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CORNELIUS O'BRIEN

The name of O'Brien immediately associates in one's mind the bearer with that of the Emerald Isle and to be born in the town of Wexford or in the county of that name in the year 1798 conjures up rebellions and times of great resentment for the Irish people had, for a century and a half, been subjected to harsh treatment by their British masters and suffered many indignities. The settlement that followed the defeat of James II by William of Orange placed the Roman Catholics in a position of inferiority. They were debarred from the right to vote and deprived from parliamentary representation. Then, when Cromwell rose to power greater restrictions were added, even refusing them the right to worship as such on penalty of death.

Despite that, the people of the south remained true to their religion and rebellion was rife, so in 1798, being unable to bear subjection any longer, an army of 15,000 gathered at Vinegar Hill near Enniscorthy in Wexford and gave battle to the forces of their conquerors in an all out effort to gain their freedom and former way of life.

Born of parents stirred by those events one would naturally be imbued with feelings akin to theirs so it can be well understood that Cornelius O'Brien, the son of Henry O'Brien of Hallimont, County Mayo, and his wife Catherine Browne, on reaching the age of 16 years, took advantage of an opportunity to leave his homeland and migrate to Australia. No doubt he was influenced by the departure previously of his brother Henry who had gone to India to a merchant Uncle, William Browne, and the fact that his uncle, Charles Browne, who had settled in the Appin district at a place named Abbotsbury, had offered him employment, with a promise of setting him up on a farm of his own.

It has been suggested that Cornelius may have gone to India also as his uncle was a well established merchant possessing great wealth and who, it was possible, helped with finance when Cornelius finally decided to migrate to Australia and join his uncle Charles. Prior to that, no doubt, he was aware of the great number of Irishmen who had migrated and of the malcontents and outright lawbreakers who had been transported to New South Wales and of the possibility that his countrymen outnumbered at that period, all other migrants and transportees in the colony.

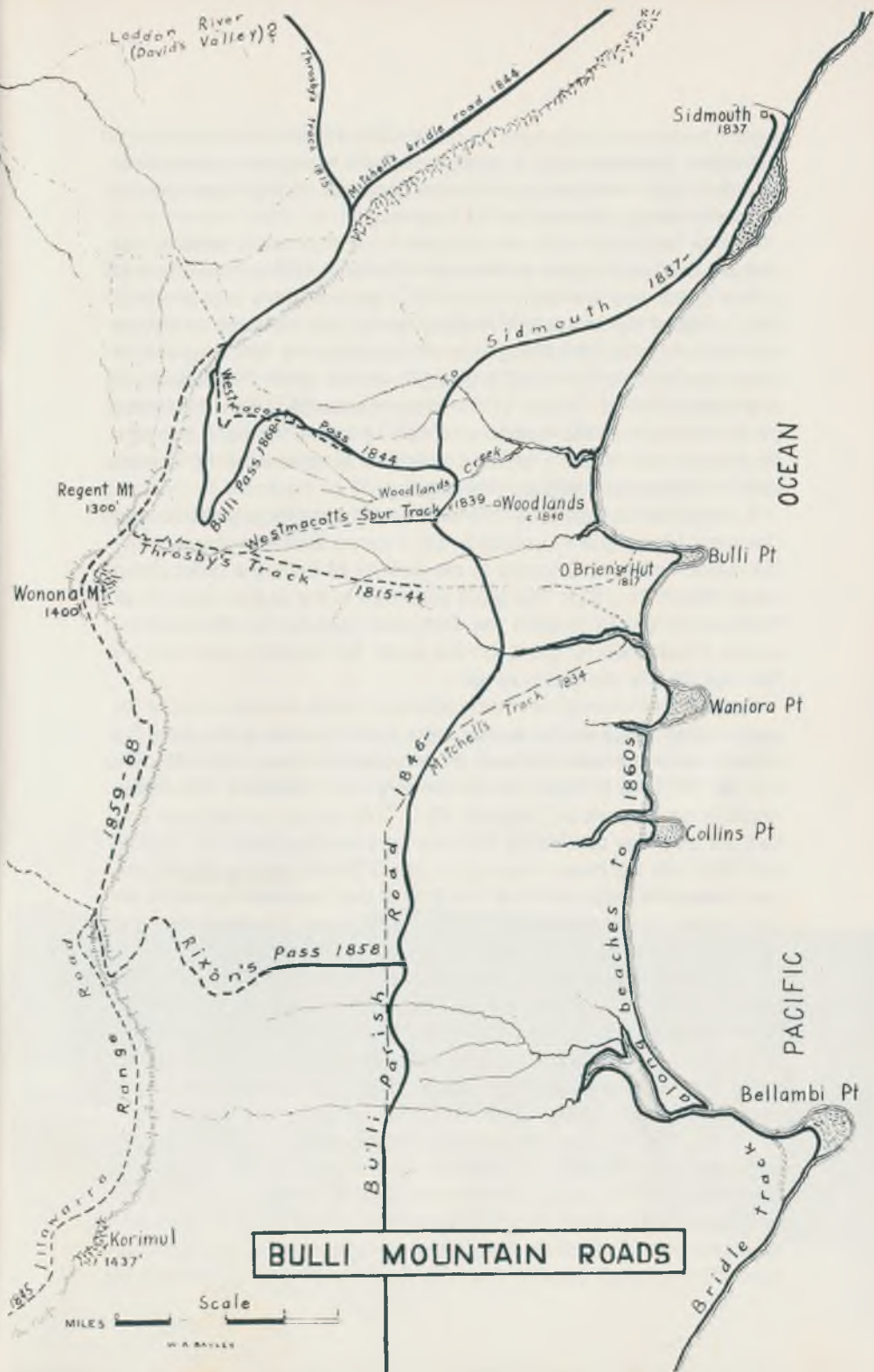
His joining his uncle was revealed when he made his first application for a grant of land in July 1820. Addressing a letter to His Excellency, Governor Macquarie, he said, "Sir, Having since my

arrival in this colony about five years ago been actively engaged in farming concerns connected with my uncle Mr. Charles Browne and having thus acquired experience as a grazier and cultivator and a property in cattle which may be valued at one thousand pounds sterling, I venture to solicit Your Excellency for a grant of land and such other indulgences as Your Excellency deem proper”.

In the years intervening between his arrival and his application, proof was evident of his owning cattle for in the *Sydney Gazette* of October 18, 1817 it is listed that, as a contractor to the army, he supplied 2000 lb of beef to the government. Then on March 21, 1818 in the same publication appeared an advertisement which read, “Wanted by Mr. C. O’Brien of Illawarra, a man well acquainted with milking cows and making butter, to whom suitable encouragement will be given. Enquire Mr. H. O’Brien, Macquarie Place, Sydney”. That indicates that he must have conducted a dairy and produced butter for market, which, of course, he would be able to dispose of in Campbelltown, for Appin was only ten miles distant and in fact only 40 miles from Sydney. Macquarie had founded Appin in 1811 and named it after a small coastal village in Argyleshire, Scotland.

Evidently Cornelius O’Brien’s heart was bent on settling in Illawarra and while waiting for the grant he set about finding an easier way into that district as that which existed was extremely steep and even dangerous to negotiate. With that in view he explored the area at the back of the Illawarra range from Appin across the Cataract River to what became known as O’Brien’s Gap and over Mount Nebo to Figtree. In K. & M. Marshall’s publication, *Early Roads to Wollongong* extracts from the *Sydney Gazette* of April 7, 1821 are quoted as follows: “Mr. Cornelius O’Brien informs the proprietors of land in the District of Illawarra that a track, much shorter and of far less and more gradual declivity is discovered; Should the proprietors think proper to subscribe towards the expence of cutting away the bush and etc, to make a passage for cattle, Mr. O’Brien will be happy to point out the track to those who may be employed on the work. It is estimated that £10 sterling from each proprietor, supposing them to be seven in number, would be sufficient to make a cattle road from Illawarra to the District of Appin by the new track”.

The appeal was successful and O’Brien was able to make his road which was completed late in 1821 or early in 1822. A notice in the *Sydney Gazette* on January 18, 1822 referred to the Subscription Road recently constructed under the superintendence of Mr. Cornelius O’Brien from Appin across the Cataract River to Illawarra – it was said to be not only passable and safe for cattle but was also



BULLI MOUNTAIN ROADS

MILES Scale
W. A. BAYLES

a good bridle road and might be made, with a little more trouble, into a tolerably good cart road. It was primitive for many years, being only a bridle track. Vehicles used it with great risk, tying ropes around trees and letting them down by degrees.

Further research into the discovery of this road reveals that William Browne, known as Merchant Browne, O'Brien's uncle, had driven cattle into the Illawarra in 1817 and received a promise of 3000 acres of the Macquarie Rivulet, facing Lake Illawarra as well as 800 acres fronting the Macquarie. He received the official grant for those properties in June 1823, giving them the name "Athlanlin" but changing it later to "Yallah". Prior to that Cornelius O'Brien had been made manager of the station and had to make frequent journeys from Appin to "Yallah" which explains why he sought the shorter track to come out south of Wollongong.

In response to Cornelius O'Brien's application for a grant of land Governor Macquarie's successor, Sir Thomas Brisbane granted him 300 acres which he selected in the vicinity of Bulli, the deed being dated March 31, 1821. The grant extended to the sea between Bulli Point and Woniora Point in the east; was bounded on the north by James Christianson's grant; on the south by Farrell's grant and on the west by the mountain range.

He could not have given much attention to the development of his grant at that stage as the work on the road must have occupied his time for several months to have it completed by the end of 1821. He still had his farm at Appin, for in January 1822 Governor Macquarie wrote in his Journal on Tuesday 18th, "We got up at daybreak and had our baggage packed up and arranged sending back the curricle and dray with the heavy baggage to Mr. O'Brien's farm at Appin, the road being too rough and bad to admit of their proceeding farther on the journey to the Illawarra. We therefore put all the baggage and provisions required for our journey on three pack horses.

"Just as we were ready to set off, Mr. Cornelius O'Brien joined us at this station" . . . Macquarie had camped the night in the Loddon River valley which he named David's Valley after David Johnston, son of Colonel Johnston of Bligh rebellion fame, having failed to reach the mountain pass from Appin in one day. After sending the vehicles back he states, "Even then great difficulty was experienced in getting the pack horses down the mountain. It took an hour to negotiate the descent, a distance of one and a half miles. We eventually arrived at Mr. Allen's land at Red Point, meeting there with about 100 natives who had assembled at this place to meet and welcome me to Illawarra. They were of various tribes and some of them had come all the way from Jervis Bay and they all seemed to

be very intimate with Mr. O'Brien".

Macquarie was very impressed with that unexpected welcome and regretted that he did not have some tobacco or other suitable gift to reward them for their show of friendliness. After spending the night at Allen's house the next day, January 16, they visited farms as far south as the Macquarie Rivulet, then turned back to make for O'Brien's new road to Appin. "At about 10 minutes to 7 p.m.," he recorded, "we arrived at a pretty thick forest about ten miles from Mt. Brisbane and grounded for the night, the day's journey is about 32 miles. Mr. O'Brien named the place Lachlan Forest in honour of my beloved boy". Macquarie praised the road O'Brien had made.

Having finished the road O'Brien must have given some attention to clearing his holding at Bulli and building a house for he made a proposal of marriage to Miss Rebecca Broughton, daughter of the late William Broughton Esq., the wedding being set down for

Regent Mountain on the centre skyline to the left of which is the gap through which Throsby's track dropped straight down the mountain. The present Bulli Pass ascends to the right and zig zags up to the mountain top.



October 10, 1822. Rev. Thomas Reddall of St. Peter's Church of England, Campbelltown, issued a special licence on October 2 and married them at Airds on October 10, witnesses to the ceremony being William Browne and Mary Wood.

It is interesting to note that a special licence was issued for the wedding. O'Brien, being a Roman Catholic, had to engage the Anglican Chaplain to perform the ceremony as no priest of the Roman Catholic persuasion would be in the area. It was not until the early thirties that Catholicism was established in Campbelltown, Rev. Fr. Therry being in charge. He, like Rev. Reddall, visited Wollongong, the Hawkesbury and Penrith.

Within six months from the time he was married, O'Brien evidently found that the number of cattle and sheep he possessed was too great for the Bulli holding or at least until he had cleared a greater area for on February 14, 1823 he wrote to His Excellency, Governor Sir Thomas Brisbane, "Sir, I beg leave to solicit Your Excellency's permission to graze the undermentioned cattle in the new South Western Country, within six miles of the station applied for to Your Excellency by Mr. Henry O'Brien to the south east of Lake George. The following are the persons who will go in charge of the cattle, Viz Patrick Hopkins, Convict servant, Peter Hall, Convict servant, 445 cattle 195 sheep, with various brands, stated".

Then, a little more than a month later he wrote to His Excellency Sir Thomas Brisbane, "Sir, I beg leave to state to Your Excellency that I have the means of supporting seven male convicts, free of expence to the government and beg leave to solicit Your Excellency's permission to take 700 acres of land in the unlocated part of Appin, or at Little Bargo". In reply to this request John Oxley, Surveyor General, wrote, "The Governor will have no objection in compliance with your letter of 29th ult. to make you a grant of seven hundred acres of land in the unlocated part of Appin or Little Bargo". Dated 3rd July, 1823.

To this letter O'Brien's reply was immediate for on July 7 he wrote from Appin to John Oxley Esq., Surveyor General, "Sir, I beg leave to inform you that, in consequence of your official letter to me dated the 3rd inst. I have selected and taken possession of the land ordered for me, viz 700 acres in the District of East Bargo. I therefore hereby relinquish the 300 acres of land, some time ago measured for me in the District of Appin. I have the honour to be your most obedient servant C. O'Brien."

Then an event occurred which altered his plans completely, for on October 24, 1823, writing from Illawarra, his letter reads as follows, "To F. Goulburn, Esq. Colonial Secretary, Sir, I humbly beg leave to

state to you that the recent loss of my brother makes it necessary for me to attend to my affairs in the Bathurst Country, more than I have hitherto done and precludes the possibility of my availing myself of the occupation which you were pleased to allow me some time ago at Lake George in the new South Western Country. I beg leave to solicit of you to change my ticket of occupation above alluded to, to the hilly country west of Shoalhaven and commonly called Kangaroo Ground. The part of which I wish for, is bounded on the north and south by a range of mountains, on the East, by another range and on the West by a river, and is, to the best of my judgement, about 15 miles westward of Messrs Berry and Woolstonecraft's establishment at Shoalhaven. I have the honour to be etc C.O'Brien". Then an account of cattle, to be in charge of John Steward, overseer, came free, Patrick Ward, Convict, per Prince Regent, Edward Hope, Convict per Lord Sydmouth.

A map of the Kangaroo Valley of that period shows an area in the name of O'Brien, so it seems evident that the Governor agreed to his transfer. With interests at Bulli, Bathurst and then Kangaroo Valley, as well as holding land at Bargo, must have kept him very busy and absent from his home for long periods at a time. Of course he was employing seven convicts and, as he stated later, eight free men and an overseer for whom he built a hut.

Despite all that he had built a commodious house and barns, a windmill and had cleared and cultivated 90 acres of his grant; erected 4½ miles of fencing and built a schooner. The building of the latter gave some indication of the location of the house he had built, for in the *Sydney Gazette* of July 2, 1828 is a Government Notice offering a reward of £10 for the apprehension of a person or persons for arson at O'Brien's farm. It reads, "Whereas it has been represented to His Excellency the Governor, that a barn on the farm of Mr. C. O'Brien of Boulli in the District of Illawarra, with a quantity of wheat therein was destroyed about two o'clock in the morning of the 10th inst. by some person or persons wilfully setting fire to same, as well as a new boat lying in a boat harbour, about a quarter of a mile distant. Notice is hereby given, that the above reward of £10 will be paid to any person or persons giving information that shall lead to the apprehension of the incendiaries. By His Excellency's command. Alex. McLeay".

The only place for a boat harbour is near where the old Bulli jetty was built and if it was only 400 yards or so from the house and barns, the house must have been near the point. A dot on the roadside in Mitchell's map of the area also shows it to be near there. The point is now wrongly called Sandon Point but is Bulli Point on the map.

The building of a schooner is no mean feat and would require a knowledge of shipbuilding technique, so evidently one or more of his convict or free labourers was possessed of that knowledge. He apparently continued with his shipbuilding pursuits for the *Australian* on October 28, 1831 expansively stated, "We are exceedingly gratified to find that Mr. Cornelius O'Brien of Illawarra, who has built several vessels there, intends commencing a whaling establishment by boats immediately. For this purpose he has several boats well equipped and manned, chiefly by native lads with all the necessary gear and apparatus. We cordially wish Mr. O'Brien the success which his unwearied activity and praiseworthy enterprise richly merit".

The use of native lads was also something to take notice of: they were evidently accustomed to the white man by then, for it was sixteen years since he had become established among them and they would have grown up during his activities at Bulli.

Operating a whaling station is another undertaking calling for specialised knowledge and equipment. No doubt O'Brien himself could have supplied the latter but he must have been dependant on or receiving advice from someone who was thus endowed with the former. One has only to be acquainted with the whaling station at Byron Bay to realize what it means to handle those monsters, cut them up and boil them down. He could never have had anything approaching such a set up but despite it all whales must have been caught and treated for the odour was commented upon by various residents and the sheds used for the purpose remained where they were built for many years afterwards. The capture of whales would be seasonal for it was only at certain times of the year that they travelled northwards.

Very few whales are seen today, whaling operations being carried out by Japanese and Norwegian fleets, but in those days it may be imagined, that there would have been considerable numbers. In the 1920s as many as five at a time have been seen spouting and travelling north.

During the commencement of whaling operations, Cornelius O'Brien in a letter dated at Illawarra on November 4, 1829 made application for an additional grant of land without purchase to the Colonial Secretary. He wrote, "I beg you to be pleased to submit to His Excellency the Governor my request to receive 1000 acres of land as an additional grant without purchase under existing regulations.

I am now in possession of land to the following extent viz. by grant 1000 acres, by reserve 1920 totalling 2920 acres, of which 90 acres are cleared. I also possess live stock as under: Horses 10. Horned

Cattle 820, Sheep 1200 and available capital October 30 £120. I have erected buildings on the land as follows Dwelling House £369. Store 30 × 15 £69. Overseer's house 20 × 15 £38. Kitchen £47. Windmill £150. Cow House and Granary £50 and completed 4½ of fence. Employed and maintained during the year 8 convicts and 9 free servants . . . C. O'Brien."

The Board of Inquiry stated in its Report No. 378 of February 5, 1830: "The Board, by leave to acknowledge the receipt of the Colonial Secretary's letters of the 5th ult. No. 30 - 2 covering the application herewith returned, of Cornelius O'Brien for the additional grant of land and requiring them to take the necessary measures of ascertaining the amount of the gentleman's capital, which is now available within the Colony, for agricultural purposes and the extent to which he has improved his previous grants.

1st. The Board have accordingly to report that Mr. C. O'Brien came before them on the 30th ult and furnished the enclosed schedule of his capital amounting to £ 3899/13/9 which, they have no doubt, is perfectly correct, but as a large proportion of the sum is the value of

Old Boat sheds in the lee of Bulli Point where Cornelius O'Brien's boiling downs for his whaling operations originally were.



horned cattle, not admissable under the regulations of the 26th Sep. 1829, his capital, giving him a claim to land, can only be stated at £2,075/13/9.

2nd. It appears that the applicant is a married man with several children, arrived in the Colony from Ireland, to join his Uncle Chas Browne of Abbotsbury, near Appin, in the year 1814. Since that period, he has been constantly occupied with agriculture and grazing pursuits. In 1821 he received a grant of 300 acres from Sir Thomas Brisbane, which he selected in the Illawarra. He now resides on this grant and has 90 acres of it under cultivation. He had also erected a well furnished house, a windmill, overseer's house, store and other offices, the value of the improvements being estimated in all at £1146. In 1823, he received a second grant of 700 acres, which he selected at East Bargo. But on this grant, his expenditure has been very trifling, as he merely occupies it as a receiving paddock for his cattle when on their way to market from the interior. The improvements he does not estimate to have cost more than £20.

Mr. O'Brien's cattle are chiefly depasturing on the Murrumbidgee River and should he succeed in his application he proposes to make his selection on Yass plains.

3rd. Under the circumstances, while the amount of the applicant's capital entitles him to an additional grant to the full extent which the regulations permit and the aggregate value of his improvements is nearly ten times as great as the regulations require, the Board must nevertheless draw the Governor's attention to the circumstances of his second grant being still almost in a state of nature, and it will be for His Excellency to determine whether the very very extensive improvements on the applicant's first grant, may not compensate for the want of improvement on the second as, should His Excellency not be of this opinion, the applicant has no claim for additional land till he has improved it also to a greater extent. Signed W. Dumaresq. James Busby."

A schedule, showing his stock and equipment being valued at £3899/13/9 and his house and other buildings at £1146. Together with this statement he gives the information set out in the land board's report with the exception that he had several children. He gives the names of Mr. Pritchett and Dr. Osborne as references and the board evidently contacted those gentlemen as they state respectively:

"I have known Mr. O'Brien for upwards of nine years. He managed his Uncle Mr. Chas Browne's affairs before he commenced on his own account. I have no doubt that the statement he has given of his property is, in every respect, correct. I have been in the habit of

purchasing his wool and of seeing his present cattle. I know that he has built a windmill and a schooner, and I consider him a very industrious and successful settler". Signed R.C. Pritchett.

Dr. Osborne, Surgeon R.N. states: "I have been twice at Mr. O'Brien's house and, though I cannot speak minutely as to his improvements, I have not the least doubt, from the general recollection I have of the place, that the description he has given of them is correct. My impression was that it was a highly improved farm for its extent".

A memorandum noted: "The Deputy Commissary General, the Collector of Internal Revenue and the Auditor General are respectfully requested to report below whether Mr. Cornelius O'Brien is indebted to the Governor or not. By command of His Excellency for the Colonial Secretary T.V. Harrington.

Reports were as under: "No claim appears against Mr. Cornelius O'Brien in the records of this office". Commissariat Office: J. Laidley 5/11/1829. Similar reports were supplied by the Internal Revenue Office 6/11/1829. Wm McPherson, and the Audit Department. W. Lithgow Auditor General 6/11/1829.

The condition of the roads was a matter of grave concern amongst the farmers and graziers, especially the lack of road communication with Sydney. Actually only bush tracks existed north of Wollongong and, in wet weather, it was impossible to get their produce to market or supplies for their own use. O'Brien came to the conclusion that the only way to get relief was to petition the Governor and request him to visit the district, so he set about obtaining signatures to a petition he had drawn up, which, with his signature heading the list read as follows:

"January 25th. 1832. To His Excellency Major General Bourke, Governor in Chief. Sir, We, the undersigned Landholders and other Free Inhabitants of the District of Illawarra, respectfully by leave, to bring to the notice of Your Excellency, the inconveniences and consequent loss to which we have been subject for many years, owing to the want of a road.

Although the district is acknowledged to be one of the most fertile in the Colony and has been inhabited for upwards of fifteen years, we beg to state for Your Excellency's information that the only means of communication by land with the other inhabited parts of the Colony, is by climbing the rocky precipice which bounds the district and is only possible by foot with great difficulty, danger and fatigue. We are consequently compelled to carry the whole of our produce and supplies by sea and are entirely precluded from sending any of the bulky produce of our farms to market, whereby subjected

to great loss.

Notwithstanding the apparent difficulties to be surmounted, we are induced to believe that a good road from Appin to Wollongong might be made in very short time and at less expense, per mile, than any other road in the Colony, as not many bridges would be necessary and materials are abundant and easily able to be procured on the whole line, which does not exceed 25 miles. We therefore confidently hope that Your Excellency will be pleased to take our case into consideration and direct such measures to be taken for carrying the object we have in view, into effect as may, to Your Excellency, appear necessary.

We beg to subscribe ourselves Your Excellency's most obedient servants." Signed C. O'Brien and 114 other settlers among whom were Gregory Blaxland of Blue Mountains fame, George Tate of Spring Hill, who built the first hotel in the Illawarra, Benjamin Rixon of Rixon's Pass and an Edmond Bourke who, of course, was not the famous English parliamentarian as he had died in 1797 and did not have an "o" in his name.

On September 26 of the following year a similar petition was forwarded to Governor Bourke, also including a C. O'Brien, but not the one from Bulli as his name had an "a" instead of "e" in the latter's. That petition dealt with inconvenience, annoyance and litigation caused by the absence of a made road and in a memorandum attached to the petition is a notice from E. Waldron as follows: "Madam, I have this day permitted your cider to pass, but for the future, I shall not allow any drays or horses to pass through my Premises. Signed E. Waldron. Spring Hill. July 13th 1833.

The second petition stirred Governor Bourke to do something about the matter and he had the following memo prepared: "If no public road has yet been marked through this district, it would be advisable to lay one out immediately under the provisions of the late act of the Council. Refer this Petition, with the foregoing suggestion to the Surveyor General".

On October 4, Surveyor Mitchell wrote to the Colonial Secretary, "I have the honour to state for the information of His Excellency, that no public road has yet been marked from the Illawarra, altho' a track is in use, and that I shall proceed as soon as other business will permit to make a road from Appin into this district".

Floods, however, following the second petition, caused such distress and loss of produce that an appeal to the government induced Governor Bourke to decide to visit the area himself, so in April 1834 he, with a retinue of attendants, one of whom was his aide-de-camp, Captain Robert Marsh Westmacott, visited Wollong-

ong. Westmacott, with the Governor, would have met such leading residents as Cornelius O'Brien, C.T. Smith, Henry Osborne, George Browne, James King, Cornelius Wholohan and those mentioned in the first petition.

Bourke's visit heralded the beginning of a new chapter in the history of the Illawarra. He, accompanied by local residents, went out to examine for himself the long neglected and flood devastated country. He rode out amongst the farms, crossing the swollen creeks by "walking along any dead tree that had fallen over the banks", whilst one of his bodyguard swam the horse through the water.

On returning to Sydney he lost no time in having Major Mitchell sent to the district. He, with his assistant surveyors, marked out a road from the top of Mt. Keira to Wollongong and from there to Bulli. At the same time Mitchell examined the work of planning the township carried out by Surveyors Govett and Elliot and provided for it to be completed by the end of the year. The township of Wollongong was gazetted on November 26, 1834.

The pioneering spirit and the accomplishments of those sturdy settlers must have made a deep impression on Captain Westmacott and one can envisage him entering into earnest conversation with Cornelius O'Brien and delving into the possibility of acquiring land and following in their footsteps for it was from Cornelius O'Brien that he eventually bought land and settled in the Bulli area, obtaining a grant which embraces the district on which Austinmer now stands. That was in 1836.

The success of O'Brien's brother, Henry, in the Yass District and its wide open spaces had caused Cornelius to cast envious eyes on the advantages it had over his Illawarra holding and even in 1830, five years before he made any move to transfer to that area, he had proposed to select any additional land the government was prepared to make to him on Yass Plains. Henry O'Brien had settled there in the mid-twenties and he became a veritable force in the development of the town and district. Despite the fact that he was known as a tyrant with his servants and labourers, he was respected, being a Justice of the Peace and subsequently a Magistrate of the District.

In 1835 at the invitation of his brother, Cornelius O'Brien decided to sell his Bulli property and accept the invitation to partner him. In 1836 he sold to Robert Marsh Westmacott. He went to live with his brother or at least in his house, "Douro" until he built "Cooma" about a half mile distant on Henry O'Brien's land. Besides the "Douro" holding they had stations on the Murrumbidgee River, one being "Jugiong" and another "Coppabella". Sturt on his expedition of 1829 met and stayed with Henry O'Brien at "Douro".

Not long after Cornelius and his wife had taken possession of and furnished "Cooma" they entertained Thomas Walker who, in his book *A Month in the Bush* wrote, "On the 23rd April, 1837, Sunday, arrived at Yass and stayed with Mr. Cornelius O'Brien at "Cooma". Speaking of the area he stated, "Cattle are pioneers for sheep, they prepare and ameliorate the country for their reception, eating off the long and coarse grass and hardening the ground, but as fast as the sheep come, cattle must retire before them, for they eat so close that they starve out cattle".

He continued, "Mr. O'Brien's residence is a very nice and commodious cottage, very well furnished and with everything comfortable about it. The grounds and gardens are nicely laid out, but as yet quite in their infancy. I have found Mr. and Mrs. O'Brien very kind and hospitable, doing everything they can to make us feel at home and they have succeeded. Mr. C is accompanying us as far as his cattle station on the Murrumbidgee". That was his holding named "Coppabella" 30 miles from Yass. He, with Cornelius, had an afternoon on the river with the ladies. It flowed in front of the house. The loss of two of the horses kept the party longer at the house, but they had not left very long when one of Henry O'Brien's men turned up with one. Suspicion fell on him that they had been hiding them and he was sent post haste to fetch the other.

Cattle stealing was rife in the district at that time and the O'Brien brothers lost 300 head of cattle in one year. Cornelius O'Brien, having been made a magistrate, quickly got to work in apprehending cattle thieves for the local paper stated, "Mr. O'Brien, the active Magistrate of Yass, has again brought another cattle stealer to the tribunal of justice. A man named John Bold, holding a Ticket of Leave and residing in the district of Yass, was charged on Tuesday with stealing cattle about 18 months ago. With two other men, he had driven 18 head of cattle from the herd of Mr. Guize, for the purpose of stealing them. They were sold. The public cannot be too grateful to Mr. O'Brien for rooting out a nest of cattle stealers, probably the worst in the colony.

Despite his absence of five years from the Wollongong area, Cornelius O'Brien still retained an interest in the activities of the Roman Catholic community for on October 13, 1840 at the laying of the foundation stone of St. Francis Xavier's Roman Catholic Church at Wollongong he donated £35. The *Australian Chronicle* of October 20 described the ceremony.

The Right Reverend Bishop Polding who had arrived the night before with six other clergymen was appointed to perform the important function and long before the hour arranged the square was

thronged with persons of every age and station from all parts of Illawarra, Wollongong, Dapto, Jamberoo and Shoalhaven as well as some from Sydney, although a number from that town were disappointed because the steamer they were to arrive on was too late in leaving and did not make it in time. Wollongong had never seen so many assembled, not even on the occasion of Governor Bourke's visit six years earlier. At 10 o'clock the band played "Adeste Fideles" and a procession of 200 children started. The Bishop addressed the gathering at length, then blessed all present. It took nine years to erect the building.

As a matter of interest, the foundation stone of St. Michael's Church of England was laid the next day but owing to a costly lawsuit with the contractors, which ate away not only the money subscribed but also the government subsidy, the building was delayed for seventeen years.

The year 1842 was a drought year - one of the worst ever known to the western squatters. Month after month went by without a drop of rain or even a cloud to soften the scorching rays of a pitiless sun. The swamps, creeks, billabongs and even the rivers dried up or became bogs. A panic spread through the western lands as the grass parched to tinder and huge bushfires swept across the arid plains. Skinny and weak, the herds from the plains were driven into the river-frontage stations and offered at bargain prices, others being auctioned at Emu Plains and Goulburn.

The market was glutted. The price of bullocks fell from six pounds to six shillings and those who had put all their money into cattle tried vainly to put all their cattle back into money. On top of that came news of a calamitous fall in the price of wool on the English market. The enormous increase in Australia's production had glutted the English warehouses and woollen factories. So the sheep men as well as the cattle men feared ruin. Lenders of money in the city demanded their money back; banks failed and as the squatters had no title to their land their flocks were their only assets.

More and more cattle were sent to market and cattle sold at 1s each and sheep at sixpence per head, with few takers even at that price. By the end of the year the O'Brien brothers faced ruin, but in January 1843 Henry, who had refused to sell their sheep, suggested that they should boil them down for tallow. The suggestion was tried and it was found that each sheep yielded six shillings to ten shillings worth of tallow. As there was a ready and unending market for the product in Europe, boiling down vats were secured and sheds for the purpose erected. The idea spread rapidly through the colony and soon there were boiling down works in every district in New South

Wales. The export of tallow reached colossal figures.

The prices of sheep and cattle began to rise again and by the end of 1843 the back of the slump was broken. Then it rained and rained and rained. Tremendous floods set in. The Lachlan and the Murrumbidgee rivers became surging torrents. Everything was swept before the raging waters: houses, cattle, sheep, pigs, poultry and haystacks. Livestock in their weakened condition after the drought were drowned in thousands, their carcasses being deposited in the branches of trees. Many human beings were drowned too. So nature took a hand in the game of supply and demand. All the stations had to re-stock. Buyers were more numerous than sellers; prices rose and the economy returned to a more normal condition.

The O'Briens, like all graziers in the south west, were heavy losers although they were more fortunate than most having the river front selections, though the river dried up eventually.

It was in the year 1843 that Cornelius O'Brien became involved in a matter that showed he had come under the influence of his brother Henry who was known in the district as the black tyrant, especially in his treatment of his convict labourers. The following is an account of two incidents from Mary E. J. Yeo's *Early Days of Yass* "A quarrel which greatly stirred the populace of the Yass District and resulted in the removal of the Police Magistrate was that between the presiding P.M. (Mr. J. R. Hardy) and Nicholas Richard Besnard. The Sydney press evidently thought these quarrels of sufficient importance to give considerable space and the *Colonial Observer* (Sydney), of 1843, tells of its beginning thus:

"Yass Court of Revision. J. R. Hardy Esq. P.M., presided, assisted by assessors C. O'Brien and Henry O'Brien Esqs. Js. P. The name of J. Richard Hardy Esq. having been called from the list of electors, Mr. Nicholas Richard Besnard rose and in a short but respectful address, he objected to Mr. Hardy's claim. He supported his objection by stating that Mr. Hardy was not possessed of money, goods or chattels of the amount required by Act of Imperial Parliament; nor had he any other qualifications either as a freeholder or a tenant, and further, that it was well known fact that Mr. Hardy had mortgaged the whole of his property to Mr. Jobbins (formerly a butcher of Sydney but now a resident grazier at Yass).

To Mr. Besnard's candid statement Mr. Hardy positively refused to give any explanation of, or relating to the property on which he claimed his right as an independent elector.

Mr. Cornelius O'Brien supported Mr. Hardy in his refusal to explain, inasmuch as Mr. Hardy's mere assertions were to him (C. O'B) quite sufficient; not so, however, was the opinion of the other

assessor (Mr. Henry O'Brien) who strongly objected to Mr. Hardy's and his brother assessor's view of the case, and very independently decided against Mr. Hardy's claim, when to the great amazement of the audience assembled he (Mr. John Richard Hardy, the presiding magistrate) actually gave his own casting vote in his own favour!!!

"Mr. Besnard protested against this unconstitutional proceeding which was replied to by Mr. Hardy in terms which were only distinguished for the insolent vulgarity, and commanding Mr. Besnard to hold his tongue. Mr. Besnard repeated his objection when Mr. Hardy shouted out, "If you don't hold your tongue, Sir, I'll send you to gaol".

Mr. Besnard was not, however, disposed to be frightened at the threat, but persisted in his objection and replied, "At your peril, Sir; and I now also object to your sitting as presiding magistrate and voting in your own favour".

"When Mr. Besnard had ended his reply, Mr. Hardy, without further comment or ceremony committed Mr. Besnard to gaol for 7 days, and that gentleman was accordingly removed instantly and locked up in the cells.

"It was gratifying to remark that the assessors looked very gravely on, and refused to muddle in any way whatever with arbitrary and tyrannical transaction, in fact they seemed to be flabbergasted at the hardihood of their president."

"The correspondent concludes, "Permit me to state that Mr. Besnard is a gentleman by birth and education, the father of a family and has been long suffering.

Two months later (July 5, 1843) the *Colonial Observer* records that Mr. Besnard was brought up on a warrant issued at the instance of Mr. Cornelius O'Brien charging him with having libelled his character. The sitting magistrates were the Police Magistrate (J.R. Hardy), Captain Macdonald and William Adye, Esq.

"The proceedings were commenced by the Clerk of the Bench reading Mr. C. O'Brien's deposition to the effect that the charges contained in the following letter were false and malicious: Kiangara, Burrowa, Yass, 21st April, 1843. Sir, I have the honour to request that you will lay the following statement before His Excellency the Governor: Mr. Cornelius O'Brien, a magistrate of the territory, is in the habit of taking the law into his own hands and inflicting summary chastisement on any of the lower order who may happen to incur his displeasure.

"I am led to make this statement from having myself seen Mr. O'Brien a short time since, on the Race Course here, inflict severe

punishment upon a person then in custody of two constables. A person of the name of William Davis died some months since in the house of Theodore Pike, then residing near the Courthouse in the township of Yass.

"Davis on his death bed declared that he was dying from the effects of a beating inflicted on him by Mr. O'Brien because he had applied to him for the balance of his wages. The man's declaration was reported to the Police Magistrate before his death. Davis's death was also reported to him.

"I am not aware whether any enquiry was made prior or subsequent to his death as to the truth of Davis' declaration, nor do I go the length of charging Mr. Cornelius O'Brien with the grave offence imputed to him by the dying man; but I would respectfully submit to his Excellency that the matter should have been enquired into, and indeed ought now to be enquired into, as it is notorious in the neighbourhood and looked upon by all classes with the greatest indignation.

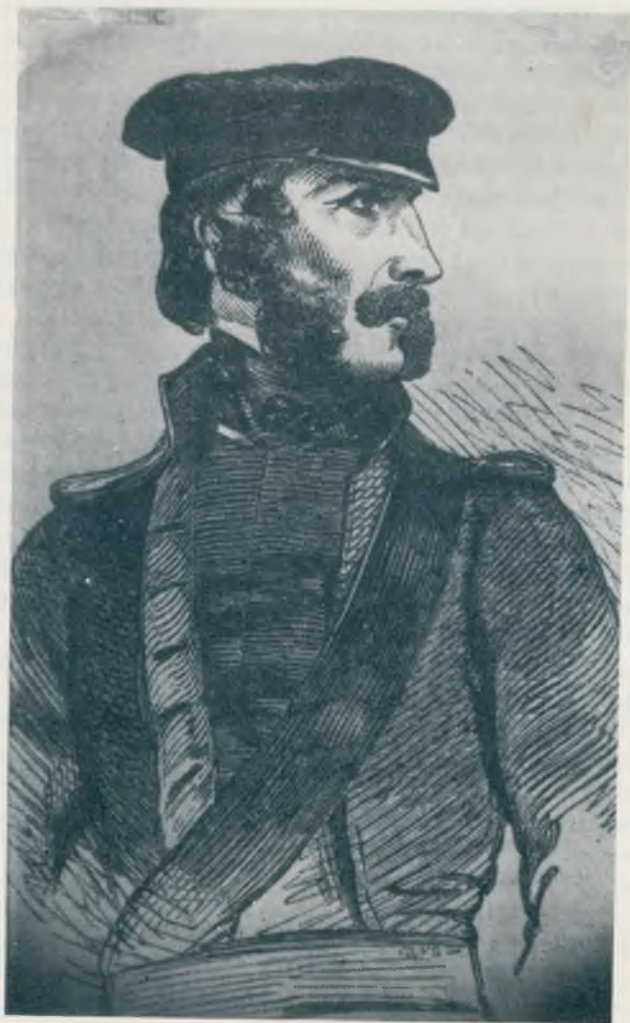
"I am unwilling to trespass on his Excellency's time, but I think it right to refer to the case of Mr. O'Brien's assigned servant (McLaughlin, I believe) who was so severely beaten by him in the presence of Mr. Hardy, Mr. G.C. Stewart and one or two of the mounted police, that the man was obliged to be forwarded to the Goulburn Hospital. I have the honour to be, Sir, your very obedient servant. (Signed) Nicholas R. Besnard. To the Honourable, The Colonial Secretary, Sydney.

The letter having been at Mr. Besnard's request handed to him, that gentleman said, "Every word of that letter is in my handwriting, and every charge contained in it, I believe to be true. My witnesses are in attendance, and I am ready to prove the obligations if the court will receive it.

"The court declined receiving proof, when Mr. Besnard further contended that it was a privileged communication to the head of the Executive, concerning the misconduct of one of its officers, and involved no criminality or offence against the public on his part.

"As the court declined going into the proof Mr. Besnard availed himself of a legal objection of the informality of the warrant and insufficiency of the affidavits. The majority of the bench entertained the objection and having dismissed the case intimated to Mr. Besnard that he was discharged.

"Mr. Besnard was leaving the Court when he was again arrested by the direction of Mr. Hardy without his issuing any fresh warrant. He was again placed at the bar and asked by Mr. Hardy whether he had any thing to say why he should not be committed to take his trial.



John Richard Hardy

"Mr. Besnard contended that he had already been discharged by a majority of the bench, and he protested against the whole proceedings. Mr. Hardy, notwithstanding, committed him to take his trial, and desired the constable to remove him to the lock up.

"Mr. Adye recommended Mr. Besnard not to submit to the arrest and Mr. Besnard did so far resist, as to declare his intention of not proceeding with the constable, "unless force were used", upon which Mr. Hardy shouted, "You won't, won't you?" and rushed from the bench collared Mr. Besnard with both hands, and with the constable's assistance was violently pushing him from the bar towards the door, the plaintiff, Mr. C. O'Brien, vociferating as he also rushed along in their wake, "Seize him constable! Constable do your duty." Mr. Besnard then said, "That's sufficient, I now tender bail" which was accepted.

Whilst he was living in the Illawarra as a Justice of the Peace and later as a Magistrate, no incident has been recorded to the detriment of Cornelius O'Brien's behaviour but conversely he sought ways and means to improve the lot of the settlers in the area. However he came into conflict with his brother by selling "Cooma" to Hamilton Hume in opposition to Henry's wishes and by doing so incurred his anger to such an extent that Henry never spoke to him again. He left "Hardwicke" and took up residence at "Bendinine" where he lived for over 20 years, in the capacity of a Police Magistrate presiding over the Bench at the Binalong Court.

He died at "Benindine" on July 4, 1869. The account of his death appeared in *Freeman's Journal* of July 10. It read: "It is our painful duty to have to record the death on July 4th, of Mr. Cornelius O'Brien, who breathed his last at his residence "Benindine" at 7 o'clock on Sunday morning at the age of 73 years. Mr. O'Brien was a resident of Yass and its immediate neighbourhood for upwards of thirty-four years. We believe he was born in the County of Wexford, Ireland, and arrived in this Colony at a very early age, towards the close of 1815. He then, at that early period of the Colony, settled in the Illawarra District, where he remained for about twenty years when, at the invitation of his brother, the late Mr. Henry O'Brien, who was in the Colony many years before him, he came to the Yass District, and after a while he built and resided at "Cooma", the present residence of Mr. Hamilton Hume, to whom O'Brien sold that property. He then took up his residence at "Hardwicke" and finally removed to "Bendinine", where he lived for twenty years. Mr. O'Brien was about one of the oldest Magistrates in the Southern Districts, if not in the Colony. He was appointed to the Commission of the Peace shortly after his arrival in the Colony and in the early

days of Yass when acting in his Magisterial capacity, though some may have considered him severe, yet he was just. It has only been on one or two occasions of the late years that he has performed the duties of Magistrate on the Yass bench, he having devoted most of his time to the Binalong Court. He married in early years at Appin a daughter, Rebecca, of William Broughton Esq and sister of Wm H. Broughton of Broughtonsworth and leaves no issue. His death was not unexpected, as his health had been on the decline for some time previously. He received the Sacraments of the Holy Catholic Church and his remains were interred in the Roman Catholic Cemetery at Yass."

Several errors are apparent in this account. He was 71 years of age when he died. It was near the end of 1814 when he arrived in the Colony. He was 24 years of age when he married and he was not created Justice of the Peace until he settled in the Bulli district and while there in 1834 he was made a Magistrate.

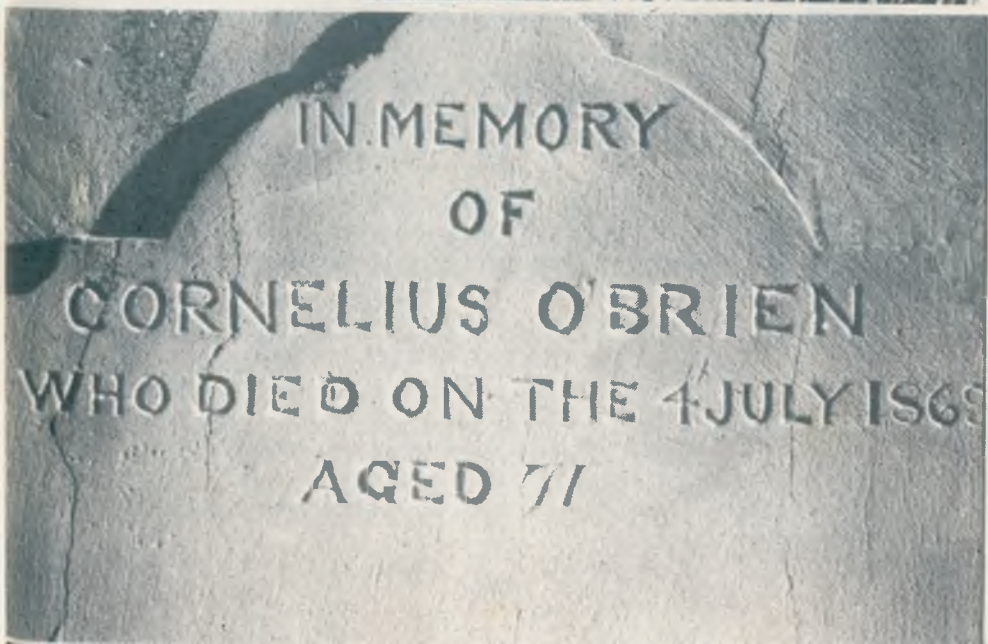
His brother Henry O'Brien died a few years before him and was buried in a vault at "Douro" for fear that it would be desecrated by revengeful assigned servants on account of the diabolical treatment meted out to them. It was removed in later years to the cemetery at Yass where it may still be seen close to the headstone at the grave of Cornelius in the Roman Catholic portion on the hillside.

THANKS

For assistance in the compilation of this paper I wish to thank Mr. W. Bayley and Miss McDonald of the Illawarra Historical Society and I am indebted to the Librarians and assistants of the Mitchell and Dixon Libraries at Sydney.

*Grave of Cornelius O'Brien
in the Roman Catholic
Portion of Yass General
Cemetery.*

WILLIAM A. BAYLEY



FOUNDATION OF BULLI

Recently material newly located by some of our members and published in the Bulletin and booklets from time to time has thrown some doubt on previously published statements and preconceived ideas on the date of the foundation of Bulli.

There is no doubt that Cornelius O'Brien arrived in New South Wales in 1815 and worked on his uncle Charles Browne's farm at Abbotsbury in the Appin district, from which he advanced in subsequent years to the Illawarra coast. When in 1817 William Browne drove cattle into Illawarra he must have followed Charles Throsby Smith's track down Regent Mountain to Bulli, there being no other recorded route in use to that time.

Cornelius O'Brien managed "Athlanlin" property, later called Yallah, for his uncle and in 1817 is recorded as having sold beef to the army. A notice on March 21, 1818, described O'Brien as being "of Illawarra." He applied for a grant of land for himself in July 1820 when he stated that he owned £1000 worth of cattle.

Allan Cunningham the botanist visited Illawarra from October 19 to November 19, 1818. He travelled by way of Liverpool and "the King's Fall" and reached the "Mountain Top" overlooking the sea-coast and "country in the vicinity of Five Islands" on Wednesday, October 21.

He camped the night there and on the following morning sent his servant down with the packhorse loaded with luggage which the latter left "... in the charge of a new settler, who had erected a temporary hut on the sea-shore, about 2 miles east of the mountain's foot."

The servant returned to the top of the mountain with the packhorse at noon. They loaded again and went down to the seashore, recording, "Arriving at the palm-thatched hut of the settler, who very liberally offered me part of the same, we halted for the night ..."

On his return journey on Friday, November 13, Cunningham reached again the "settler's hut" where he spent the night with his servant. The following day (Saturday) was spent entirely carrying the luggage up the mountain to the hut at the top.

Nowhere does Cunningham record the name of the "new settler" so that any conclusion can only be conjecture. However, in view of the knowledge that O'Brien was "of Illawarra" in March 1818 and that subsequently he secured legal right to the land at Bulli, it may well be that in October 1818 he had erected a "temporary hut" at Bulli and that he had begun to build up his private stock by letting them run there. There is no record that anybody else had settled there at the time.

On March 31, 1821, O'Brien received from Governor Brisbane a grant of 300 acres which he selected at Bulli between Bulli Point and Waniora Point and extending back to the mountain on the west.

Subsequently on April 7, 1821, he sought financial help from landowners to construct a road up from Figtree to a break in the mountains afterwards called O'Brien's Gap and so to the Cataract River and Appin, thus shortening the route via Throsby's track up the mountains at Bulli. To be interested in the shorter route he must still have been on his uncle's farm south of Figtree. His appeal for funds must have succeeded for the *Sydney Gazette* of January 18, 1822, stated that O'Brien's Road had been completed.

Meanwhile on his tour to Illawarra, Governor Macquarie and his party on January 15, 1822, camped towards Illawarra from Appin near the Loddon River, a tributary of the Cataract River.

"Mr. Cornelius O'Brien joined us at this station . . ." wrote Macquarie next morning. When they reached the summit Macquarie named the peak Regent Mountain and descended it. He wrote: "We arrived at a creek containing a very pretty stream of fresh running water about 1 ½ miles from the foot of the mountain . . . and here we halted for breakfast . . . I have named this stream of fresh water Throsby's Creek in honor of Mr. Throsby who first crossed it on his descending the Regent Mountain . . . Having breakfast we pursued our journey . . ."

That creek today is Slacky Creek running from Slacky Flat to the sea between the two points.

Cornelius O'Brien was in the party and if he resided at Bulli Point at the time surely would have welcomed Governor Macquarie and the latter would have mentioned it in his diary.

The party travelled on through the site of Wollongong, stayed at Browne's for the night and returned by "O'Brien's new road" which led through O'Brien's Gap.

The Bulli grant had evidently not been developed (other than, perhaps, for grazing) at that stage. Cornelius O'Brien on October 10, the same year married Rebecca Broughton at St Peter's Church of England at Campbelltown.

O'Brien apparently worked in earnest at Bulli and soon had too many cattle there, applying to the Governor for grants at Yass and East Bargo to depasture many cattle and sheep.

Soon afterwards, however, he turned to the Kangaroo Ground for which on October 24, 1823, he applied for a ticket of occupation instead of in the south-west. He soon sent his cattle over and in September 1824 drew a fairly accurate map of the whole valley.

Meanwhile N.S. King records that O'Brien built a house and barns with 4½ miles of fencing; built a schooner and cultivated 90 acres, producing crops of wheat. James Jervis states that O'Brien's was the only house in Bulli in 1825.

An advertisement in *Sydney Gazette* of July 2, 1828, shows that the harbour (Bulli Bight) was a quarter of a mile from the house, which would place it about Somerville and Point Streets at Bulli today, confirmed by Mitchell's map of 1834 which marks the position of a cottage.

Meanwhile Dr Alick Osborne in November 1832, on his first visit from Sydney to Illawarra by riding on horseback via Campbelltown to Appin, mentions the most steep, rugged pass down the mountain to "... the residence of Mr. O'Brien whose windmill is a land-mark in the wilderness."

"The name is sufficient to assure the wayfarer of every kindness and hospitality; it is literally the oasis in the desert where the unaffected cordiality and frankness of an ancient Irish family give double zest to the excellence and abundance of their domestic fare."

By 1836 Cornelius O'Brien had sold his Bulli holdings and moved to Yass.

From the above evidence it would appear that subsequent to the writing of *Black Diamonds* in 1956, material brought to light would show that the year of settlement of Bulli was later than 1815 stated in the first edition and 1817 in subsequent editions. Cornelius O'Brien was certainly the founder but it appears from evidence so far available that he secured his grant at Bulli in 1821 but that his house there was built in either 1822 or 1823.

— W.A. Bayley

