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Early Land Settlement in Illawarra 1804-1861

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Early Land Settlement in Illawarra 1804-1861

Abstract

The writer of this story was born in Illawarra over 76 years ago [c1857], and during his childhood and youth he shared in the experiences and struggles of the pioneer settlers in that rich and beautiful portion of the State. In this story he has attempted to give a detailed account of the manner in which the Crown Lands of Illawarra were disposed of, for the information of all who are interested in matters pertaining to Illawarra, and, more particularly, the large body of farmers now occupying those lands, many of whom are descendants of the pioneers who came from England, Ireland and Scotland, and settled on the Estates of the early grantees from the "thirties" to the "sixties" of last century. To these, and their descendants, this story is respectfully dedicated.

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EARLY LAND SETTLEMENT IN ILLAWARRA

(1804-1861)

by

Benjamin Lindsay

[Originally Published 1934]

Compiled and Edited by Michael Organ & A.P. Doyle

Illawarra Historical Publications

1994

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c Michael Organ & A.P. Doyle

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Illawarra Historical Source Books

This book is one of a continuing series to be published as aids to the study of local history in Illawarra. Some thirty works are at present in preparation or contemplation. The series' objectives is to provide low-cost authentic source material for students as well as general readers. Some of the texts will be from unpublished manuscripts, others from already published books which however are expensive, rare, or not easily obtainable for reference. They may well vary in importance, although all will represent a point of view. Each will be set in context by an introduction, but will contain minimal textual editing directed only towards ensuring readability and maximum utility consistent with complete authenticity. Each book will be fully indexed and appropriately illustrated where possible, with maps and diagrams where needed.

In this way the student will have a reliable source-book from which to work; there may be editorial warnings, footnotes or endnotes, as well as occasional additions in square brackets, for instance, as guides to the identity of peoples and places. Yet in general the student will be left with the raw material of history out of which, with more research, opinions can be formed. The general reader will have a segment of history with aspects of Illawarra's communal life which can be accepted and enjoyed for its own interest, and indeed fascination.

Edgar Beale

NB: On pages 20-22 Lindsay has included a partial transcript of an 1833-4 diary from J.S. Spearing's property. This contains some errors and the reader is referred to W.G. McDonald's definitive edition of the Paulsgrove Diary (Illawarra Historical Society, Wollongong, 1988).

Acknowledgement

I would like to thank my wife Jeanette for typing the text from the *Illawarra Mercury*; and A.P. Doyle for his many editorial comments. Also to the staff of the Reference Section, Wollongong City Library, for their assistance over the years in compiling Lindsay's articles and obtaining both biographical and local material to assist in the task of minor editing of the work.

Michael Organ
1 February 1994

| Contents | | Page |
|----------|---|------|
| | Early Land Settlement in Illawarra | 1 |
| 1 | First Glimpses of Illawarra. Early Coastal Voyages. [<i>Illawarra Mercury</i> , 2 February 1934] | 2 |
| 2 | Early Land Settlement outside Illawarra Reviewed. Needs of Cattlemen and Cedar Getters Lead to Penetration of Illawarra. [<i>Illawarra Mercury</i> , 9 February 1934] | 3 |
| 3 | Occupation of Pasture Lands in Illawarra under Free Grazing Permits. Difficulties of Transport of Stock. [<i>Illawarra Mercury</i> , 9 February 1934] | 5 |
| 4 | Occupiers Under Grazing Permits and Others Obtain Promises of Grants - Meeting between Them and the Surveyor General at Mr Throsby's Stockman's Hut at Five Islands. [<i>Illawarra Mercury</i> , 16 February 1934] | 6 |
| 5 | Particulars of First Issue of Grants in Illawarra. [<i>Illawarra Mercury</i> , 16 February 1934] | 7 |
| 6 | Particulars of Grants at Shellharbour. Epitome of D'Arcy Wentworth's Career. Remarks on Other Grantees. [<i>Illawarra Mercury</i> , 16 February 1934] | 9 |
| 7 | Particulars of Further Grants to D'Arcy Wentworth in Illawarra. [<i>Illawarra Mercury</i> , 23 February 1934] | 11 |
| 8 | Extent of D'Arcy Wentworth's Peterborough Estate. The Shell Lime Industry. Early Use of the Little Port at Shellharbour. [<i>Illawarra Mercury</i> , 23 February 1934] | 12 |
| 9 | Particulars of Grants to William Brown, the "West Horsley" Grant, and other Grants in the Vicinity of Dapto. [<i>Illawarra Mercury</i> , 2 March 1934] | 14 |
| 10 | Regrading the "Macquarie Gift" Grant to Major Johnston and the Later Grants to David Johnston and Isaac Nicholls. [<i>Illawarra Mercury</i> , 2 March 1934] | 15 |

| | | |
|----|---|----|
| 11 | Particulars of Grants to Lang and Gerard and Mrs Jemima Jenkins. Remarks on Traffic in Land Orders. [<i>Illawarra Mercury</i> , 2 March 1934] | 16 |
| 12 | Particulars of Grants near Wollongong and to the North Thereof. Transfer of Official Centre from Red Point to Wollongong. [<i>Illawarra Mercury</i> , 9 March 1934] | 18 |
| 13 | Mr J.S. Spearing's Occupation under promises of grant at Wollongong. Entries in an Old Diary kept by an Employee of Mr Spearing in 1833. [<i>Illawarra Mercury</i> , 9 March 1934] | 20 |
| 14 | Particulars of Avondale, Marshall Mount, and Calderwood Grants and of grants to Henry Osborne in Other Localities. Remarks on Cattle Thieving in Early Days. A Tribute to Henry Osborne. [<i>Illawarra Mercury</i> , 16 March 1934] | 22 |
| 15 | Particulars of Grants South of Macquarie Rivulet in the Albion Park District. [<i>Illawarra Mercury</i> , 16 March 1934] | 25 |
| 16 | Disposal of Land Between the Free grants and the Mountain Summits, and Remnants Elsewhere, North of the Minamurra River. [<i>Illawarra Mercury</i> , 23 March 1934] | 26 |
| 17 | Reference to the Land South of the Minamurra River and North of the Berry Estate, in the Kiama, Jamberoo, Gerringong District. [<i>Illawarra Mercury</i> , 23 March 1934] | 27 |
| 18 | Berry Estate. Epitome of Alexander Berry's Career. Analysis of Free and Purchase Grants in the Berry Estates. Disposal of the Remaining Land on the Mountain Slopes South of Minamurra River. [<i>Illawarra Mercury</i> , 29 March 1934] | 30 |
| 19 | Review of Settlement in Illawarra 1804-1861. Comments on Use Made of Auction Sale Regulations in Building Up the Berry Estate. [<i>Illawarra Mercury</i> , 6 April 1934] | 34 |

| | | |
|----|--|----|
| 20 | Difficulties Encountered by Land Owners and Small Settlers Using Land for Agriculture in Early Days. [<i>Illawarra Mercury</i> , 6 April 1934] | 35 |
| 22 | The Advent of Small Settlers on Large Estates. [<i>Illawarra Mercury</i> , 13 April 1934] | 36 |
| 23 | Disbursement of the Large Estates. Conditions under which Small Settlers acquired the Freehold of their Farms. North and South of the Minamurra Compared. [<i>Illawarra Mercury</i> , 13 April 1934] | 37 |
| * | Epilogue - Glimpses of the Past. [<i>Illawarra Mercury</i> , 6 April 1934] | 39 |

A Story of
EARLY LAND SETTLEMENT IN ILLAWARRA

By Benjamin Lindsay

(Late Chairman of the Lands Board, Department of Lands, N.S.W.)

The writer of this story was born in Illawarra over 76 years ago [c1857], and during his childhood and youth he shared in the experiences and struggles of the pioneer settlers in that rich and beautiful portion of the State. In this story he has attempted to give a detailed account of the manner in which the Crown Lands of Illawarra were disposed of, for the information of all who are interested in matters pertaining to Illawarra, and, more particularly, the large body of farmers now occupying those lands, many of whom are descendants of the pioneers who came from England, Ireland and Scotland, and settled on the Estates of the early grantees from the "thirties" to the "sixties" of last century. To these, and their descendants, this story is respectfully dedicated.

In the search for material on which to build up this story, the writer was confronted with the fact that no less than two Histories of Illawarra had already appeared in print; one by the late Judge McFarland, entitled *A History of Illawarra and Manaro*, published in 1872; and the other by Mr Frank McCaffrey, entitled a *History of Illawarra*, published in 1922.

The writer hopes he will not be deemed presumptuous in adding yet another "story" to the literature of Illawarra. He has endeavoured - whether successfully or not is for the reader to say - to give the particulars regarding the grants and grantees in a more detailed form than has hitherto been presented.

The writer has to acknowledge his indebtedness to the authors mentioned for the great help afforded by them; to the Under Secretary for Lands, Mr T.W. Irish, who generously afforded him access to the old records and the official maps of the Lands Department; and to the officials of the Mitchell Library and the Free Public Library for the information obtained at those institutions.

Chapter 1

First Glimpses of Illawarra

Early Coastal Voyages

From the date of the first settlement under Governor Phillip in 1788, to the time of Governor King, very little was known of the Illawarra district. Captain Cook, when sailing along the east coast of Australia in 1770, located the headland at Port Kembla and named it "Red Point". He also noted in his journal that "to the north-west of Red Point, a little way inland, stands a round hill, which looks like the crown of a hat". This refers to Mount Kembla, which thus came to be known as "Hat Hill" in early times.

Early in the year 1796 Bass and Flinders - the former a surgeon and the latter a midshipman in the navy - accompanied by a boy, voyaged along the coast south from Sydney in a small boat, which they called "The Tom Thumb". It has been gleaned from their journal that, with a view to obtaining fresh water, they landed on the beach somewhere near the Tom Thumb Lagoon, so called after the name of their small craft. While searching for fresh water they encountered some natives at Red Point near by, and from them they learned that fresh water could not be obtained there. The natives also told them of a "river" further south, where they could get fresh water and fish and wild ducks in abundance. An offer by the natives to pilot them there was accepted and, on reaching this river, they found it to be merely an outlet through the beach to the sea, from what they assumed to be a swamp of lagoon. They managed to effect an entrance in the boat and obtained fresh water from a water-hole near the lagoon.

By that time a number of other natives had appeared on the scene and assumed a threatening attitude, and the little party must then have realized their defencelessness in event of hostilities. Their boat had been overturned when landing through the surf at the Tom Thumb Lagoon and their powder was wet. Flinders had clipped the beards of two of the natives at Red Point, and in order to keep them amused while the powder was being dried, he now started clipping the beards of several more. When, however, the muskets were being handled, the natives became alarmed and they had to desist. Apparently the natives were bent on preventing the party returning to the sea, and began in an excited and threatening manner to urge them to go further inland. By adopting a ruse they eventually were fortunate enough to get back to deep water and safety.

There can be no doubt that the scene of this episode was the entrance to Lake Illawarra, though it is clear the voyagers were not aware of the existence of the large sheet of water so close at hand. Had they gone only a little further inland, they would have been its discoverers, but, as the sequel will show, they might never have been heard of again.

In May, 1797, the ship **Sydney Cove** was wrecked on the Furveaux Islands. Some of the officers and crew escaped from the wreck in a long boat, which was driven ashore

near Cape Howe. The shipwrecked party then commenced a long and terrible trek along the coast from Cape Howe to Sydney. The survivors of the party were met at Watta Molla, near Port Hacking, and taken to Sydney. The others had been ambushed and killed by natives at Hat Hill (Mount Kembla), which serves to show what might have been the fate of Bass and Flinders, and the boy, had they not succeeded in getting away from the natives at the entrance to Lake Illawarra the year before.

In the course of their journey along the coast the shipwrecked party came across indications of the rich coal deposits near Bulli, and on this being reported, Surgeon Bass was dispatched (during 1797) in a whale boat to make investigations. It was on this voyage, apparently, that Point Bass was located and named. Bass also landed "at a little bight just south of Illawarra", regarding which he has left on record "that he discovered, close to where he landed, in a hollow circular space among the rocks, a hole 25 to 30 feet in diameter, into which the sea rushed by a subterranean passage". The "little bight" is Kiama boat harbour, and the Blow Hole is known to everyone. After leaving Kiama he went some distance further south and entered an inlet, which he called the Shoals-haven, owing to it being so much shoaled up by sand and mud. He also went a short trip inland from there and discovered the Shoalhaven River.

These voyages, apart from whatever value they were in determining more accurately and naming the features of the coast line, gave little or no information from which any knowledge of the richness of the Illawarra district could have been gleaned. Even Bass's location of the outcropping coal seams at Coal Cliff was not deemed worth while exploiting by those in authority.

In the year 1804 Governor King dispatched Captain Kent to explore the South Coast as far as the Shoalhaven River, but no record can be found of this exploration beyond the notice of Captain Kent's return on 3 March 1804.

Chapter 2

Early Land Settlement Outside Illawarra Reviewed

Needs of Cattlemen and Cedar Cutters Lead to Penetration of Illawarra

In presenting the full story of the settlement of Illawarra, it is necessary to refer to the spread of settlement in the older settled districts during the first 20 years, from the arrival of the First Fleet in 1788 to the year 1808, which embraced the terms of office of Governors Phillip, Hunter, King, and Bligh, and an interregnum of 3 years between the departure of Phillip and arrival of Hunter, during which Major Grose (for 2 years) and Colonel Paterson (for 1 year) acted as Lieutenant Governors.

In the beginning settlement was promoted on the poorer lands lying close to the small settlement at Sydney Cove. Wheat was grown at places now covered by the City and its densely packed suburbs, and at Ryde and Parramatta at a very early period, to help meet urgent needs of the settlement.

Subsequently the richer lands of the Hawkesbury and Nepean, and the rich pasture lands about Camden were discovered. This led to the spread of settlement of the barrier of the Blue Mountains on the west, opening up the districts of Windsor, Richmond and Penrith; and in a south-westerly direction, opening up the districts of Liverpool, Campbelltown, Camden, etc. The lands in those districts were largely settled in the days of Governors Phillip, Hunter, King and Bligh, under free grants made by the Governors, the sole prerogative of granting land being vested in and freely used by them.

The herds of the cattlemen in these districts had increased considerably by the time of Governor King; and owing to this and the occurrence of periods of drought, feed became scarce, and the need for an outlet to fresh pastures became urgent.

Cedar cutting had also become an important industry in the young Colony, and it was inevitable that the more adventuresome of the cedar cutters would penetrate the mountain barrier on the northern approaches to Illawarra in search of this valuable soft wood. They would have learned from the natives, who were in the habit of making frequent journeys to Lake Illawarra from the Tablelands, of the existence of large quantities of Red Cedar in Illawarra. It can be safely conjectured there is no person now living who could impart first-hand knowledge as to the quantities of this valuable timber then growing there.

A book was published in the year 1872 by the late Judge McFarland, entitled *A History of Illawarra and Manaro*. The author of this very interesting little volume had the advantage of being able to work up some of his matter from first-hand information. The particulars he obtained from Mr David Smith, of Kiama, who was one of the early cedar cutters - having first entered Illawarra in 1821 - are extremely valuable. According to Mr Smith "there was scarcely a creek or stream, valley, ravine or gorge between Bulli and

Broughton Creek, that was not dotted with cedar trees, many being of great size and beauty". In particular, the country about Kiama seems to have been specially prolific in cedar timber, for Mr Smith mentioned that the site now occupied by the town of Kiama "had some noble cedars upon it".

The position, therefore, was that the pioneers of two important industries were seeking an outlet into Illawarra - the cedar cutters for its wealth of Red Cedar and the cattlemen for its pasturage - at about the same time; and mainly through their combined efforts the difficulties in reaching Illawarra through the northern mountain barriers were ultimately overcome.

The customs of the natives helped the pioneers considerably. The tribes were constantly on the move from the Tablelands and all parts of Illawarra to the shores of Lake Illawarra, owing, probably, to the abundance of fish and wild fowl there, as well as in connection with their corrobore and other ceremonies of an inter-tribal nature; and the age-long trails used by them, down the mountain barriers and through the dense brushes, were used by the pioneers.

Chapter 3

Occupation of Pasture Lands in Illawarra under Free Grazing Permits

Difficulties of Transport of Stock

The discovery of the existence of good pasture land in Illawarra led to the cattlemen of the older settled districts of the Colony obtaining permits from the Governor to run their stock on the grassed lands surrounding Lake Illawarra, extending along the Coast from Red Point (Port Kembla) southerly to the Minnamurra River, and in a westerly direction along the Valley of the Macquarie Rivulet.

The natural obstacles to the passage of stock overland from the settled districts were considerable. As far as can be gathered from early records it would appear that long before a passable route for stock down the mountain barrier had been provided, cattle and other stock were brought there by boat.

In his *History of Illawarra*, Mr McCaffrey states that the first lot of cattle to arrive in Illawarra were sent there in Governor King's time; that they were conveyed there by boat under charge of David Nicholls; and were landed at Five Islands. He also states that Major Johnston's cattle (from his Liverpool Estate) were sent to Illawarra during the drought in 1803-4. As this would also have been in Governor King's time, the same lot of cattle are, in all probability, referred to, especially as the David Nicholls mentioned was in the employ of Major Johnston. In the *Sydney Gazette* of 18 March 1815, the following item of news appears:

A considerable extent of fine grazing ground is described by late travellers to be about the Five Islands, to which, however, it would be thoroughly impracticable to convey cattle by land; and between Port Aiken [Hacking] and the Five Islands a fine stratum of coal shews itself for the extent of several miles.

There seems, therefore, to be good reason for the assumption that from the years 1803-4, when the first cattle were brought to Illawarra by boat, to - at the very least - the year 1858, the only way cattle could be brought to Illawarra from the north was by boat.

The reason for qualifying the above statement by the words "from the north" is explained in this way. A stockman named Joe Wild, employed by Mr Charles Throsby of Bong Bong, is credited with being the discoverer of Illawarra - probably in the sense that he may have been the first to discover its possibilities from a cattleman's point of view. It is probable that, in seeking fresh pastures in the interest of his employer, and using the tracks or trails of the natives, he may have found a way down the mountain from Bong Bong, and succeeded in getting stock into Illawarra from that direction, before a passable route for stock had been made from Campbelltown, Appin, etc.

In order to show that between the years 1815 and 1821 a passable route for the

passage of stock into Illawarra from Campbelltown way had been provided, the following extracts from the *Sydney Gazette* of the year 1821 are quoted.

In the *Sydney Gazette* of 7 April 1821, Mr Cornelius O'Brien informs proprietors of land in Illawarra that a track, much shorter, and of far less and more gradual declivity, had been discovered; and suggests that they subscribe £1 each, among not less than seven of them, to have the work of cutting away the brush, etc., done, to make a passage for stock.

In the *Sydney Gazette* of the 18 May following, is an account of the visit of Governor Macquarie to Five Islands, via the Cowpastures (Camden), from which the following is a verbatim quotation:

We can state with unquestionable authority that the reports circulated with respect to travelling the "Subscription Road" recently constructed under the superintendence of Mr Cornelius O'Brien, from Appin, across the Cataract River, to Illawarra or Five Islands, by Mr Brisbane, are unfounded; that road being not only passable and safe for cattle, but is also what may be called a good bridle road, and might be made, with a little more trouble, a tolerable good cart road.

It may here be mentioned that the original road from Campbelltown to Wollongong was not down the Bulli Pass and thence through Bulli, Woonona, etc., but ran along the crest of the mountain from above Bulli Pass, to the back of Mount Keira, and then followed a steep track down the flank of that mountain.

Chapter 4

Occupiers Under Grazing Permits And Others Obtain Promises of Grants

Meeting Between Them and the Surveyor General at Mr Throsby's Stockman's Hut at Five Islands

From the date when cattle were first brought into Illawarra during the drought of 1803-4, the pasture lands in the district were being used under free occupation permits by the cattlemen of the older districts, notable among these being Major Johnston, Captain Brooks, Charles Throsby, D'Arcy Wentworth, Robert Jenkins, William Browne and Samuel Terry. This continued until the year 1817. Prior to that year the occupiers under grazing permits, and other influential persons, had obtained promises of grants from Governor Macquarie, as evidenced by a notice appearing in the *Sydney Gazette* of 28 September 1816, as follows:

Those gentlemen and free settlers who have lately obtained promises of grants of land in the new district of Illawarra, or Five Islands, are hereby informed that the Surveyor General and his deputy have received instructions to proceed thither in the course of the ensuing week, to make a regular survey of the new district, and to locate the several promised grants; and in order that the locations may be made accordingly, those persons who have obtained promises of allotments are hereby required to avail themselves of the approaching occasion of the surveyors being on duty in Illawarra to get their locations marked out to them; and for this purpose they are required to meet the Surveyor General at the hut of Mr Throsby's Stockman in Illawarra, or the Five Islands district, at noon on Monday, 2 December 1816.

There is, apparently, no record of the names of the "gentlemen and free settlers" who did meet the Surveyor General, or his deputy, at Mr Throsby's stockman's hut on that memorable 2 December 1816. The meeting was a momentous one in the history of Illawarra. At that date the whole of the district was virgin lands belonging to the Crown, and the prizes that were to fall to some, if not all, of those who met there, were indeed great. The grants being given to these settlers were practically free grants, the conditions were exceedingly easy, and each grantee was assured of having convicts assigned to him to do the work required.

Chapter 5

Particulars of First Issue of Grants in Illawarra

The first grants in the Illawarra district were issued by Governor Macquarie on the 24 January 1817, and were as follows:-

David Allan, 2,200 acres, called "Illawarra", situated at Five Islands and including Red Point.

Robert Jenkins, 1,000 acres, called "Berkely", situated at Five Islands and including Flag Staff Hill.

Richard Brooks, 1,300 acres, called "Exmouth", and situated to the south of lands now occupied by the private town of Dapto.

George Johnston, 1,500 acres, called "Macquarie Gift", situated on the northern bank of Macquarie Rivulet, and later part of the estate known as Johnston's Meadows.

Andrew Allan, 700 acres, called "Waterloo", and situated on the south bank of the Macquarie Rivulet, opposite the Macquarie Gift" grant.

David Allan was Deputy Commissary General of the Colony when he obtained his grant. The *Sydney Gazette* of 15 March 1822, contains an announcement of the death of the wife of David Allan, "formerly Deputy Commissary General of New South Wales, on the eve of accompanying her husband to Barbados, where he had received the appointment of Deputy Commissary General".

In the *Sydney Gazette* of 22 June 1824, the following notice appeared:

To let, D.Allan's 2,200 acres grant at Five Islands, with good cottage and offices, the whole being enclosed, with 200 acres clear and subdivided into excellent paddocks.

From other notices in the *Sydney Gazette* the farm was being managed by Conor Wholohan.

Andrew Allan was probably a son of David Allan. A notice appearing in the *Sydney Gazette* of 16 March 1816, announces his appointment as a Clerk in the Commissariat Department. He apparently left the Colony following David Allan's appointment to Barbados. His grant was later acquired by Samuel Terry, and became part of the Terry's Meadows Estate.

Robert Jenkins was an auctioneer in Sydney and Parramatta, who was killed through a fall from his horse on the Parramatta Road in the year 1822. From a notice in the *Sydney Gazette* of 7 July 1825, it is learned that John Robinson was then in charge of

the Berkeley Farm.

Major (later Colonel) Johnston, so well known in early Colonial history, was the officer in command of the 102nd Regiment, better known as the New South Wales Corps.

In connection with this first issue of grants, it is strange that, although Mr Charles Throsby was in occupation of land at Five Islands, as the fact of his stockman being in residence, there would indicate he did not obtain a grant in Illawarra. The land which he occupied was apparently absorbed in the grant of 2,200 acres to David Allan.

It may fittingly be interpolated here that the first report of the Home Authorities on the settlement in Illawarra is contained in a despatch from Governor Macquarie dated December 1817. He wrote:

An extensive tract of rich country fit for the purpose of pasturage and agriculture has, some little time since, been discovered about 45 miles to the southward, on a part of the coast known generally by the name of The Five Islands, but called by the natives "Illawarra". The persons who have visited it speak very favourably of this new country, as possessing many advantages for the grazier and agriculturist, and I have consequently already given several grants of land to some respectable new settlers.

This despatch show that the potentialities of the Illawarra district were correctly gauged as far back as the year 1817.

Chapter 6

Particulars of Grants at Shellharbour

Epitome of D'Arcy Wentworth's Career, and Remarks on Other Grantees

Further locations of grants followed the first issue, and on 9 January 1821, grants were issued by Governor Macquarie as follows:

Thomas Davey, 2,000 acres, situated at the entrance to Lake Illawarra, and including Native Dog Hill and Barrack Point. This grant was transferred to D'Arcy Wentworth by the grantee. It later passed by devise to D'Arcy Wentworth's grandson, the late T.A.Reddall.

D'Arcy Wentworth, 1,650 acres, situated at Shellharbour, and including the site of the private town.

D'Arcy Wentworth, 1,500 acres, situated at Shellharbour, including Dunster Hill and Mount Wentworth.

James Mileham, 700 acres, on south shore of Lake Illawarra and on west side of D'Arcy Wentworth's grant of 1,650 acres at Shellharbour.

John Horsley, 1,200 acres, on south shore of Lake Illawarra, adjoining the grant to Mileham.

William Wentworth, 1,000 acres, fronting Koona Bay on Lake Illawarra, and Macquarie Rivulet; adjoining Horsley's grant on the east and Andrew Allan's grant of 700 acres on the west. The sites now occupied by Albion Park railway station and racecourse are within its boundaries.

Samuel Terry, 2,000 acres, situated on south bank of Macquarie Rivulet, adjoining the western and southern boundaries of Andrew Allan's 700 acre grant and western boundary of William Wentworth's 1,000 acre grant, and later known as Terry's Meadows.

As in the case of Davey's grant, the grants to Mileham, Horsley and William Wentworth were later transferred to D'Arcy Wentworth.

According to notices appearing in the *Sydney Gazette* of the year 1816, William Wentworth was leaving the Colony that year. It appears highly probable that the William Wentworth of this notice and the William Wentworth to whom the grant was issued are identical with William Charles Wentworth, son of D'Arcy Wentworth, who went to England about the year 1816 to complete his education at one of the English Universities.

James Mileham was the Resident Assistant Surgeon at Windsor in 1816, and John Horsley was an army officer.

Thomas Davey was a Lieutenant Colonel in the Army. He was appointed Lieutenant Governor of Tasmania in 1812. The *Encyclopedia of Australia* records that Governor Macquarie urged his recall "on account of his profligacy and drunkenness" and that on 27 November 1816, he was notified by the Governor of his recall. He then came into conflict with the authorities over the question of compensation. He was offered land grants in Tasmania, but wished to obtain them on the mainland. At some time prior to his departure from Tasmania to Sydney, en route to England, on 11 May 1821, the amount of his land grant had been settled at 4,000 acres in Tasmania and 2,000 acres in Illawarra. As he died in England in May 1823, it would appear that he transferred this grant to D'Arcy Wentworth before he left the Colony in 1821.

With reference to the grants to Davey, Mileham, Horsley and William Wentworth, and also the grant to Surveyor Ralph referred to later, there is a very strong presumption that none of these grantees had any intention of settling upon them, and that they were located and granted with a view of their sale to D'Arcy Wentworth. That they were incorporated in his Estate from very early days is common knowledge.

D'Arcy Wentworth was so intimately associated with the earliest settlement in Illawarra that an epitome of this gentlemen's Australian record would not be out of place in these pages. From the *Encyclopedia of Australia* it is learned that he entered the Army as an Ensign in 1782. He subsequently studied medicine in London and later secured appointment as Assistant Surgeon in the convict fleet. He came to Australia in that capacity in the ship **Neptune**, which arrived in Port Jackson on 28 June 1790. He became Superintendent of Convicts at Norfolk Island in 1791. Hunter made him Assistant Surgeon to the settlement in 1796. Between then and 1804 he was Assistant Surgeon at Norfolk Island and at Parramatta. From 1804 to 1806 he was Surgeon at Norfolk Island, with military rank. He later got into trouble with Bligh, and contemplated returning to England. Being led to expect better treatment from Macquarie however, he decided to remain. Macquarie appointed him Principal Surgeon on 1 January 1811, and also Principal Superintendent of Police, with wide magisterial powers. He retired in 1818 on a pension, but apparently did not relinquish medical duties until 1819, nor Police duties until 1820. He was the father of William Charles Wentworth, who in later years took a very prominent part in the movement which resulted in the elevation of New South Wales from a Crown Colony to a self-governing State.

Chapter 7

Particulars of Further Grants to D'Arcy Wentworth in Illawarra

Comments on Grant of 2,000 Acres to the Trustee of D'Arcy Wentworth's Estate, Issued in 1861

A further area of 2,000 acres was granted to D'Arcy Wentworth on 3 September 1821, lying to the southward of his previous grants and including Point Bass.

Another area of 1,000 acres, south of and adjoining the last-mentioned grant, and fronting the ocean and Minnamurra River, was granted to William Ralph, on 1 May 1833. This grantee was one of the early surveyors. As in the case of the grants to James Mileham, Thomas Davey, John Horsley and William Wentworth, this grant was later transferred to D'Arcy Wentworth.

Another area of 2,000 acres - which may be shortly described as being bounded on the north and east by D'Arcy Wentworth's previous grants and Ralph's grant, on the south by the Minnamurra River and a right line along and near the edge of Terragong Swamp, and on the west by a line partly forming the eastern boundary of a grant to Isabella Croker, called "Croom" - was held by D'Arcy Wentworth under a "promise of grant" to him by Governor Brisbane, for which the grant did not issue during his lifetime. It is gathered that the heirs to his estate, or the Trustee acting on their behalf, lodged a claim for issue of the grant with the Court of Claims, and in pursuance of the report of the Commissioners, dated 22 December 1857, the deed of grant was issued on 29 May 1861, to Randolph John Want, as Trustee of the Estate of D'Arcy Wentworth.

The Colony had been created a self governing State in 1855, and in 1861, Mr (later Sir) John Robertson had succeeded in getting the first Crown Lands Alienation Act passed by Parliament. Under that Act (colloquially called The Free Selection Act) the whole of the Crown Lands, other than Reserves, Town Lands, and Population Areas, became available for selection (Conditional Purchase) on and after the 1 January 1862. Had the Trustee of D'Arcy Wentworth's Estate not secured a firm title to this 2,000 acres before that date, the land would probably have become a bone of contention between the Estate and would-be selectors.

The statutory price for Conditional Purchase was fixed at £1 per acre, the maximum area obtainable at 320 acres and the deposit required at 5/- per acre; while the terms as to payment of balance of purchase money were made very liberal. This 2,000 acres would thus have provided for at least seven small holders, who, in view of the quality of the land and the liberal conditions, would have had every prospect of becoming prosperous free-holders. It may be contended that long possession under authority of a "promise of grant" by one of the early Governors would have taken this land out of the category of "Crown Land" and that contention may be correct. It is significant, however, that steps were not taken to secure the grant of this land until legislation to provide for settlement by small holders on the Crown Lands of the State became imminent. The

delay of about 3 1/2 years between the court's report on the claim and the issue of the grant also seems to suggest some hesitancy on the part of the Crown Authorities to issue the grant.

Chapter 8

Extent of D'Arcy Wentworth's Peterborough Estate

The Shell Lime Industry

Early Uses of the Little Port at Shellharbour

The total area acquired by D'Arcy Wentworth in Illawarra under grants, a promise of grant directly made to him, and grants to others which were subsequently transferred to him, amounted to 13,050 acres in a compact block.

This large estate, embracing within its boundaries some of the richest Illawarra lands, extended along the coast from the entrance of Lake Illawarra to where the Minnamurra River enters the ocean. It also extended for several miles inland; was bounded on the south by the Minnamurra River and the northern edge of the Terragong Swamp; and on the north by the southern shores of Lake Illawarra and the Macquarie Rivulet. All that fine expanse of verdant hills and rich pastures, now traversed by the South Coast Road and Railway, from where these cross the Macquarie Rivulet to where they cross the Minnamurra River, lies within its boundaries.

In the early records this property is referred to as D'Arcy Wentworth's Peterborough Estate. In his *History of Illawarra* Mr McCaffery mentions that "during the year 1819 Surgeon D'Arcy Wentworth was shipping cattle to his Peterborough Estate, Illawarra". The *Sydney Gazette* of 3 April 1819, published a notice by D. Wentworth, as follows:

All persons whose cattle are now grazing on the tract of land in that part of the district of Illawarra, commonly called Five Islands, bounded on the north by The Great Lagoon, on the west by the Lagoon, on east by the sea, and on the south by a line leading from Point Bass westerly, are desired forthwith to cause the same to be removed; otherwise they will be impounded without further notice.

Two interesting facts emerge from this notice. One is that Mr Wentworth, in 1819, was exercising proprietary rights over lands, which in 1821 were granted to Thomas Davey, James Mileham, John Horsley and William Wentworth, thus strengthening the presumption that the grants were obtained by these gentlemen, not for use or occupation by themselves, but for sale to Mr Wentworth, to whom the grants were transferred after their issue. The other is that Mr Wentworth calls Lake Illawarra "The Great Lagoon", thus indicating that the Lake had no proper designation at that time.

The name "Peterborough", given by Mr Wentworth to his Estate, pre-dated the name "Shellharbour", and continued in use in respect of the southern part of the Estate, near the Shellharbour railway station, for many years after the name "Shellharbour" came into general use.

Large deposits of shell existed on the seashore in this locality, and the conversion of these into Shell-lime was developed, the lime being shipped from the little boat harbour to Sydney; hence the name "Shellharbour". This industry was carried on by Messrs Towns and Addison, the latter being a son-in-law of D'Arcy Wentworth. About that time portion of the grant of 1,650 acres to Mr Wentworth was laid out as a private township and surveyed into allotments. The first allotments sold in the village were purchased by Mr Addison.

The Shell-lime industry petered out in course of time, but Shellharbour later became the business centre for a community of tenant farmers on the Wentworth Estate, the little boat harbour providing a port of trade to Sydney.

For many years prior to the start of the Shell-lime industry, the small beach at the boat harbour was one of the points to which cedar planks were carried from a large portion of the surrounding country by bullock teams. The cedar planks were built into rafts at the beach and floated out to the small sailing craft waiting to take them to Sydney. In his *History of Illawarra and Manaro*, published in 1872, Judge McFarland says:

Mr Turkington of Charcoal, who first visited Illawarra in 1820, informs me there were many cedar cutters in the mountains and brushes ... there were no roads, except dray tracks, to the "beach" - as the present Wollongong and Shellharbour were then styled - and the sawyers used to draw the cut cedar to those places in bullock drays, then made a raft of it and thus took it alongside the small craft that came from Sydney to fetch it.

Mr McCaffrey mentions in his *History of Illawarra* that:

W.C. Wentworth, who had obtained the right from the Governor to cut the timber off 5,268 acres, lying between the north bank of Minnamurra River, near Jamberoo, and top of Mount Terry, entrusted the duty of cutting timber and having it delivered at the little port at Shellharbour, to his manager, John Pugh Nicholls.

Chapter 9

Particulars of Grants to William Brown, the "West Horley Grant", and other Grants in the Vicinity of Dapto

On the 30 June 1823, Governor Brisbane granted to William Browne 3,000 acres in one grant and 800 acres adjoining it in another grant. This land has frontage to the northern entry to Lake Illawarra, and for some distance upstream, and to the western shores of Lake Illawarra. It embraced all the land lying between Captain Richard Brooks' grant of 1,300 acres, called "Exmouth", situated south of the private town of Dapto and fronting Illawarra Lake, and Major Johnston's grant of 1,500 acres on Macquarie Rivulet, called "Macquarie Gift".

This Estate was called "Athnlin" by the grantee, but is better known as Yallah. Yallah railway station is within the 3,000 acre grant, and the bridge on the South Coast Road, crossing the Macquarie Rivulet, is at the south-east corner of the 800 acre grant.

Mr William Browne, colloquially called "Merchant Browne", was a member of the firm of Browne and Turner, Merchants, of Calcutta. He came to Sydney in Governor Macquarie's time and decided to remain here. In the files of the *Sydney Gazette* of the year 1816 appears notices by him, intimating his intention to remain in the Colony, but that he will continue to receive shipping orders for the firm in India. He was reputedly a wealthy man, and was no doubt regarded as a great acquisition to the young colony. This may account for the extremely liberal allowance of land made to him in Illawarra.

Other grants in the vicinity of Dapto were as follows:

George Brown, 500 acres, granted 1 May 1833. This grant includes the private town of Dapto.

George Brown (a relative of the former), 300 acres, known as "Mullet Creek Farm", granted 1 May 1833.

Henry Brooks, 600 acres, granted 1 May 1833. This land fronts the south bank of Mullet Creek, at its entrance to Lake Illawarra, and includes Kanahooka Point. This grantee was a son of Captain Richard Brooks.

Between the grants to the two Browns and the grant to Henry Brooks, an area of about 350 acres is embraced in purchase grants to the following:

George Brown, 100 acres.
Cornelius Wholohan, 40 acres.
Henry Osborne, 100 acres.
James Neale, 60 acres.
John Morris, 50 acres.

To the west of the town of Dapto, on Mullet Creek, an area of 500 acres, called "West Horsley", was on the 13 January 1842, granted to Augusta Brooks and Elizabeth Weston. This historic grant was occupied from about the year 1818, under a promise of grant by Governor Macquarie, to Lieutenant William Francis Weston, dated 30 March 1818. Lieutenant Weston died at West Horsley in the year 1826, and the property passed to Augusta Brooks, wife of Richard Brooks, of Merriwa, and her sister, Elizabeth Weston, to whom the grant issued, through the Court of Claims.

Lieutenant Weston came from a place in England called "West Horsley", hence the name given to the grant. This grant is now owned and farmed by members of the Lindsay family, descendants of the late Mr George Lindsay, who, with his wife and children, emigrated from Northern Ireland and settled at Unanderra in the year 1837.

Some distance upstream from West Horsley, on Mullet Creek, an area of 300 acres was granted to George Molle on 11 September 1817, by Governor Macquarie. This grantee, Colonel George Molle, was Lieutenant Governor of the Colony and Commandant of the Forces in Governor Macquarie's time. Macquarie and Molle had been fellow campaigners in the Peninsula Wars against Napoleon, and were old friends. Macquarie's humane and generous policy towards Emancipists, notably in the case of Doctor Redfern, brought him into conflict with the Army Officers and severely strained the ties of friendship existing between him and Colonel Molle, who strongly sided against him and refused to meet Doctor Redfern on any terms of equality. Whatever may have been the reason, 300 acres was a very modest allotment for Colonel Molle, in comparison with the large areas allotted by Macquarie to many other grantees in Illawarra.

Adjoining Colonel Molle's grant an area of 600 acres was granted to George W. Paul, on 1 May 1833, and between the "West Horsley" grant and Colonel Molle's grant the following areas fronting Mullet Creek were granted, viz:

E.R. Stack, 300 acres, on 20 May 1837, which includes Reed Park.

The Fitzgerald Family, 75 1/2 acres, being a Court of Claims Grant.

James Blanch, 200 acres, granted on 20 February 1839.

Chapter 10

Regarding the "Macquarie Gift" Grant to Major Johnston, and the Later Grants to David Johnston and Isaac D. Nicholls

Reference has already been made to the grant of 1,500 acres to Major Johnston, called "Macquarie Gift" - one of the first lot of grants in Illawarra, made on 24 January 1817. A few years later, on 3 September 1821, a grant of 600 acres was made to his son, David Johnston, and on 1 May 1833, a further grant of 700 acres was made to him. These two grants lay adjacent to the "Macquarie Gift" Farm, on north bank of Macquarie Rivulet.

Adjoining the grants to David Johnston, and also fronting the north bank of Macquarie Rivulet, an area of 600 acres was granted to Isaac David Nicholls, a relative of the Johnston's, on 1 May 1833, pursuant to a promise of grant to him by Governor Brisbane, on 24 January 1825.

As previously stated, the first lot of cattle to arrive in Illawarra were brought there by boat about the year 1804. They were owned by Major Johnston and were in charge of David Nicholls. It is therefore very probable that these cattle were depastured on the lands which were later granted to Major Johnston, his son David Johnston, and Isaac David Nicholls, and that these lands were the first to carry stock in Illawarra.

This historic Estate, of a total of 3,400 acres - including the grant to Nicholls, which would appear to have been located here in the interests of the Johnston's, and have been transferred to them - came to be known as "Johnston's Meadows" in the early days. After the death of David Johnston, in 1866, this property was occupied by the late E.H.Weston, a grandson of Colonel Johnston.

Chapter 11

Particulars of Grants to Lang & Gerrard and Mrs Jemima Jenkins

Remarks on Traffic in "Land Orders"

Extent and Early Occupancy of the Berkeley Estate

Prominent reference is made by Mr McCaffery in his *History of Illawarra* to the case of Mr John Wyllie, who occupied land at Five Islands for grazing. He states that "the Dunlop Vale Estate near Lake Illawarra was a grant of 2,000 acres to Mr Wyllie, dated 1822", also that "this grant was approved by Governor Darling on 13 October 1829". As a matter of fact, however, no deed or grant of this land was ever issued to Mr Wyllie.

It would appear that Mr John Dunlop Wyllie was unfortunate enough to get into financial difficulties, which resulted in his interest in this land, under a promise of grant, being sold at auction by the mortgagees. The deed of grant for the 2,000 acres was issued on the 30 March, 1840, to Andrew Lang (father of the Reverend John Dunmore Lang) and Gerard Gerrard, pursuant to report by the Court of Claims. Mr Gerrard, soon after this, sold his share in the grant to Robert Howarth and went to New Zealand. The property thereafter became partitioned between the Reverend John Dunmore Lang and Robert Howarth, the later acquiring the western portion, which he named "Kembla Grange". The Kembla Grange Racecourse is on this land.

Another area of 2,000 acres at Five Islands, adjoining the 1,000 acres granted to Robert Jenkins on 24 January 1817, is a 'purchase' grant obtained by his widow, Jemima Jenkins. The grant for this land was issued on 24 September 1834, and the purchase price was £500 (5/- an acre). Apparently this is identical with the 2,000 acres which, according to Mr McCaffery's *History of Illawarra* was held by Mr John Wyllie under a lease grant to him by Governor Darling in 1828.

Mrs Jemima Jenkins acquired a further 280 acres under 5 small grants, as follows:

One of 50 acres on 5 August 1835, in virtue of a promise of grant to Thomas Simmes by Governor Macquarie, dated 10 September 1818;

One of 60 acres, granted 4 May 1836, in virtue of a promise of grant to John Harris by Macquarie, dated 3 March 1821;

One of 50 acres, granted 4 May 1836, in virtue of a promise of grant to John Williams by Macquarie, dated 31 March 1821;

One of 60 acres, granted 4 May 1836, in virtue of a promise of grant to Isaac Cornwall by Macquarie, dated 31 March 1821; and

One of 60 acres, granted 4 May 1836, in virtue of a promise of grant to William

Landron by Macquarie, dated 31 March 1821.

These five small grants embrace a compact block of land and include the site of the private village of Unanderra.

The promises of these small grants were probably soldiers, who had land orders issued to them on completion of service. Many of these, instead of locating and obtaining grants in virtue of the orders so obtained, bartered them to business firms, who in early days specialised in this traffic, and who, in turn, disposed of them, at a profit, to land holders for use in acquiring additional land. These small grants have been fully quoted as typical of the traffic in "promises of grants" (or 'land orders', as they were generally called) by soldiers and others, in those good old days when rum was currency, and many promises of grant passed into the hands of wealthy land owners.

Before the persons who acquired these orders could obtain title to any land claimed by virtue of them, the claims for transfer were dealt with by a court, called shortly the Court of Claims. This Court was established in consequence of the prevalence of trafficking in "land orders" and "promises of grant". Whether it constituted any salutary check on abuses is doubtful and cannot be determined at this distance of time.

The Jenkins Estate in Illawarra comprised a total area of 3,280 acres of exceedingly choice land in a compact block. After the death of Robert Jenkins in 1822, his widow, Mrs Jemima Jenkins obtained a grant of 2,000 acres called 'Eagle Vale', near Bundanoon, where she resided until her death in 1842. About the year 1839 her son, Mr William Warren Jenkins, built a mansion on the Berkeley Estate, and went into residence there.

From the date of the first grant to Robert Jenkins in 1817, to that time, the Estate had been in charge of overseers, who had quarters in a rough building near Unanderra, then known as "Charcoal".

Chapter 12

Particulars of Grants near Wollongong and to the North Thereof

Transfer of Official Centre from Red Point to Wollongong

In this chapter the grants surrounding the Town of Wollongong, and within the narrow strip of land between the mountain range and the ocean, lying north of Wollongong, will be dealt with.

South of Wollongong an area of 500 acres was granted to Jemima Waldron on 6 June 1835. This grant was called "Spring Hill" and was obtained by Mrs Waldron in virtue of a promise of grant to George Tate, by Governor Macquarie, dated 22 June 1821, and in pursuance of a report by the Court of Claims. The inference to be drawn is that Mr Tate sold his claim to this land, under a promise of grant, to Mrs Waldron. The grantee was the widow of Captain Waldron, who had charge of convicts employed on Government work in this locality, and who was fatally injured in an assault on him by two of the female convicts in the year 1833.

Other grants at and near to the town of Wollongong were as follows:

Surgeon John Osborne, R.N., 640 acres, granted by Governor Darling in 1831 and called "Glen Gosh". This grant embraces the two properties for long known as "Mangerton" and "Garden Hill". The suburbs of Wollongong now extend over part, if not the whole of the land.

Charles Throsby Smith, 300 acres, called by him "Bustle Hill". The grant for this land was issued to Mr Smith by Governor Bourke in 1835, but the land had been occupied by Mr Smith for many years before that, under a promise of grant to him by Governor Macquarie. The Town of Wollongong has now extended over the whole of this property.

Rachel Moore White, 280 acres, south of John Osborne's grant, and now embraced in the southern suburb of Wollongong, called Coniston.

Frederick Jones, 100 acres, situated between the grants to Rachel Moore White and Jemima Waldron.

Robert Anderson, 200 acres, granted 1 January 1827, includes the land now embraced in Stuart Park.

Prior to the year 1829 the official centre was at Red Point, where a Government post or barracks was established soon after the time when the first grants were allocated in Illawarra in 1816. This was further strengthened by a detachment of the 40th Regiment under Captain Bishop in 1826, notice of which appears in the *Sydney Gazette* of 5 July 1826. Chiefly through the persistent efforts of Charles Throsby Smith, the official

quarters were transferred from Red Point to Wollongong in 1829. Mr Smith endeavoured to have the town named "Bustle Town", but was, unfortunately, not successful.

The following is a quotation from an article appearing in the *N.S.W. Calendar and Directory of the year 1835*:

The port of Wollongong was considered the best in point of extent, depth and shelter on the shores of the Illawarra, and in this place, in fact, there was already many houses and a very good inn by Mr Brown. The town has been laid out on a regular plan and allotments are sold in conformity therewith by Mr Smith, to whom the land principally belongs. This gentleman may therefore be said to have materially advanced the interests of the district.

It may be remarked that, notwithstanding the opinion expressed in the article quoted, it is a matter of considerable doubt whether Wollongong Harbour would have been chosen in preference to Port Kembla if it had not been for Mr Smith's great personal interest in having the settlement removed to where he had secured most of the land.

West of Wollongong, and near Mount Keira, an area of 1,280 acres was granted to John Hubert Plunkett on 12 March 1837, in virtue of a promise of grant to Gregory Blaxland dated 5 March 1830, and was called "Keellogues" or "Gundarin". The former is obviously an Irish name and the latter a native name. Mr Plunkett was Solicitor General of the Colony in 1832, and became Attorney General in 1833.

Lying between the grant to Mr Plunkett and the Town of Wollongong is an area of 1,000 acres which was promised to J.S.Spearing, as an additional grant, by Governor Brisbane on 2 September 1825. By virtue of this promise of grant and in pursuance of a report by the Court of Claims, the deed of grant of this land was issued to R. and C.Campbell on 10 May 1841. This land is now embraced in the Keiraville Suburb of Wollongong.

North of the town of Wollongong the land available in Illawarra consists of a narrow strip lying between the Illawarra Range and the ocean, gradually tapering to a point where the range dips to the sea at Clifton. The bulk of this area was absorbed in the following grants:

An area of 1,000 acres, at Geard's Hill, now within the northern suburb of Wollongong, granted to R. and C.Campbell by Governor Gipps on 10 May 1841, in virtue of a promise of this land to J.S.Spearing, as a primary grant, by Governor Brisbane on 2 September 1825, and pursuant to report of the Court of Claims.

An area of 1,920 acres, north of the Campbell's grant, at Geard's Hill, granted to John Buckland on 11 July 1835, by Governor Bourke, in virtue of a promise of grant to him by Governor Darling, dated 11 April 1829. This grant was called "Balgownie".

North of Buckland's grant another area of 1,920 acres, at Bellambi was granted to R. and C.Campbell by Governor Gipps on 30 April 1841. This was a promise of grant by Governor Darling to "Miss Harriett Overington, now Mrs Spearing" on 3 March 1827. The grant issued to the Campbell's, in virtue of that promise, and pursuant to a report by the Court of Claims.

The remaining old grants along the coast, in this locality are unimportant. Among these may be mentioned one of 300 acres to Cornelius O'Brien, one of 300 acres to William Bowman, and one of 100 acres to George Tate, all at Bulli; small grants to Robert Marsh Westmacott, Patrick Callaghan and John Kelly at Woonona; also, between Buckland's 1,920 acres and R. and C.Campbell's 1,920 acres, two small grants to William Wilson in 1836, in all 260 acres, which were promises of grant by Governor Brisbane in 1825.

Chapter 13

Mr J.S. Spearing's Occupation under promises of grant at Wollongong

Entries in an Old Diary kept by an Employee of Mr Spearing in 1833

In searching for information that would throw any light on Mr J.S. Spearing's occupation of the 2,000 acres comprised in his promised "primary" and "additional" grants near Wollongong during the period between 1825, when they were promised, and the year 1841, when his interest in them passed to R. and C. Campbell, a statement was found in a report in the *N.S.W. Calendar and Directory of 1835*, describing the progress of settlement in Illawarra, as follows :

Several persevering colonists have laid out much money there (Illawarra) under considerable disadvantage. Mr Spearing has opened a very fine tract at great expense; this gentleman's garden is celebrated for the fruit sent from it to Sydney.

A contribution from "E.J.B", published in the *Sydney Morning Herald*, of 12 November, 1910, was also found, which relates the finding of an ancient and much worn diary kept by a man who was evidently in the employ of Mr Spearing, on this property, in the year 1833. It commences with the entry:

"On June 2nd 1833, a whale came on shore at Palamba. Mr Jones and Mr Bennett dined at Paulsgrove and returned home to tea; a rum way of meeting".

Monday, 3rd June 1833 - Mr Spearing went to see about the whale; finished sowing peas; Mr Johnston called".

Tuesday, 4th June 1833 - "Sent two drays to Palamba for blubber from the whale".

Wednesday, 5th - "Received two cows from Five Islands".

Friday, 7th - "Sow'd 5-1/2 acres of wheat in the field near Emery's".

On Sunday, 12th, of later date - "The peaches stolen, supposed by the blacks".

Again - "Already the Australian natives were learning that the boomerang and the spear were no match for the "old Brown Bess", the age of iron had come into conflict with the age of steel".

On a certain Saturday of 1833 we learn that "Captain Waldron" servant girls were brought to the court for thrashing their master, "Remanded".

On Wednesday, 26th, this entry occurs: "This day the two consigned servant girls of the late Capt. Waldron were hung at Sydney for the murder of their master".

Saturday, 25th - "Three teams plough at work farther part of Emery's. Burges pulling out the stumps. Mr Spearing took T. Hughes to the Court, having found some beef on him that he could not account for ... sentenced to receive 50 lashes".

Another entry - "Went to Wollongong Church. Wilkinson preached a capital sermon on Scandalising, Slandering and Interfering with our neighbour's affairs. Very suitable to the Illawarra gentry".

Sunday, 23rd, - "Mr A. Osborne drunk, tea at Paulsgrove and brought some Portsmouth papers, which were very acceptable in this dreary hole".

The diarist later records "that he walked to Wollongong for the papers and heard the servants of Capt. Waldron being pardoned by the Governor and Supreme Council".

Later - "Mr Spearing took Clarke, the tailor, to court for robbing the garden; sentenced 25 lashes, but begged him off - also Teasdale for not doing so much work as he ought to have done, but was let off. Mr S. returned in devil's own humour from the Court".

Later - "Mr Marcus went to Sydney in the Bee with some wheat.

Later - "Mr Spearing took Ryan to court for refusing to thrash. Sentenced to 25 lashes".

Later - "Heard of the postman's body being found", also "Hunt got 50 lashes for being drunk and kicking up a row at Brown's".

Again - "To the beach and back before breakfast at 11; left Paulsgrove with my boxes with regret that I ever went near the place. Dined and slept at Brown's; drank some of the colonial rum; dreadful headache".

The writer then left for Sydney - in the **Bee**, it is presumed. Later entries in the diary relate to his experiences in Sydney town.

This diary serves to throw some light on the condition under which the people, bond and free, lived and worked 100 years ago in Illawarra. "Paulsgrove" was evidently the name Mr Spearing had given his property, though no trace of this name now exists. It will be noticed that the diarist calls Bellambi "Palamba". Whether this is due to misspelling, or whether the present name is a corruption of "Palamba", cannot be told.

Evidently Mr Spearing was using the land for cultivation of crops, as well as grazing and fruit-growing. As the property comprised 2,000 acres quite close to the town of Wollongong, and 1,920 acres at Bellambi, promised to the lady who became his wife, and seeing that he would have obtained these as "free" grants, and that convict servants were assigned to him to do all the necessary work, it would seem that the conditions making for success were strongly in Mr Spearing's favour. It may be that, in aiming at becoming a large land-holder, he entered into an undertaking beyond his

means, and that, to carry on, he obtained financial assistance on the security of his holdings, from the firm of city merchants to whom the grants eventually issued.

Chapter 14

Particulars of Avondale, Marshall Mount and Calderwood Grants and of Grants to Henry Osborne in Other Localities

Remarks on Cattle Thieving in Early Days

A Tribute to Henry Osborne

The only grants of importance north of the Macquarie Rivulet which remain to be mentioned are the following:

A grant of 600 acres to Alfred Elyard on 4 October 1834, called "Avondale", being in virtue of a promise of grant to him by Governor Brisbane in 1825. This land fronts the south bank of Mullet Creek and lies at the north-east corner of the 'Marshall Mount' grant to Henry Osborne.

A grant of 1,280 acres to Charles Throsby Smith on 29 February 1840, called "Calderwood", being in virtue of a promise of grant to him by Governor Darling in 1829.

A grant of 2,560 acres to Henry Osborne, called "Marshall Mount". This was a promise of grant to Mr Osborne by Governor Darling on 5 September 1829, from which date he was authorised to take possession. The grant did not issue until 30 September 1841.

When Mr Henry Osborne came on the scene in the late twenties of last century, almost the whole of the choice lands of northern Illawarra, lying between the ocean and the foothills of the coast range, had been granted or promised to others. He had the good fortune, however, to light upon an area of over 4,000 acres, still available, between those grants and the poorer country of the mountain slopes. The "Marshall Mount", "Avondale" and "Calderwood" grants embrace the land lying between the grants to William Browne, the Johnston's and I.D. Nicholls, and the poorer lands of the mountain slopes.

The "Calderwood" grant is a long narrow strip of land, about half a mile wide and about 4 miles long, squeezed in between the Marshall Mount grant and the less attractive land of the mountain range. Land of such a shape would have been very expensive to fence and work as a separate holding, and it would appear, in the circumstances, that C.T. Smith's "promise of grant" was located here for Mr Osborne's benefit. The "Avondale" grant, also, appears to have been located here with a view to its acquisition by Mr Osborne.

Both of these grants became part of his Estate, making the total area thus acquired by him in this locality 4,440 acres in a compact block. It may be remarked that Mr Osborne later acquired a considerable area on the mountain slopes, adjacent to the Marshall

Mount and Calderwood grants, by purchase from the Crown, in small portions, under the auction sale regulations which superseded the free grant system.

Mr Osborne also had other lands granted to him. One of these grants lies outside Illawarra in the Kangaroo Valley - an area of 2,560 acres, called "Barengarry", being a promise of grant to him by Acting Governor Snodgrass, dated 10 February 1838. The grant was issued by Governor Gipps on 25 February 1841.

In connection with this grant it may be mentioned that cattle thieves flourished in Illawarra in the days when cattlemen from the older settled districts had stock grazing in Illawarra under permits given them by the Governor, and for some years later. This greatly perturbed the cattle owners, who were very much at the mercy of the thieves.

There were no fences. Cattle roamed at will and were easy prey for these gentry, who, no doubt, were good bushmen, well able to outwit the few stockmen employed by the owners, and the small body of soldiers stationed in barracks at Red Point for the protection of cattlemen and cedar cutters. Apropos of this, the following notice appeared in the *Sydney Gazette* of 27 September 1817.

We ... land-holders and proprietors of stock in the district of Illawarra or Five Islands ... hereby offer a reward of £20 to be paid on conviction of any person or persons ... stealing or destroying cattle and other property belonging to us. (Sgd) David Allan, Richard Brooks, William Browne, Charles Throsby, Robert Jenkins, Samuel Terry.

In view of these depredations, the cattle owners turned their attention to the Kangaroo Valley, as a safe harbour for stock from the raids of cattle thieves, owing to it being completely surrounded by natural barriers. In his *History of Illawarra*, Mr McCaffery relates that:

...with a view to preventing cattle and horse stealing, Captain Brooks undertook the difficult task of stocking the Kangaroo Valley country in 1818. To do so he used the path which led from Lake Illawarra, crossing the Macquarie Rivulet to the west of Johnston's Meadows, then up the range into the Pheasant Ground (probably one of the old native trails), to a spot known today as Hoddle's Creek, and thence along the range to the valley below.

It is possible that, in selecting the location for the grant of 2,560 acres, promised him by Acting Governor Snodgrass in 1838, in the Kangaroo Valley, Mr Osborne had in view the asylum of this locality offered for his stock.

Another area granted to Mr Osborne comprised 2,000 acres, situated south of Jamberoo, on the northern slopes of Saddleback Range, near "Bong Bong" Mountain. This 2,000 acres was selected by Henry Gratton Douglas as the location of a promise of grant to him by Governor Brisbane. At his written request it was advertised in favour of Henry Osborne in the *NSW Government Gazette* of 11 September 1855, and the land

was thereupon granted to Mr Osborne, in three areas of 640 acres, 720 acres and 640 acres respectively, by Governor Denison on 11 October 1855. This is yet another instance, and a very belated one, of the traffic in "promises of grant" so prevalent in the earlier days of the Colony.

It may be remarked that in early days a roundabout route, via Kiama and over Saddleback Range, was used by Mr Osborne for stock travelling from Marshall Mount to his property in the Kangaroo Valley. The route passed through, or near to, the 2,000 acres acquired under these grants, and this may explain why this land was secured by him.

Mr Osborne is one of the most notable figures in the early history of land settlement in Illawarra. His Estate at Marshall Mount comprised good agricultural and grazing land, well adapted for dairy farming, and Mr Osborne did much pioneer work in promoting this industry. He was highly respected by all classes, and had the reputation of possessing great energy and business ability. He died in 1859 a comparatively young man, and was a great loss in his day. He laid the foundations of a large fortune for his descendants, who, to this day, are prominent among the families of wealth and social importance in this State. The beautiful Osborne Memorial Church at Brownsville, Dapto, built and endowed by his family, is a fitting memorial to one who made good use of the privileges which were accorded to those who had wealth and social standing in the days when the choice lands of Illawarra given away in large grants.

Chapter 15

Particulars of Grants South of Macquarie Rivulet, in the Albion Park District

In that portion of Illawarra south of the Macquarie Rivulet and west of the 13,050 acres comprised in D'Arcy Wentworth's Peterborough Estate, which includes Albion Park and the country between Albion Park and Jamberoo, the land was mainly absorbed in the following grants:

700 acres to Andrew Allen (one of the first lot of grants issued in 1817).

2,000 acres to Samuel Terry (granted in 1821) which front the south bank of Macquarie Rivulet and comprise Terry's Meadows Estate.

These grants have been specially referred to in the earlier part of this story. Further grants issued were as follows:

1,400 acres granted to John Paul, 1 May 1833, in virtue of a promise of grant to him on 6 May 1823. This adjoins Samuel Terry's grant of 2,000 acres (Terry's Meadows) and fronts the south bank of Macquarie Rivulet.

1,200 acres granted to Rosetta Terry on 11 November 1857, adjoining Paul's grant and extending a considerable distance upstream on the south side of Macquarie Rivulet.

This grant was obtained in virtue of a promise of grant by Governor Brisbane to John Terry Hughes in 1826. The long delay of more than 30 years between the date of this grant was promised to J.T.Hughes, and the date the grant issued to Rosetta Terry, is remarkable. In that respect this case is similar to that of the grant of 2,000 acres to Randolph J.Want, as Trustee of the Estate of D'Arcy Wentworth, commented on in a previous chapter.

1,280 acres granted to Isabella Croker, 21 March 1839, and called 'Croom'. This grantee was formerly Miss Isabella Reddall, daughter of Reverend Thomas Reddall - a Colonial Chaplain - and granddaughter of D'Arcy Wentworth.

The grant was one of the class of free grants issued in favour of Clergy's daughters. In later years it became the property of the late John Russell, of Albion Park.

An area of 2,560 acres at Stockyard Mountain was granted to Thomas Foster on 22 March 1839. The grantee named this property "Curragh-More". Colonel Foster was granted this land "for services rendered as an officer of the Army for more than 20 years". The grant extended from Mount Terry to the Minnamurra River, and the road from Albion Park to Jamberoo passes through it.

Another old grant here is one of 300 acres to John Ritchie, at Woodstock Mill, fronting the north bank of the Minnamurra River. It was granted on 27 July 1842, in virtue of a promise of grant to Ritchie by Governor Brisbane in 1842.

The remaining grants in this locality are in comparatively small areas, viz:

One of 408 acres to Thomas Faragher, dated 29 April 1837;

One of 320 acres to John McEncroe;

One of 308 acres to Robert Menzies on 12 October 1839;

One of 300 acres to J.L.Spencer on 7 August 1837; and

One of 300 acres to C.J.Grace, on 28 May 1839.

Also small purchase grants to Messrs Hanley, Derrett, Riley, Vidler, Colley, Owen and Collins, between 1848 and 1856. The grants to Messrs Faragher, Menzies, Spencer and Grace are also "purchase" grants. Particulars of the grant to John McEncroe could not be found, but in all probability it is a "purchase" grant also.

Chapter 16

Disposal of Lands between the Free Grants and the Mountain Summits, and Remnants Elsewhere, North of the Minnamurra River

This completes the summary of old grants in the part of Illawarra north of the Minnamurra River, the great majority of which were free grants under the system prevailing until 2 August 1831, when free grants were discontinued, and land could only be disposed of by cash sales, i.e. auction sale at a minimum price of 5/- per acre. In 1839 the minimum was increased to 12/- per acre, and in 1842 it was further increased to £1 per acre. This latter became the statutory price of all Crown Lands selected under the Crown Lands Act of 1861.

It is here necessary to explain that in the case of some of the free grants, the grant did not issue until after free grants were abolished. In those cases, however, the promise of grant had been obtained prior to that date.

The grants which have so far been particularised embraced practically the whole of the superior land lying north of the Minnamurra River, except in two instances alluded to later. Wherever they lay close to the mountain slopes they were allotted and measured in such a manner as to exclude the inferior land on the slopes.

One of the exceptions mentioned above applies to a fairly large area on the slopes and foothills north of the West Horsley grant, and west of the grant to Messrs Lang and Gerrard. This land is shown on an old plan as a "Reserve for Government", which apparently explains why it only became available after the system of free grants had been abolished.

The other exception is an area on the mountain slopes at the head of Macquarie Rivulet, on the south side of that stream, and beyond the grant to Rosetta Terry, where the McGill, Mole, and Fraser families, and others, acquired small holdings by purchase from the Crown after the issue of free grants had been discontinued. This land was of superior quality to the land along the mountain slopes north of the Macquarie Valley.

These lands and the other land lying between the old grants and the summit of the mountain range, from the heads of the Minnamurra River and the Macquarie Rivulet to the northern-most point of Illawarra, where the range meets the ocean, were disposed of by the Crown in small areas by auction sale, excepting a few small areas not disposed of before the Crown Lands Act of 1861 came into operation, and which were taken up as Conditional Purchases under the Act.

The only areas away from the mountain slopes which were not absorbed under the free grants system consisted, in one case, of a long narrow strip between the ocean and Lake Illawarra, north of the Lake Entrance; in another, of a remnant lying between D'Arcy Wentworth's grants and Terragong Swamp; also a remnant of about 350 acres between old grants at Dapto, referred to earlier in these pages, and another small

remnant between the "Croom", "Curragh-More" and "Terry's Meadows" grants. These were sold in small areas prior to 1861. An area of 280 acres at Figtree was disposed of in small grants to Matthew Ryan, D.Smith and J.G.Richardson; and at Cobbler's Hill, at the south east corner of John Hubert Plunkett's grants - J.Plunkett, 60 acres; B.Rixon, 40 acres; Malachi Ryan, 30 acres; Matthew Ryan, 40 acres.

Chapter 17

Reference to the Lands South of the Minnamurra River and North of the Berry Estate, in the Kiama, Jamberoo and Gerringong Districts

In that part of Illawarra lying south of the Minnamurra River and north of the enormous area acquired under "free" and "purchase" grants in the Berry Estate, the large "free" grant are comparatively few in number, while a large area of very choice land was acquired in small grants; some as "free" grants, and others as "purchase" grants, under the sale system which succeeded that of the free grants. This is in marked contrast to the land north of the Minnamurra, excepting the part lying near the river in the Jamberoo district, and may be explained by the fact that in the very early days the cattlemen were only concerned with country which, in its natural state, provided a good proportion of open forest country, suitable for grazing purposes. The country south of the Minnamurra River, in the district of Kiama and Jamberoo, on the other hand, consisted principally of rich volcanic soil, and, in its natural state, was covered with a dense growth of brush timbers, and possessed little or not value to the cattlemen.

In the parts close to Kiama and lying between the Saddleback Range and the Minnamurra River, including Jamberoo, details will only be given of the "free" grants and the older purchase grants. These were as follows:

800 acres to James Holt, 8 March 1831, called "Hoonong" or "Eureka". This was in virtue of a promise of grant to John Cowell by Governor Brisbane, dated 21 February 1825. No better description of this land can be given than to state that it later became the property of the late Captain Charles, who occupied it for many years.

500 acres granted to Thomas Kendall, on 8 March 1831, called "Tanner's Hill" or "Burroul", adjoining the town of Kiama on the south, and fronting the ocean.

1,000 acres granted to William Montague Manning on 23 March 1839, situated south of Kendall's grant, fronting the ocean, and called "Bonaira". This was in virtue of a "promise of grant" to James Farmer, dated 14 November 1825.

In his *History of Illawarra and Manaro*, published in 1872, Judge McFarland gives the following information supplied to him by Captain Charles:

On the Gerringong Road (from Kiama) there was a small clearing by Reverend Kendall close to Kiama; also one on the sea coast 2 miles further south by Captain Farmer, who settled about 1829.

The period referred to by Captain Charles is the year 1844. As the grant issued to W.M.Manning in 1839, it is unlikely that Captain Farmer was occupying in 1844. Probably Captain Charles meant to convey that the clearing had been effected by

Captain Farmer.

An area of about 1,280 acres on the extreme end of Saddleback, close to Kiama, was subdivided into small blocks of from 30 to 40 acres each, and sold between 1850 and 1855 to George Gray, John Miller, Murty Faraher and others.

1,280 acres west of Kiama and fronting south bank of the Minnamurra River and Terragong Swamp was granted to James Robb on 26 October 1840. This was in virtue of a promise of grant to John Colliss, dated 26 October 1829.

On the slopes of Saddleback Range between Kiama and Jamberoo are the following large "purchase" grants:

J.T.Hughes and J.Hoskins, 805 acres, granted 11 November 1839;

A.B.Spark, 679 acres granted 29 July 1837, and 628 acres granted 16 December 1839.

Beyond James Robb's 1,280 acres are the following small grants, fronting the south edge of Terragong Swamp, viz:

R.Miller, 100 acres;

Thos. Walker, 50 acres;

James Marks, 50 acres and 250 acres.

James Marks grant of 250 acres, dated 28 March 1843, was obtained in virtue of a promise of grant of 500 acres to Malcolm Campbell in 1830. Pursuant to a report by the Court of Claims, following the death of the promisee, 250 acres was allotted to James Marks, and 250 acres to Ewen Campbell. The others are "purchase" grants.

Beyond these, and fronting the south bank of the Minnamurra, are the following grants:

Ewen Campbell, 250 acres

Michael Hyam, 1,280 acres

William Ritchie, 60 acres

Moses Brennan, 300 acres

John Ritchie, 300 acres

Thomas Campbell, 320 acres

Thomas Campbell's 320 acres was a "purchase grant" dated 10 May 1839, and the others are "free" grants.

The grant of 1,280 acres to Hyam was called "Jamberoo", and includes the private town of Jamberoo. It was granted on 16 March 1840, in virtue of a promise of grant to him by Governor Darling, dated 21 February 1829.

John Ritchie's 300 acres was granted 1 March 1829; and Moses Brennan's on 29 August 1834, in virtue of a promise of grant to John Cullen dated 17 February 1825.

Ewen Campbell's 250 acres grant, dated 16th December 1844 was in virtue of a promise of grant of 500 acres to Malcolm Campbell, deceased, dated 24 April 1830, the other 250 acres being allotted to James Marks.

William Ritchie's 60 acres, called "Cedar Grove", was granted in 1840 in virtue of a promise by Darling in 1827.

The grants to Henry Osborne, under Bong Bong Mountain on the northern slopes of Saddleback, totalling 2,000 acres, have been previously referred to.

The remainder of the lands near Jamberoo and along the northerly slopes of Saddleback were for the most part sold in small areas before 1861. A few small areas, not so disposed of, were selected as Conditional Purchases under the Crown Lands Act of 1861. A small block of 41 acres, at Bombo, fronting the ocean, was sold to William Cole in 1854.

In the Gerringong district, south of the grants already specified, and north of the large area acquired by the Berry family under "free" and "purchase" grants, are the following large grants:

James Mackay Gray, 1,280 acres, called "Omega Retreat", granted 30 June 1840, in virtue of a "promise of grant" by Governor Darling to Thomas Campbell, on 16 January 1829.

William Smith, 600 acres, granted 1 May 1833, in virtue of promise of grant to him by Governor Brisbane in 1825. This grant includes Omega Railway Platform and Gerringong Flats.

Michael Hindmarsh, 640 acres, called "Alne Bank", granted 1 January 1835, in virtue of a promise of grant to him by Brisbane in 1827.

William Bland, 917-1/2 acres, granted 1 May 1833, in virtue of a promise of grant to him by Governor Brisbane in 1825. This grant fronts the ocean south of the town of Gerringong and includes the prominent headland at the northern extremity of Seven Mile Beach, called Black Point or Black Head.

Chapter 18

Reference to Lands comprised in the Berry Estate

An Epitome of Alexander Berry's Career

Analysis of "Free" and "Purchase" Grants in the Berry Estate

Disposal of Remaining Lands on the Mountain & Slopes, South of the Minnamurra River

The remaining lands between the mountain slopes and the ocean, lying south of the grants already particularised, are contained in the Berry Estate. As these lands are, strictly speaking, in the Shoalhaven district, it may be said they are outside of Illawarra. When first undertaking the task of writing this story of early settlement in Illawarra, the writer was confronted with the problem as to what were the real boundaries of the Illawarra district on the south. The reader will have noticed that Governor Macquarie, in a despatch to the Home Authorities in 1817, in regard to the newly discovered district, referred to it as "a part of the coast known generally by the name of The Five Island, but called by the natives Illawarra". It will also have been noted that Surgeon Bass, in his voyage along the South Coast in 1797, spoke of the "little bight" at Kiama as being situated "just south of Illawarra".

There seems to be no doubt that a certain well defined area was called "Illawarra" by the natives. The writer is inclined to the opinion that this included all the land under the mountain range, surrounding Lake Illawarra, and extending as far south as the Minnamurra River. Whatever may have been the limits of the "Illawarra" of the natives, it would seem that the whole district between the South Coast range and the ocean, from Clifton to the Shoalhaven River, if not beyond that limit, has gradually come to be regarded as the district of Illawarra. In view of this, settlement in that part of the Shoalhaven District north of the Shoalhaven River will be dealt with in this story.

As a prelude to a summary of the "free" and "purchase" grants secured by Berry and Wollstonecraft, and by Alexander Berry and his brothers, from the Crown, the following epitome of the career of the remarkable man who conceived and built up the great Berry Estate will not be out of place.

Alexander Berry started in life by qualifying as a surgeon, and joined the East India Company as a surgeon's mate, later rising to surgeon. He combined professional duties with a certain amount of trading, eventually shipping as super-cargo on a sailing vessel trading to the Cape of Good Hope. While at the Cape he heard that floods had caused a famine in New South Wales, and at once bought a 526 tons prize ship lying in Table Bay, named it the **City of Edinburgh**, took aboard a cargo of provisions, and sailed for Australia on 4 September 1807. Being carried out of his course through adverse weather, he called at other ports, and did not reach Sydney until 12 January 1808. This brought him into conflict with Governor Bligh, who took him to task for not making

Sydney his first port, with all his cargo of provisions intact. As Governor Bligh was deposed about a fortnight later, Berry was saved further trouble on this score. From then on to about the year 1819 he had an adventurous shipping career, the story of which is told by himself in his *Reminiscences* (Sydney, 1912).

He appears to have made considerable profits out of his shipping ventures, for, early in 1820, Governor Macquarie described him as "an eminent merchant - well acquainted with the present state and resources of the Colony". In the meantime Edward Wollstonecraft, partner in his shipping enterprises and his brother-in-law, had come to Sydney independently, started in business as a merchant and obtained from Macquarie a grant of 500 acres at North Sydney, which he called "Crows Nest".

Berry's pioneering temperament apparently made him averse to settling down in Sydney. He visited the Shoalhaven River in the Government owned vessel, the **Schnapper** in company with Lieutenant Robert Johnson, in 1820, and explored a large rich tract of country in the valley of that river. He then formed the conclusion that the Shoalhaven River, being shut off from the sea by a sand-bar, might be made available for navigation by cutting a dyke from it to the Crookhaven.

After this he returned to England and chartered another vessel. Sir Thomas Brisbane had been chosen to succeed Macquarie as Governor of New South Wales and was then waiting for a ship to take him to Sydney. Mr Berry offered to bring him and his staff on his ship, and his offer was accepted. They arrived in Sydney near the end of 1821. Mr Berry then placed before the new Governor his proposal to cut a dyke from the Shoalhaven River to the Crookhaven, and offered to employ 100 convicts, free of any cost to the Government, provided his firm received a grant of 10,000 acres. This was eventually approved by the Home Authorities, as the Governor was not empowered to grant so large an area.

In 1825 Mr Berry proceeded to the Shoalhaven entrance in a small vessel with the convicts, a few chosen employees, and all the necessary tools, materials and stores. Four of the men and a blackfellow attempted an entry through the surf in a small boat, but the boat was capsized and two white men drowned. He eventually succeeded in getting the vessel into the Crookhaven by using sweeps. The work of cutting the dyke was completed in five weeks thereafter, in the year 1825.

Thus was the building up of the great Berry Estate started. In his *Reminiscences*, published in 1912, Mr Berry concluded with the following terse statement:

I have told you the origin of the Shoalhaven Estate. It now consists of 80 square miles of land, and after the first 11,000 acres, it has been obtained by purchase, generally from the Government. It now contains 368 tenants, but the greater part of the Estate is occupied by myself.

This was written by Mr Berry in 1872. An analysis of the grants from the Crown in this Estate reveals that after the first grant of 10,000 acres to Berry and Wollstonecraft - which was a "free" grant issued by Governor Brisbane, on 30 June 1825, and which roughly comprised land lying west of the Seven Mile Beach and bounded by the

Shoalhaven River and Broughton Creek - the part of the Estate on the north of the Shoalhaven River was from time to time increased by the acquisition by Mr Berry of free grants promised to others, and by purchase grants in the names of Alexander Berry and his brothers David, John and William Berry, until it comprised an area bounded on the north and west by lines starting from near the north-west corner of the town of Gerringong, and running in west and south and east and south directions, along the foothills of the coastal range, and meeting the Shoalhaven River at a point about 1 mile upstream from where the Nowra Bridge spans the river; on the south by the Shoalhaven River and on the east by the ocean - but excluding a reservations along the Seven Mile Beach.

Within this area the following promise "free grants" were bought out by Mr Berry, viz:

1,920 acres at Tooliia (Toolijooa?), called "Richardson's Farm", promised to J.G.Richardson, 23 March 1830; granted to A.Berry 11 February 1837.

1,000 acres, called "Hyndeston", near Gerringong, promised to Thomas Hyndes, 24 July 1824; granted to A.Berry 18 October 1839.

4,000 acres called "Broughton Head Farm", promised to Aspinall and Brown, 27 May 1829; granted to A.Berry, 29 May 1838.

1,280 acres called "Cambewarra Farm", promised to Charles Staples 27 January 1830; granted to A.Berry 20 May 1837.

1,280 acres, called "Meroo Farm" promised to Richard Mutton, 22 June 1829; granted to A.Berry, 28 November 1837.

2,560 acres, called "Burke's Farm", promised to John Burke as an additional grant; granted to A.Berry on 15 February 1842. This grant fronted the northern end of the Seven Mile Beach, and was reduced in later years to 1975 1/2 acres by resumption of a strip along the ocean frontage for a reserve.

The grants obtained by Alexander Berry and his brothers, by purchase from the Crown, north of the Shoalhaven River, totalled 19,815 acres or thereabout, and the free grants to Berry and Wollstonecraft, and to A.Berry - by virtue of promises to others whose interests he had acquired - 22,040 acres.

Included in the boundaries of the Estate north of the Shoalhaven River is a purchase grant by Messrs Hughes and Hoskins, 640 acres, and William Bland's free grant at Black Head, 917 1/2 acres, which apparently became incorporated in the Estate. This would make the total area of the Estate north of the river approximately 43,000 acres.

It is not intended to carry this story of land settlement in Illawarra beyond the limits of the Shoalhaven River. A large portion of the Berry Estate lies south of that river, and for the information of readers who may desire to know the full extent of land acquired from the Crown by Alexander Berry, his brothers, and his partner Edward Wollstonecraft, under free grants and by purchases, it may be stated that the total area thus acquired from the Crown north and south of the river was, therefore, approximately 57,000 acres, which is about 6,000 acres in excess of Mr Berry's estimate of 80 square mile. It is of interest to note that nine promises of free grants north and south of Shoalhaven River, who were probably in occupation, were "bought out" by Mr Berry in the process of building up the Estate. The total area of these nine grants amounted to 14,480 acres.

The remaining lands outside the Berry Estate - and other grants particularised - from Kiama southward, lie along the mountain slopes from Cambewarra to Saddleback Range. The larger portion of these lands was disposed of by auction sale in small areas prior to 1881. Whatever areas remained unalienated when the Crown Lands Act of 1861 came into operation on and after the 1 January 1862, were taken up as small Conditional Purchase holdings under that Act. It may be remarked that a larger area became available for Conditional Purchase in the southern part of this area than elsewhere in Illawarra.

Chapter 19

Review of Settlement in Illawarra from 1804 to 1861

Comments on Use made of the Auction Sale Regulations in Building up the Berry Estate

Three stages of the development of land settlement in Illawarra have now been dealt with. The first was the period of occupation under free grazing permits by the cattlemen of the older settled district, and others, from 1803-4 to 1816; the second period of free grants from 1817 to 1831; and the third the period of auction sales of Crown Lands from 1831 to 1861. The Crown Lands Act of 1861 came into operation on and after 1 January 1862, and whatever remnants of Crown Lands remained unalienated under the free grant and the sale system in Illawarra were taken up as Conditional Purchase holdings under that Act. As previously stated, the area available for selection under the Crown Lands Act of 1861, was very small; a few isolated areas on the slopes of the northern portion of the district, and a somewhat larger area on the slopes of the southernmost portion of the district.

During the first period the lands occupied did not extend south of the Minnamurra River, the principal occupiers being Major Johnston, Captain Brooks, Robert Jenkins, Charles Throsby, D'Arcy Wentworth, William Brown, David Allan, and Samuel Terry.

With the exception of Charles Throsby's stock, for which a route overland from Bong Bong may possibly have been found by his stockman, John Wild, at an earlier date, all stock coming into Illawarra before 1815, and possibly not much earlier than the opening of the "Subscription Road" in 1821, were conveyed there by boat.

During the period of auction sales, from 1831 to 1861, nearly all the lands remaining outside the free grants were disposed of. With the exception of a few small remnants already particularised, the 2,000 acres sold to Mrs Jemima Jenkins adjoining the Berkeley grant to Robert Jenkins, the purchase grants to Hughes and Hoskins and to A.B. Spark, and the land sold to Alexander Berry and his brothers (with regard to which latter group special mention is made later on), these lands were confined to the mountain slopes, and were sold in small areas.

Between the head of the Macquarie Rivulet and the northern extremity of the district at Clifton, those consisted of more or less inferior lands of the mountain slopes. On the slopes south of the Macquarie Rivulet, the northerly slopes of Saddleback between Kiama and Jamberoo, and the slopes from Saddleback south as far as Camberwarra, the lands are superior to those similarly situated to the north, and small settlers who acquired holdings by purchase from the Crown in those localities were in a better position to succeed than those on the mountain slopes to the north.

It is necessary to refer specially to the lands which Alexander Berry and his brothers acquired at auction sale over that part of the Berry Estate north of the Shoalhaven

River. In this locality Crown Lands of superior quality were offered for sale by auction in large portions - ranging up to as much as 4,000 acres in one portion - and purchase by Alexander Berry and his brothers between 1837 and 1842. Mr Berry, at this period, seems to have specialised in the practice of buying choice Crown Land under the sales regulations superseding the free grant system, and buying out all the occupiers of "promised" free grants, which the lands purchased at auction completely surrounded. Mr McCaffery, in his *History of Illawarra*, asserts that these "promises" were bought out at ridiculously low prices; but of this no evidence, beyond hearsay, is available. It can be stated, however, that a very large proportion of the land purchased at auction was obtained at the upset prices then prevailing viz: 5/- per acre up to 1839, and 12/- per acre between 1839 and 1842.

Chapter 20

Difficulties Encountered by Land Owners and Small Settlers Using Land for Agriculture in Early Days

Dealing generally with the development of small settlement on the large grants, it is fairly safe to say that up to about the mid-thirties of last century this was on a very small scale, and that up to that time most of the lands were being used as grazing areas. It was still the period of the stockmen and the cedar cutters.

The *N.S.W. Calendar and Directory of the year 1835* gives the following description of the progress of settlement in Illawarra at that time:

Hitherto the coast mountain has separated this rich tract from the rest of the Colony, and in the absence of a carriage road to Sydney there has been no means of travelling through it except by roads of the worst kind, accidentally opened where the brush permitted. This has been a great drawback to the cultivation, and even settling, of the district. Thus the finest farms, though so near Sydney, have continued in a primitive state.

After quoting the case of Mr Spearing, who is referred to elsewhere in this story, the article goes on to say:

There are various other very promising establishments, and the want of roads alone has prevented the establishment of many more. The Governor's recent visit has offered a better prospect for the settlers, and the Surveyor General has, since then, marked a road through the district and connected with a good pass across the Coast mountain, so as to radiate on Wollongong, the township, and afford the best means of travelling in the three several directions.

The Governor referred to here is Sir Richard Bourke. He paid a visit to Illawarra in 1834, for the purpose of determining how the district could be opened up by roads and its connection with the Sydney market improved. On his return to Sydney he dispatched the Surveyor General, Sir Thomas Mitchell, to Illawarra, with instructions to survey a road through the district. The road laid out by him is the present South Coast Road, excepting where recent deviations have been made.

It may be pointed out that in the survey of the numerous grants through which this road was later surveyed and opened in Governor Bourke's time, no provision whatever was made for inter-communication or through traffic by roads, and presumably the Crown had to pay the grantees compensation for the lands taken for this road.

There is evidence that as early as the year 1822 there was some small settlement on Captain Brook's grant near Dapto. The *Sydney Gazette* of 14 June 1822, reports a trial for the shooting of a gin on Captain Brooks' farm at Five Islands. It was represented at

the trial that the natives were exceedingly troublesome and annoying in the neighbourhood of the Five Islands during the corn season. In the space of one night from 100 to 200 of them would clear a field of every cob and thus ruin the hopes of a poor working man. One man named Graham, who had a wife and large family, was near being killed when pursuing these robbers after they had stripped his fields of its produce.

The evidence at this trial, and the reports already quoted from the *N.S.W. Calendar and Directory of the year 1835*, clearly show that small settlers, and any of the large landholders who used their land for agriculture, were very much handicapped in those early days.

Chapter 22

Deals with the Advent of Small Settlers on the Large Estates

The influx of small farmers into Illawarra may be said to have definitely commenced under assisted immigration in the thirties, and that within the three decades from 1830 to 1860 a large number of farmers and their families came to Illawarra from England, Ireland and Scotland and settled there.

That at least one of the holders of free grants was selling farms to these new settlers is related by the late Hon. James Gormley in his *Recollections*. He states that when his family came to Sydney from Ireland about 1840 they went to Illawarra, where his father purchased land from John Hubert Plunkett. The whole of the land, he stated, was densely covered with timber and cost at least £5 per acre to clear for grazing and cultivation. He also states that when they settled there they had a number of Irish families as neighbours. Mr Plunkett's grant of 1,280 acres lay to the west of Wollongong, under Mount Keira, and probably would not be graded as first class land for a small farming settlement, though its proximity to the little settlement at Wollongong gave it some advantage for the small settler. Mr Plunkett was a member of a distinguished family of Irish patriots, and this also may have drawn Mr Gormley and his Irish neighbours to this locality.

It was on the richer lands of the large grant south of Wollongong that a large number of tenant farmers settled during this period. These estates, with some exceptions, contained large areas of rich volcanic country, densely covered with a jungle of brush timbers, vines, palms, etc., and these were let out under what were called "Clearing Leases", in small areas. These clearing leases were the beginnings of many present day dairy farms of high quality in Illawarra.

When the land was cleared, maize was largely grown, to be followed by wheat. Of course, wheat was also grown on the lighter soil of the forest lands. After some years trial wheat-growing had to be abandoned, owing to the prevalence of rust; and the big fall in prices rendered the growth of maize unprofitable. Dairy farming then gradually became the staple industry of Illawarra; as it is to this day under vastly improved conditions. It is mainly owing to the industry and grit of these small pioneer settlers, while occupying the land under tenancies from the original grantees, that Illawarra has prospered so greatly.

Chapter 23

Dismemberment of the Large Estates

Conditions Under which Small Settlers Acquired the Freehold of Their Farms, North and South of the Minnamurra River

This story has now reached the final stage of land settlement in Illawarra resulting from the dismemberment of the large estates.

Seventy years ago the lands embraced in the free grants and large purchase grants were held by a mere handful of landowners. Leaving out of consideration the grants close to the town of Wollongong, and those to the north of that town - which are within industrial and residential areas - the only grants which, so far as can be ascertained, had been subdivided and sold in small farms at earlier dates, were contained in J.H.Plunkett's grant of 1,280 acres near Mount Keira, on which farms were being sold in 1840, and the Terry's Meadows Estate (comprising the grants of 2,000 acres to Samuel Terry and 700 acres to Andrew Allan), which was subdivided into 48 farms and offered for sale at Wollongong on 18 June 1869.

There seems to be little doubt that the following estates remained practically intact up to seventy years ago:

The Jenkins Estate, 3,280 acres.

The properties of Robert Howarth and Rev. John Dunmore Lang, being a partition of the old Dunlop Vale Estate, in all 2,000 acres.

David Allan's "Illawarra" grant at Red Point, 2,200 acres.

The Estate of Henry Osborne in northern Illawarra, comprising the Marshall Mount, Calderwood and Avondale grants, the grants to William Browne at Yallah (exclusive of Mr Eustice Evan's "Penrose" Estate, which may have been acquired by his grandfather over seventy years ago), and other land near Dapto purchased by Mr Osborne from the former owners; also lands on the mountain slopes at back of Marshall Mount, purchased at auction from the Crown in a number of small portions by Mr Osborne; in all probability amounting to not less than 9,000 acres.

The Johnston's Meadows Estate, 3,400 acres.

D'Arcy Wentworth's Estate at Shellharbour, 13.050 acres.

Colonel Foster's Curragh-More grant at Stockyard Mountain, 2,560 acres.

The grants to John Paul and Rosetta Terry at Albion Park, 2,600 acres.

The few large grants between Kiama and Gerringong.

Henry Osborne's grants of 2,000 acres at Saddleback, and that part of the Berry Estate north of the Shoalhaven River, containing approximately 43,000 acres.

From time to time in later years these estates, or the greater part of them, have been subdivided for sale in small farms, and at the present time the lands in Illawarra are largely held by small freeholders, who are in occupation of their farms. This has led to a higher standard of development of the capabilities of the district than would ever have been obtained while the farmers remained tenants of the large landowners.

It has been pointed out that, to the south of the Minamurra River, a number of small settlers obtained their holdings on very choice lands by way of free grants or by purchase direct from the Crown under the auction sale regulations which succeeded the free grant system. The conditions under which these small settlers in the Kiama and Jamberoo district obtained their holdings were much superior to those under which the tenant farmers on the large estate to the north, and on the Berry Estate south of Gerringong, laboured. They obtained the freehold of their farms free of cost in the case of the "free" grants, and in other cases at a minimum price of 5/- per acre between 1831 and 1839, 12/- per acre up to 1842, and after that at a minimum price of £1 per acre.

The richness of the land was such that when brought into its full productive capacity, its value was far in excess of the cost of improving it, plus the low price paid for the freehold. Added to this, the great incremental value, which followed as the result of improved market facilities, etc., all came to the settler.

On the large grants to the north, and the Berry Estate to the south, the small farmer was a tenant holder, and when it became possible for him to acquire the freehold, the value of the improvements, or, to put it better, the great increase given to the value of the land by improvements effected by him, and the unearned increment given by increased population, access to markets, etc., were included in the price he had to pay for the land.

(The End)

Epilogue

Glimpses of the Past

Since my story of *Early Land Settlement in Illawarra* began to appear in the pages of this paper, a suggestion has been made that I should supplement it with some recollections of my early days.

As I left Illawarra for good at the age of 19, the period of which I am competent to write is very limited; and in the long interval of 58 years since then, much had been forgotten, and much imperfectly remembered.

My earliest memory is a vivid one of hearing the native dogs howl at night. My birthplace was close to Lake Illawarra, and it is not improbable that the dogs were still on Native Dog Hill, as late as my infancy, in the years 1857 and 1858. As far as my recollection serves me, they had disappeared from that locality in the later years of my childhood. If D'Arcy Wentworth's stockman could return to tell of their experiences, we would probably hear a great deal concerning the depredations of these pests in their day - Native Dog Hill may have been one of their last strongholds.

When I was born, and for several years later, the settlers were mainly engaged in the growth of wheat and other grain. At first farming operations were confined to the forest lands. Later the rich brush lands were let by the grantees under "clearing leases", and cleared for the plough.

The "brushes" held a great fascination for me. The hills and gullies back of the forest lands were covered with a dense growth of softwood timbers of many rare and beautiful kinds, climbing vines that draped the trees, and an abundance of "staghorn" and "bird-nest" ferns. In their depths the sunlight was dimmed, and penetrated fitfully through the high leafy canopy overhead. This, and the strong aromatic perfume given off by the ferns and other vegetation, produced a most pleasing effect on the senses. This was the home of many beautiful birds, lyre-birds, satin bower birds, whose clear bell-like notes were constantly heard.

The settlers could not afford to have any sentimental regard for these beautiful natural growths, and the axe and the fire-stick were indiscriminately used, to make room for the growth of maize and wheat. The tall cabbage tree palms still standing in the open cleared land, and a few ancient figtrees, are all that now remain of that former rich growth.

After the brush timbers had been cut down, and fire had later completed its work on the fallen timber, maize (commonly called "corn") was chipped in with a hoe, and heavy virgin crops of this cereal were often obtained in this way. Heavy crops of pumpkins were also raised among the corn.

Wheat was reaped with the reaping hook. In the use of this implement there were many experts, and much competition among the reapers, each reaper taking a "land", just as

shearers, today, compete in the daily tally of the number of sheep shorn.

A threshing machine visited each of the farms in turn to thresh out the wheat. The "power" used for the threshing machine was a team of bullocks moving in a circle, with the driver standing on a platform in the centre, armed with a bullock whip. Most of the labour required at the threshing was supplied by mutual arrangement among the farmers.

The gathering of workers at the wheat threshing was an exciting time for small boys. There was great excitement and bustle when the driver took his stand on the platform in the centre of the team to action with picturesque language. The whirr of the machine, the feeding of the sheaves into the maw of the thresher, and the outpouring of the golden grain; all of those were pleasantly exciting to a boy.

During the wheat-farming period, flour-mills were established at various centres in Illawarra including one at Shellharbour. When the wheat was ground at the mill, the farmer retained sufficient for domestic requirements and this was stored in a large tin-lined case. There were no bakers then supplying bread to the farmers. All bread was "home-made", and was baked in large camp ovens.

Owing to the prevalence of rust, wheat-growing was ultimately abandoned; and in view of the fall in prices maize could not be profitably grown. Dairy farming then became general.

During the period of my association with dairy farming, the conditions were very different to what they are today. The separator was then be delivered daily to any large body of consumers. Milk was "set" in large dishes, the cream later skimmed off and churned into butter, which was then salted, kegged, and shipped to Sydney in a small coastal boat.

The first boat to run regularly to Shellharbour, within my recollection, was called the "William and Mary". She was followed by one called the "Agernoria". Both of these were small sailing craft, ketch or schooner rigged. Then a local company was formed and a small steamer called "The Dairymaid", was put in commission.

The running of the boat to Shellharbour was somewhat uncertain, due probably to weather conditions, and in order that the surrounding farmers should be made aware of its arrival in port, a large "buoy", painted black, used to be hoisted with block and tackle to the top of a large fig tree on the summit of Dunster Hill.

Amusements and sports were not plentiful in my time in Illawarra. Cricket had a few votaries, but football, so far as I remember, was not played. Night entertainments were few and far between. Magic Lantern Shows and Panoramas - the fore-runners of the modern picture show, visited us at rare intervals. A class of entertainment much appreciated was a local negro minstrel troupe. The "artists" were local amateurs, good performers with the bones and the banjo. They have long since gone to their rest, and we who remain of the boys enjoyed their song and jokes, should gratefully remember them for the pleasure they gave us. The outing most looked forward to was that to Lake Illawarra Entrance in the Christmas holidays. No doubt there are still some remaining

who, like myself, have pleasant memories of this annual re-union of farming families at the Lake Entrance, in the sixties and seventies of last century.

In my childhood, wild ducks and swans were very plentiful in Illawarra. It was a common occurrence to see or hear large flocks of these passing overhead in the evenings and at night. I have memories of lying awake at night and listening to the whistling of the ducks, and the musical notes of the swans, as they passed overhead in great numbers.

The telegraph line from Wollongong southward was first constructed in my early schooldays. It left Shellharbour out and cut across many farms. I recollect that one farmer objected to the line crossing his farm, and was inclined to be obstinate - a modern Ajax defying the lightning.

The annual shows at Kiama and Dapto were then, as now, events of great local importance. My father was a small exhibitor at these, and I have driven cattle, for show, to both places. The first show that I remember seeing was at Dapto. It was then held on a site somewhere near the old hotel at Brownsville. The Kiama Show was, in those days held on a vacant square within the town.

A regatta used to be held annually on Lake Illawarra. It had little or no interest for Shellharbour residents, but was popular among the folk of northern Illawarra. The spectators gathered on Kanahooka Point to witness the sailing races. I attended one of these regattas in the late sixties. The wearing of turbans by the male sex was just then the fashion, and I recollect taking a much greater interest in the gorgeous turbans displayed on the men's headgear, than in the results of the sailing races.

When I was a very small child, attending the old "National" School at Shellharbour, Sir Henry Parkes visited Illawarra on an electioneering campaign. A party of electors from Shellharbour met him at the punt crossing the Minnamurra River, and escorted him to Shellharbour. He addressed the electors from the verandah of Martin's hotel, adjacent to the old school, and we school children had the treat of seeing a great man and hearing him speak.

I think Sir Henry Parkes was mainly instrumental in having free libraries established in country towns, under control of the Municipal Councils. Probably the Shellharbour Municipality was one of the earliest to avail itself of this boon. The late Mr Richard Hall was Council Clerk at the time, as well as being our schoolmaster, and he was instrumental in having good educational works, and the best of English literature supplied to the local library. This opened up a mine of literary wealth to us, and I, for one, revelled in the literature then made available.

On a wild and stormy night in the late sixties, the ship "Rangoon" was wrecked on Stach Island, at the mouth of the Minnamurra River. I think it was the late Captain Charles, then living nearby, who first sighted the wreck in the early morning after the storm. Word was conveyed to Kiama and Shellharbour, and rescue parties from both places were soon on the scene. Captain Wilson, of the "Agernoria", led in the rescue work, which resulted in the ship-wrecked crew being brought safely ashore. Needless to say, the rescuers took great risks, and displayed great heroism. I rode to the scene of the wreck sailors, one of whom gave me the first ship's biscuit I had seen. It was nearly as hard at

Illawarra blue metal.

During my youth gold was being won from the sand on one of the small beaches lying between the Minnamurra Entrance and Point Bass. The gold was in minute particles, and was supposed to have been brought down to the sea from the upper reaches of the Shoalhaven River, carried northward by the prevailing ocean currents, and washed up on the beaches by the action of the waves. This entrance evidently did not pay, as it was soon abandoned.

