same, to the best of his knowledge and belief. Dated at Sydney, this fourteenth day of September, in the year of our Lord 1843. Signed Robert Marsh Westmacott.

It seems that something must have been saved from the debacle, for he remained in the district with a residence at Bulli named "Woodlands" and certain other holdings, because in the next year, we find him actively engaged in the formation of the Illawarra Agricultural and Horticultural Society as well as discovering and surveying a track up the mountain.

As the outcome of an exhibit of farmstock, the year before, held by the Osborne Brothers of Marshall Mount, and at the instigation of Messrs Abraham Lincoln and James Waugh a meeting was held on April 14th 1844 in Wollongong, with the idea of forming an Agricultural Society. Henry Osborne was elected to the chair and it was decided to form The I.A. & H Society Mr H. Osborne being elected Chairman and Mr Wm Taylor the C.P.S., Hon Secretary and Treasurer, R.M. Westmacott, with others were elected as a committee to conduct the general arrangements for the Society, another meeting to be held on the 21st. At this meeting, the Chairman and Secretary resigned, stating that they were too involved in other matters, to hold the positions. Mr Edward Wood of Gordanin was then elected Chairman and Capt. R.M. Westmacott as Secretary. In the same year, 1844, at one of the Society's meetings, Westmacott announced that he had discovered a new track up the mountainside at Bulli. This was an important announcement, as the track surveyed, became the most used, as it was less steep than the pass further south. It followed the ridge running west at Bulli, which is still used for the pass, but instead of turning south, as at present, to the elbow, it turned slightly north west and up the mountain side to the top. Up to a few years ago, this track was known and used by walkers, Westmacott set about having it cleared and, with subscriptions from the settlers, cleared a track which could be used for pack-horses and foot-walkers. It became known as Westmacott's Pass. It was not until 1868 that a wheeled vehicle was driven up the pass, which, when made into a road by the government,
Followed the course that it takes to-day. In April of 1845 he was suggested as Chairman of the Agricultural Society, but Mr Gerard was elected. He was put on the committee for the ploughing in Jan 1846, but he resigned from the Society as Secretary, in March of that year.

His dying effort in the district, was his fight to have the Bulli road brought along the coast on the flats bordering the sea. In 1834, Surveyor Mitchell had laid out the road known as the Bulli Parish Road, from the intersection of Keira and Smith Sts. A gang of convicts made a road as far as Para Creek (Fairy) northwards and after that it was only a bridle track, until after 1846, when Fairy Meadow and Northern Settlers held a meeting to elect Trustees, under the Parish Roads Act, so that a road could be formed. The Trustees elected were Capt Plunkett, who had a farm at Plunkett's Hill, Russel Vale and Dr Cox, who had a farm adjoining Plunkette and Mr Anderson, who had a farm at Fairy Meadow. Mitchell had laid out the road along the edge of the surveyed land, which took it over hill and dale, with some very steep pinches. Westmacott objected to this track being made into a road and suggested that the road should follow or be made near the coast where land was flat and much more suitable than the inland track. Despite his objection, which had the support of many of the settlers, Plunkett and Cox persuaded the majority of the settlers to have the road made to pass their properties. Had Westmacott been successful, we would have had an almost level road from the north into Wollongong, instead of the winding and undulating one that exists to-day, from earliest times, until the 60's horsemen rode by the route along the beaches.

In 1846, he sold his Bulli and Woonona properties and went to Parramatta to live. He still retained his interest in horses, for he became a steward of two race clubs, Parramatta and Homebush. He also won 1st prize for a thoroughbred stallion at the Wollongong Show in 1847. At a dinner, tendered him at Wollongong on the eve of his departure for England, in the same year, a Testimonial was presented to him by the Australian Agricultural Co, by 1849, had lost their monopoly of labor and mineral rights and were suffering heavy losses and the Deputy Governor of the Co was sent out to investigate affairs. He sailed in Oct 1850, accompanied by no other person than Capt Westmacott, who had been selected by him to fill the office of General Superintendent. In March 1851, he was given full charge, but owing to pressures, both public and private, which required his immediate return to England, resigned his position on June 8th 1851, left Australia and returned to England.